10–23–95
Vol. 60 No. 204
Pages 54291–54410

Monday
October 23, 1995

Federal Register

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WHO: Sponsored by the Office of the Federal Register.

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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

[Three Sessions]

WHEN: November 14 at 9:00 am
November 28 at 9:00 am
December 5 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

Contents

Federal Register

Vol. 60, No. 204

Monday, October 23, 1995

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

Electronic Bulletin Board
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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 60, No. 204
Monday, October 23, 1995

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV95–906–3–IFR]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Interim Final Rule to Temporarily Relax Size Requirements for Texas Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule temporarily relaxes the minimum size requirements for Texas grapefruit for the entire 1995–96 season. This interim final rule is designed to help the Texas citrus industry successfully market the 1995–96 season grapefruit crop.

EFFECTIVE DATE: October 23, 1995. Comments received by November 22, 1995, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; FAX: 202–720–5698. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–690–3670; or Belinda G. Garza, McAllen Marketing Field Office, USDA/AMS, 1313 East Hackberry, McAllen, Texas 78501; telephone: 210–682–2833.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 906 (7 CFR part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the order. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), hereinafter referred to as the ''Act.''

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

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

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

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

There are about 15 citrus handlers subject to regulation under the order covering oranges and grapefruit grown in Texas, and about 750 producers of these citrus fruits in Texas. Small agricultural service firms, which includes grapefruit handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of these handlers and producers may be classified as small entities.

The Texas Valley Citrus Committee (committee) met on August 15, 1995, and recommended relaxing the size requirements for Texas grapefruit. The committee meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

Minimum grade and size requirements for fresh grapefruit grown in Texas are in effect under § 906.365 (7 CFR 906.365). This rule amends § 906.365 by revising paragraph (a)(4) to permit shipment of grapefruit measuring at least 3$^{5}/_{16}$ inches in diameter (pack size 112) and grading at least U.S. No. 1 for the entire 1995–96 season ending June 30, 1996.

Section 906.365 establishes minimum size requirements for Texas grapefruit. During the period November 16 through January 31 each season, grapefruit must be at least pack size 96, that is the minimum diameter for the grapefruit in any lot is 3$^{9}/_{16}$ inches. At other times, grapefruit that is pack size 112, except that the minimum diameter for grapefruit in any lot is 3$^{5}/_{16}$ inches, may be shipped if it grades at least U.S. No. 1. The minimum grade requirement for

grapefruit is U.S. No. 2. This interim final rule provides that pack size 112 grapefruit may be shipped throughout the entire 1995–96 season if such grapefruit grade at least U.S. No. 1. This relaxation is similar to the relaxations which were issued for the 1993–94 and 1994–95 seasons.

Permitting shipments of pack size 112 grapefruit grading at least U.S. No. 1 for the remainder of the 1995–96 season will enable Texas grapefruit handlers to meet market needs and compete with similar sized grapefruit expected to be shipped from Florida.

This relaxation is expected to help the Texas citrus industry successfully market its 1995–96 season grapefruit crop and have a positive effect on producer returns. Permitting shipments of pack size 112 grapefruit grading at least U.S. No. 1 for the entire 1995–96 season will enable Texas grapefruit handlers to meet market needs. This interim final rule is based on the current and prospective crop and market conditions for Texas grapefruit. Fresh Texas grapefruit shipments are expected to begin in late September this season.

This interim final rule reflects the committee's and the Department's appraisal of the need to temporarily relax minimum size requirements for fresh Texas-grown grapefruit, as specified. The Department's view is that this interim final rule will have a beneficial impact on Texas producers and handlers of fresh grapefruit, since it enables such producers and handlers to make available the quality and sizes of grapefruit needed to meet consumer needs consistent with 1995–96 season crop and market conditions.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The 1995–96 season began September 13; (2) Texas citrus handlers are aware of this relaxation which was recommended by the TVCC at a public meeting, and they will need no additonal time to comply with such requirements; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 906 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 906.365 is amended by revising paragraph (a)(4) to read as follows:

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) * * *

(4) Such grapefruit are at least pack size 96, except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 9/16 inches: *Provided,* That any handler may handle grapefruit, except during the period November 16 through January 31 each season, which are smaller than pack size 96, if such grapefruit grade at least U.S. No. 1 and they are at least pack size 112, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches: *Provided further,* That for the period beginning October 23, 1995, and ending June 30, 1996, any handler may handle grapefruit if such grapefruit grade at least U.S. No. 1 and they are at least pack size 112, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches in diameter.

* * * * *

Dated: October 17, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26205 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Parts 922, 923, and 924

[Docket No. FV95–922–2FIR]

Expenses and Assessment Rates for the 1995–96 Fiscal Year for Specified Marketing Orders

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 the interim final rule which authorized expenses for the 1995–96 fiscal year for Marketing Orders No.'s 922 and 923, covering apricots and sweet cherries grown in designated counties in Washington, and M.O. No. 924 covering fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. Authorization of these budgets enables the Washington Apricot Marketing Committee, the Washington Cherry Marketing Committee, and the Washington-Oregon Fresh Prune Marketing Committee (Committees) established under these marketing orders to incur expenses that are reasonable and necessary to administer the programs. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATE: April 1, 1995, through March 31, 1996.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or Teresa Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, OR 97204; telephone: (503) 326–2724.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 922 [7 CFR Part 922] regulating the handling of apricots grown in designated counties in Washington; Marketing Order No. 923 [7 CFR Part 923] regulating the handling of sweet cherries grown in designated counties in Washington; and Marketing Order No. 924 [7 CFR Part 924] regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. The marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenses for the 1995–96 fiscal period which began April 1, 1995, through March 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 requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

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

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

There are about 55 handlers of Washington apricots, 55 handlers of Washington sweet cherries, and 30 handlers of Washington-Oregon fresh prunes subject to regulation under their respective marketing orders. In addition, there are about 190 Washington apricot producers, 1,100 Washington sweet cherry producers, and 350 Washington-Oregon fresh prune producers in the respective production areas. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of these handlers and producers may be classified as small entities.

An annual budget of expenses is prepared by each marketing order committee and submitted to the Department for approval. The members of the Committees are handlers and producers of the regulated commodities. They are familiar with the Committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each Committee is derived by dividing anticipated expenses by the tons of fresh fruit expected to be shipped under the order. Because the rates are applied to actual shipments, they must be established at rates which will produce sufficient income to pay the Committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the Committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committees will have funds to pay their expenses.

The Washington Apricot Marketing Committee met on May 25, 1995, and unanimously recommended 1995–96 expenses of $9,594, which is $4,008 less in expenses than the $13,602 amount that was recommended for the 1994–95 fiscal year.

Shipments of fresh apricots for the current fiscal year are estimated at 5,150 tons. Funds in the reserve, estimated at $16,798, will be adequate to cover the recommended expense amount.

The Washington Cherry Marketing Committee also met on March 25, 1995, and unanimously recommended 1995–96 expenses of $55,393. This represents a decrease of $44,820 from the $100,213 recommended for the previous fiscal year.

The Committee anticipates shipments of 41,000 tons of fresh sweet cherries. Funds in the reserve, estimated at $112,995, will be adequate to cover budgeted expenses.

The Washington-Oregon Fresh Prune Marketing Committee also met on March 25, 1995, and unanimously recommended a 1995–96 expense amount of $10,018. In comparison, this represents a decrease of $8,742 in expenses from the $18,760 that was recommended for 1994–95 fiscal year.

Shipments of fresh prunes for the current fiscal year are estimated at 4,900 tons. Funds in the reserve, estimated at $16,204, will adequately cover recommended expenses.

Each Committee unanimously voted against having assessment rates for their respective programs for the 1995–96 fiscal year. In comparison, assessment rates for the 1994–95 fiscal year were $0.50 per ton for fresh apricots, $1.00 per ton for sweet cherries, and $1.00 per ton for fresh prunes.

Major expense categories for the Committees are for the administration of these marketing orders. Administrative expenses include $43,000 for salaries, $2,700 for travel, and $15,600 for office operations. The stone fruit marketing Committees share office expenses, based on an agreement among the Committees.

An interim final rule was published in the Federal Register [60 FR 39104, August 1, 1995] and provided a 30-day comment period for interested persons. No comments were received. Since no assessment rates are being recommended at this time, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses will tend to effectuate the declared policy of the Act.

After consideration of all relevant material presented, including the Committees' recommendations and other available information, it is found that this rule as herein after 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 action until 30 days after publication in the Federal Register because the Committees need to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995–96 fiscal year for the program began April 1, 1995. In addition, handlers are aware of this action which was recommended by the Committees at a public meeting and published in the Federal Register as an interim final rule. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects

7 CFR Part 922

Apricots, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 924

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 922, 923, and 924 are amended as follows:

1. The authority citation for 7 CFR parts 922, 923, and 924 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 922 which was published at 60 FR 39104 on August 1, 1995, is adopted as a final rule without change.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 923 which was published at 60 FR 39104 on August 1, 1995, is adopted as a final rule without change.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

Accordingly, the interim final rule amending 7 CFR part 924 which was published at 60 FR 39104 August 1, 1995, is adopted as a final rule without change.

Dated: October 12, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26084 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 979

[Docket No. FV95–979–1IFR]

Melons Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures under Marketing Order No. 979 for the 1995–96 fiscal period. Authorization of this budget enables the South Texas Melon Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning October 1, 1995, through September 30, 1996. Comments received by November 22, 1995, will be considered prior to issuance of a final rule.

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

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenditures for the 1995–96 fiscal period, which began October 1, 1995, and ends September 30, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and 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 40 producers of South Texas melons under this marketing order, and approximately 19 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of South Texas melon producers and handlers may be classified as small entities.

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

The Committee, in a mail vote completed September 15, 1995, unanimously recommended a 1995–96 budget of $234,044 for personnel, office, compliance, and road guard station expenses, which is $26,544 more than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Manager's salary, $19,094 ($15,172), office salary, $24,000 ($15,600), payroll taxes, $4,000 ($3,100), insurance, $7,000 ($5,250), accounting and audit, $2,600 ($2,300), rent and utilities, $6,500 ($4,000), supplies, $2,000 ($1,500), postage, $1,500 ($1,000), telephone and telegraph,

$4,000 ($2,500), furniture and fixtures, $2,000 ($1,000), equipment rental and maintenance, $3,500 ($2,500), contingencies, $6,000 ($5,278), Committee expense, $2,000 ($700), manager's travel, $5,000 ($3,000), and $3,750 for deferred compensation (manager's retirement), which was not a line item expense last year. Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Field travel, $4,000 ($5,000), and field salary, $5,500 ($8,000). All other items are budgeted at last year's amounts, including $125,000 to operate road guard stations around the area for compliance purposes.

The assessment rate and funding for research projects will be discussed and recommended at the Committee's organizational meeting later this fall. These funds, along with the administrative expenses for personnel, office, compliance, and operation of the road guard stations, will comprise the total budget. Funds in the reserve as of July 31, 1995, were $367,369, and are within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

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

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

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

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 979.218 is added to read as follows:

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

§ 979.218 Expenses.

Expenses of $234,044 by the South Texas Melon Committee are authorized for the fiscal period ending September 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: October 12, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–26085 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–02–P

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 95–035F]

RIN 0583–AB96

Potassium Hydroxide as a Hog Scald Agent

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to permit the use of potassium hydroxide in hog scald and hair removal processes. Hog scald and hair removal agents are used by meat processors to dehair hog carcasses. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents.

We expect no adverse public reaction resulting from this change in regulatory language. Therefore, unless adverse or critical comments are received within 30 days, the action will become final 60 days after publication in the Federal Register. If critical comments are received, the final rulemaking notice will be withdrawn and a proposed rulemaking notice will be published. The proposed rulemaking notice will establish a comment period.

DATES: This action will become effective December 22, 1995, unless adverse or critical comments are received within 30 days of publication.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, DOCKET #95–035F, Room 4325, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Dr. William James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700, (202) 720–3219.

SUPPLEMENTARY INFORMATION:

Background

Under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), FSIS provides mandatory inspection of meat and meat food products prepared for distribution in commerce. The Act prohibits the addition of any substance to any meat or meat food product that may render the product adulterated (21 U.S.C. 601). Section 318.7(a)(1) of the Federal meat inspection regulations (9 CFR 318.7) prohibits the use of any substance in the preparation of any product unless its use is approved in section 318.7(c)(4) of the Federal meat inspection regulations, which is the chart of substances acceptable for use in the preparation of products, or unless it is approved elsewhere in the regulations or by the Administrator, FSIS.

In 1995, ChemStation, a manufacturer of processing aids and other direct food ingredients, petitioned the Food and Drug Administration (FDA) and FSIS to approve potassium hydroxide for use as a hog scald and hair removal agent. Removal of hair from hog carcasses is a necessary step in the preparation of pork and pork products for use as human food. We reviewed the data and other information submitted by the petitioner and determined that the proposed use of potassium hydroxide did not result in product adulteration or misbranding.

FDA lists potassium hydroxide as generally recognized as safe when used in accordance with good manufacturing practice conditions of use (21 CFR 184.1631). In a May 2, 1995, letter to the petitioner, FDA reported this fact and stated that it ''does not object to the use of potassium hydroxide as an ingredient in hog scald agents consistent with good manufacturing practice conditions.'' [1]

Therefore, we are amending section 318.7(c)(4) of the Federal meat inspection regulations to permit the use of potassium hydroxide as a hog scald and hair removal agent.

Executive Order 12866

This final rule has been determined to be not significant and, therefore, has not been reviewed by OMB.

Executive Order 12778

This direct final rule has been reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted by the Federal Meat Inspection Act and the Poultry Products Inspection Act (PPIA) from imposing any marking or packaging requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA or the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA or PPIA, or, in the case of imported articles, which are not at such an establishment, after their entry into the United States.

This direct final rule is not intended to have retroactive effect.

There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this direct final rule. However, the administrative procedures specified in 9 CFR §§ 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this direct final rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or the PPIA.

Effect on Small Entities

The Administrator has determined that this direct final rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Removal of hair from hog carcasses is a necessary step in the preparation of pork and pork products for use as human food. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents.

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

For the reasons set out in the preamble, 9 CFR part 318 is amended as follows:

PART 318–ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C.601–695; 7 CFR 2.17, 2.55.

2. Section 318.7(c)(4) is amended by adding to the chart of substances, under the Class of Substance ''Hog scald agents; must be removed by subsequent cleaning operations.,'' the substance potassium hydroxide in alphabetical order as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Hog Scald Agents; Must be removed by subsequent cleaning operations.	Potassium Hydroxide	.....do	.....do	Do.
*	*	*	*	*

Done at Washington, DC, on October 17, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–26139 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–DM–P

[1] A copy of this letter is available for review in the office of the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 4352, South Agriculture Building, Washington, DC 20250–3700.

9 CFR Parts 327 and 381

[Docket No. 95–003N]

RIN 0583–AB88

Products From Foreign Countries; Eligibility for Import Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; affirmation of effective date.

SUMMARY: On July 28, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule, ''Products from Foreign Countries; Eligibility for Import into the United States.'' This direct final rule notified the public of FSIS' intention to amend those paragraphs of the imported products sections of the Federal meat and poultry products inspection regulations that contain the phrase ''at least equal to'' by replacing that phrase with the words ''equivalent to.'' This action amends language in the Federal meat and poultry products inspection regulations to correctly reflect the language used in the Uruguay Round Agreements Act, which was enacted to comply with the General Agreement on Tariffs and

Trade, 1994 (GATT). No adverse comments were received in response to the direct final rule.

EFFECTIVE DATE: This rule is effective on September 26, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 720–7164.

SUPPLEMENTARY INFORMATION: This notice affirms the effective date of the direct final rule, ''Products from Foreign Countries; Eligibility for Import into the United States,'' that was published on July 28, 1995, at 60 FR 38667. This direct final rule notified the public of FSIS' intention to amend those paragraphs of the imported products sections of the Federal meat and poultry products inspection regulations that contain the phrase ''at least equal to'' by replacing that phrase with the words ''equivalent to.'' We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. Therefore, the effective date of the rule is September 26, 1995.

Done at Washington, DC, on October 17, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–26103 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 126CE, Special Condition 23–ACE–82]

Special Conditions; Beech Models A36, A36TC and B36ATC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Beech Models A36, A36TC and B36TC airplanes modified by Skycom Avionics, Inc, Milwaukee, Wisconsin. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is October 23, 1995. Comments must be received on or before November 22, 1995.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 126CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 126CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ervin Dvorak, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–6941.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety, and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on these special conditions.

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments, submitted in response to this request, must include a self-addressed and stamped postcard on which the following statement is made: ''Comments to Docket No. 126CE.'' The postcard will be date stamped and returned to the commenter.

Background

On August 7, 1995, Skycom Avionics, Inc., 9305 W. Appleton Road, Milwaukee, WI 53225–3303, made an application to the FAA for a supplemental type certificate (STC) for the Beach Models A36, A36TC and B36TC airplanes. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an electronic flight instrument system (EFIS), that is vulnerable to HIRF external to the airplane.

Type Certification Basis

The type certification basis for the Beech Models A36, A36TC, and B36TC Airplanes is given in Type Certification Data Sheet No. 3A15 plus the following: § 23.1301 of Amendment 23–20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23–41; and § 23.1322 of Amendment 23–43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

The FAA may issue and amend special conditions, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards, designated according to § 21.101(b), do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations. Special conditions are normally issued according to § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the type certification basis in accordance with § 21.101(b)(2).

Skycom Avionics, Inc., plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state

advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–100KHz	50	50
100–500	60	60
500–2000	70	70
2–30 MHz	200	200
30–70	30	30
70–100	30	30
100–200	150	33
200–400	70	70
400–700	4020	935
700–1000	1700	170
1–2 GHz	5000	990
2–4	6680	840
4–6	6850	310
6–8	3600	670
8–12	3500	1270
12–18	3500	360
18–40	2100	750

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, peak electrical field strength, from 10 KHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify electrical and/or electronic systems that perform critical functions. The term ''critical'' means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed for the Beech Models A36, A36TC and B36TC Airplanes, the following special conditions are issued. This action is not a rule of general applicability and affects only those applicants who apply to the FAA for approval of these features on these airplanes.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior rulemaking actions. For example, the Dornier 228–200 (53 FR 14782, April 26, 1988), the Cessna Model 525 (56 FR 49396, September 30, 1991), and the Beech Models 200, A200, and B200 airplanes (57 FR 1220, January 13, 1992). It is unlikely that additional public comment would result in any significant change from those special conditions already issued and commented on. For these reasons, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions without notice. Therefore, these special conditions are being made effective upon publication in the Federal Register. However, as previously indicated, interested persons are invited to comment on these special conditions if they so desire.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g); 40113, 44701, 44702, and 44704; 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the modified Beech Models A36, A36TC and B36TC airplanes:

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high

intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on September 14, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–26216 Filed 10–20–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28351; Amdt. No. 1690]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

The Rule

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

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 6, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

** * * Effective Nov 09, 1995*

Covington, GA, Covington Muni, NDB or GPS RWY 28, Orig-A Cancelled
Covington, GA, Covington Muni, NDB RWY 28, Orig-A
Webster City, IA, Webster City Muni, NDB or GPS RWY 32, Amdt 7 Cancelled
Webster City, IA, Webster City Muni, NDB RWY 32, Amdt 7
Eastport, ME, Eastport Muni, NDB or GPS RWY 15, Orig. Cancelled
Eastport, ME, Eastport Muni, NDB RWY 15, Orig.
Eveleth, MN, Eveleth-Virginia Muni, VOR or GPS RWY 27, Amdt 10A Cancelled
Eveleth, MN, Eveleth-Virginia Muni, VOR RWY 27, Amdt 10A
Cut Bank, MT, Cut Bank Muni, VOR or GPS RWY 31, Amdt 15 Cancelled
Cut Bank, MT, Cut Bank Muni, VOR RWY 31, Amdt 15
West Jefferson, NC, Ashe County, NDB RWY 28, Orig Cancelled
Jefferson, NC, Ashe County, NDB RWY 28, Orig
Omaha, NE, Millard, VOR/DME RNAV or GPS RWY 12, Amdt 6 Cancelled
Omaha, NE, Millard, VOR/DME RNAV RWY 12, Amdt 6
Winnemucca, NV, Winnemucca Muni, VOR/DME or GPS RWY 14 Orig Cancelled
Winnemucca, NV, Winnemucca Muni, VOR/DME RWY 14, Orig
Babelthuap Island, PS, Babelthuap/Koror, NDB or GPS RWY 9, Orig

[FR Doc. 95–26215 Filed 10–20–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28350; Amdt. No. 1689]

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 Aviations 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 October 6, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 [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
08/25/95	VT	Springfield	Springfield/Hartness State	FDC 5/4482	LOC/DME RWY 5 ADMT 3...
09/11/95	NE	Minden	Pioneer Village Field	FDC 5/4938	VOR OR GPS RWY 34, AMDT 1...
09/21/95	NM	Raton	Raton Muni/Crews Field	FDC 5/5177	NDB OR GPS RWY 2 AMDT 3...
09/21/95	TX	Llano	Llano Muni	FDC 5/5172	VOR OR GPS–A AMDT 2...
09/22/95	AR	Brinkley	Frank Federer Memorial	FDC 5/5213	NDB OR GPS–A ORIG...
09/25/95	OH	Wilmington	Airborne Airpark	FDC 5/5259	VOR/DME OR GPS RWY 22 AMDT 4... THIS CORRECTS NOTAM 5/4953 IN TL95–21
09/27/95	GA	Columbus	Columbus Metropolitan	FDC 5/5287	RADAR–1, AMDT 8...
09/27/95	GA	Columbus	Columbus Metropolitan	FDC 5/5288	VOR OR GPS–A, AMDT 22...
09/27/95	IA	Iowa City	Iowa City Muni	FDC 5/5304	GPS RWY 24, ORIG...
09/28/95	CO	Colorado Springs	City of Colorado Springs Muni	FDC 5/5313	HI–ILS/DME RWY 17L, ORIG...
09/28/95	CO	Colorado Springs	City of Colorado Springs Muni	FDC 5/5314	ILS/DME RWY 17L, ORIG...
10/03/95	HI	Rota Island	Rota Intl	FDC 5/5388	NDB RWY 27 AMDT 3...
10/03/95	HI	Rota Island	Rota Intl	FDC 5/5391	NDB RWY 9 AMDT 3...
10/03/95	ME	Millinocket	Millinocket Muni	FDC 5/5379	VOR OR GPS–A AMDT 10...
10/03/95	ME	Millinocket	Millinocket Muni	FDC 5/5380	LOC RWY 29 ORIG–A...
10/03/95	ME	Millinocket	Millinocket Muni	FDC 5/5381	NDB OR GPS RWY 29 AMDT 3...
10/04/95	TX	Pleasanton	Pleasanton Muni	FDC 5/5402	NDB OR GPS–A, AMDT 5...

[FR Doc. 95–26214 Filed 10–20–95; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 67

[DoD Instruction 1215.aa]

Educational Requirements for Appointment of Reserve Component Officers to a Grade Above First Lieutenant or Lieutenant (Junior Grade)

AGENCY: Department of Defense.

ACTION: Interim final rule.

SUMMARY: This rule adds criteria by which a post-secondary educational institution that is not accredited by an agency recognized by the Secretary of Education can obtain recognition by the Department of Defense as a qualifying educational institution. This is necessary to determine those unaccredited educational institutions whose baccalaureate degrees the Department of Defense will recognize for the purpose of meeting the military officer educational requirement for promotion in the Army Reserve, Naval Reserve, Air Force Reserve, or Marine Corps Reserve, or for federal recognition in the Army National Guard or Air National Guard.

DATES: This rule is effective October 1, 1995. Comments must be received by December 22, 1995.

ADDRESSES: Forward comments to Office of the Assistant Secretary of Defense for Reserve Affairs, Attn: DASD(M&P), 1500 Defense Pentagon, Washington, DC 20311–1500.

FOR FURTHER INFORMATION CONTACT: T. Bush, 703–695–7429.

SUPPLEMENTARY INFORMATION: It has been determined that this amendment is not a significant regulatory action. It has also been determined that this amendment is not subject to the Regulatory Flexibility Act and does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 32 CFR Part 67

Education, Military personnel.

Accordingly, title 32 of the Code of Federal Regulations, chapter 1, subchapter C, is amended to add part 67 to read as follows:

PART 67—EDUCATIONAL REQUIREMENTS FOR APPOINTMENT OF RESERVE COMPONENT OFFICERS TO A GRADE ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE)

Sec.
67.1 Purpose.
67.2 Applicability.
67.3 Definitions.
67.4 Policy.
67.5 Responsibilities.
67.6 Procedures.

Authority: 10 U.S.C. 12205.

§ 67.1 Purpose.

This part implements policy, assigns responsibilities, and prescribes procedures under 10 U.S.C. 12205 for determining educational institutions that award baccalaureate degrees that satisfy the educational requirement for appointment of officers to a grade above First Lieutenant in the Army Reserve, Air Force Reserve, and Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or Air National Guard.

§ 67.2 Applicability.

This part applies to the Office of the Secretary of Defense, and the Military Departments. The term ''Military Department,'' as used herein, refers to the Departments of the Army, the Navy, and the Air Force. The term ''Reserve components'' refers to the Army Reserve, Army National Guard of the United States, Air Force Reserve, Air National Guard of the United States, Naval Reserve, and Marine Corps Reserve.

§ 67.3 Definitions.

(a) *Accredited educational institution.* An educational institution accredited by an agency recognized by the Secretary of Education.

(b) *Qualifying educational institution.* An educational institution that is accredited, or an unaccredited educational institution that the Secretary of Defense designates pursuant to § 67.5 (a) and (b).

(c) *Unaccredited educational institution.* An educational institution not accredited by an agency recognized by the Secretary of Education.

§ 67.4 Policy.

(a) It is Department of Defense policy under 10 U.S.C. 12205 to require Reserve component officers to have been awarded at least a baccalaureate degree from a qualifying educational institution before appointment to a grade above First Lieutenant in the Army Reserve, Air Force Reserve or Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or Air National Guard.

(b) Exempt from this policy is any officer who was:

(1) Appointed to or recognized in a higher grade for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

(2) Appointed in the Naval Reserve or Marine Corps Reserve as a limited duty officer.

(3) Appointed in the Naval Reserve for service under the Naval Aviation Cadet (NAVCAD) program.

(4) Appointed to or recognized in a higher grade if appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.

(5) Recognized in the grade of captain or major in the Alaska Army National Guard, who resides permanently at a location in Alaska that is more than 50 miles from each of the cities of Anchorage, Fairbanks, and Juneau, Alaska, by paved road, and who is serving in a Scout unit or a Scout support unit.

(c) The Department of Defense will designate an unaccredited educational institution as a qualifying educational institution for the purpose of meeting this educational requirement if that institution meets the criteria established in this part.

§ 67.5 Responsibilities.

(a) The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense for Personnel and Readiness, shall:

(1) Establish procedures in which an unaccredited educational institution can apply for DoD designation as a qualifying educational institution.

(2) Publish in the Federal Register DoD requirements and procedures for an unaccredited educational institution to apply for designation as a qualifying educational institution.

(3) Annually, provide to the Secretaries of the Military Department a list of those unaccredited educational institutions that have been approved by the Department of Defense as a qualifying educational institution. This list shall include the year or years for which unaccredited educational institutions are designated as qualifying educational institutions.

(b) The Secretaries of the Military Departments shall establish procedures to ensure that after September 30, 1995, those Reserve component officers selected for appointment to a grade above First Lieutenant in the Army Reserve, Air Force Reserve or Marine Corps Reserve, or Lieutenant (Junior Grade) in the Naval Reserve, or for officers to be federally recognized in a grade above First Lieutenant as a member of the Army National Guard or Air National Guard, who are required to hold a baccalaureate degree, were awarded their degree before appointment to the next higher grade. For a degree from an unaccredited educational institution that has been recognized as a qualifying educational institution by the Department of Defense to satisfy this educational requirements of 10 U.S.C. 12205, the degree must not have been awarded more than three years before the date the officer is to be appointed, or federally recognized, in the grade of Captain or above in the Army Reserve, Army National Guard, Air Force Reserve, Air National Guard, or Marine Corps Reserve, or in the grade of Lieutenant or above in the Naval Reserve.

§ 67.6 Procedures.

(a) An unaccredited educational institution may obtain designation as a qualifying educational institution for a specific Reserve component officer who graduated from that educational institution by providing certification from registrars at three accredited educational institutions that maintain ROTC programs that their educational institutions would accept at least 90 percent of the credit hours earned by that officer at the unaccredited educational institution, as of the year of graduation.

(b) For an unaccredited educational institution to be designated as a qualifying educational institution for a specific year, that educational institution must provide the Office of the Assistant Secretary of Defense for Reserve Affairs certification from the registrars at three different accredited educational institutions that maintain ROTC programs listing the major field(s) of study in which those educational institutions would accept at least 90 percent of the credit hours earned by a student who was awarded a baccalaureate degree in that major field of study at the unaccredited educational institution.

(c) For an unaccredited educational institution to be considered for designation as a qualifying educational institution, the unaccredited educational institution must submit the required documentation no later than January 1 of the year for which the

unaccredited educational institution seeks to be designated a qualifying educational institution.

(d) The required documentation must be sent to the following address: Office of the Assistant Secretary of Defense for Reserve Affairs, Attn: DASD(M&P), 1500 Defense Pentagon, Washington, DC 20301–1500.

(e) Applications containing the required documentation may also be submitted at any time from unaccredited educational institutions requesting designation as qualifying educational institutions for prior school years.

Dated: October 16, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–26039 Filed 10–20–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–95–156]

RIN 2115–AA97

Security Zone: United Nations 50th Anniversary Celebration, United Nations, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a security zone in the waters of the East River, New York. The zone is needed to protect approximately 150 Heads of State and the Port of New York/New Jersey against terrorism, sabotage or other subversive acts and incidents of a similar nature during the United Nations 50th Anniversary Celebration. Entry into or movement within the zone is prohibited unless authorized by the Coast Guard Captain of the Port of New York.

EFFECTIVE DATE: This rule is effective from 7 a.m. on October 22, 1995, until 7 p.m. on October 24, 1995, unless extended or terminated sooner by the Captain of the Port of New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander R. Trabocchi, Chief Planning and Readiness Division, Coast Guard Group New York (212) 668–7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LCDR R. Trabocchi, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM, and for making this regulation effective less than 30 days after Federal Register publication. Due to the date that specific, detailed information was made available to the Coast Guard concerning the activities of the Heads of State at the United Nations, there was insufficient time to draft and publish an NPRM that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would be contrary to national security interests as immediate action is needed to protect the Heads of State and the Port of New York/New Jersey.

Background and Purpose

The security zone, requested by the United States Secret Service, is needed to ensure the security of the Heads of State while at the United Nations complex in midtown Manhattan, New York. The United Nations complex, situated along the Manhattan shoreline overlooking the East River, will be used for the United Nations 50th Anniversary Celebration from October 22, 1995 through October 24, 1995. There is a significant national security interest in safeguarding the international relations of the United States, the United Nations complex, and the visiting Heads of State. The security zone will safeguard these interests against terrorism, sabotage or other subversive acts and incidents of a similar nature that could initiate on or near the East River. The security zone will close the East River in a northerly and southerly direction, shore to shore, for approximately 2,350 yards. It provides for an exclusionary area in all waters of the East River north of a line drawn between a point at the foot of East 35th Street, Manhattan, New York, at 40°44′36″ N latitude, 073°58′16″ W longitude (NAD 1983) and Hunters Point, Long Island City, New York, at 40°44′18″ N latitude, 073°57′44″ W longitude (NAD 1983); and south of a line drawn shore to shore along the Queensboro Bridge inclusive of all waters east and west of Roosevelt Island, New York, from 7 a.m. until 7 p.m. on October 22, 23, and 24, 1995.

The security zone will be reduced in size to provide protection to the waterfront at the United Nations complex from 7 p.m. until 7 a.m. on October 22 and 23, 1995. This contracted security zone includes all waters of the East River 100 yards off the east shore of Manhattan, New York, between East 48th Street and East 42nd Street. This area is bounded by the following points: from a point at the foot of East 48th Street at 40°45′06″ N latitude, 073°57′53″ W longitude (NAD 1983); thence southeasterly 100 yards to a point at 40°45′05″ N latitude, 073°57′50″ W longitude (NAD 1983); thence southwesterly 100 yards to a point off the foot of East 42nd Street at 40°44′51″ N latitude, 073°58′01″ W longitude (NAD 1983); thence northwesterly to a point at the foot of East 42nd Street at 40°44′52″ N latitude, 073°58′05″ W longitude (NAD 1983); thence northeasterly along the Manhattan shoreline to the point of origin. The security zone has been narrowly tailored, in consultation with the United States Secret Service, to impose the latest impact on maritime interests yet provide the level of security deemed necessary to safeguard the international relations of the United States, the United Nations complex, and the Heads of State. All vessels are prohibited from transiting within the security zone unless authorized by the Coast Guard Captain of the Port of New York.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The security zone closes a portion of the East River in the vicinity of the United Nations complex to vessel traffic from 7 a.m. on October 22, 1995, until 7 p.m. on October 24, 1995, unless extended or terminated sooner by the Captain of the Port New York. The East River is subjected to a moderate volume of commercial vessel traffic. Although this regulation prevents vessel traffic from transiting the East River from 7 a.m. to 7 p.m. on October 22, 23, and 24, the effect of this regulation will not be significant for several reasons: the duration of the security zone is limited; recreational and some commercial traffic may take an alternate route via

the Hudson and Harlem Rivers; vessels may safely transit the East River east of the zone each evening from 7 p.m. until 7 a.m.; and the extensive, advance notifications that will be made to the maritime community. New York City is in a heightened state of security awareness due to the World Trade Center bombing trials. In view of the potential for threats to the Heads of State and the Port of New York/New Jersey, this regulation provides the minimum degree of security necessary. The United Nations waterfront exposure makes it and its occupants vulnerable to waterborne threats. Landside security spans Manhattan's eastern shoreline, covering approximately the same distance north to south as the security zone provides waterside. The major roadways on Manhattan's east side, the Franklin D. Roosevelt (FDR) Drive and First Avenue, will be closed to vehicular traffic. The waterside security provided by this regulation, in conjunction with the landside security, provides a complete security area around the Heads of State and the United Nations complex. Accordingly, the Coast Guard expects the economic impact of this to be minimal and that a Regulatory Evaluation is unnecessary.

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

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

List of Subjects in 33 CFR Part 165

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

Temporary Regulation

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

PART 165—[AMENDED]

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

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

2. A temporary § 165.T01–156, is added to read as follows:

§ 165.T01–156 Security Zone: United Nations 50th Anniversary Celebration, United Nations, East River, New York.

(a) *Location.* (1) From 7 a.m. to 7 p.m., the security zone includes all waters of the East River north of a line drawn between a point at the foot of East 35th Street, Manhattan, New York, at 40°44′36″ N latitude, 073°58′16″ W longitude (NAD 1983) and Hunters Point, Long Island City, New York, at 40°44′18″ N latitude, 073°57′44″ W longitude (NAD 1983); and south of a line drawn shore to shore along the Queensboro Bridge inclusive of all waters east and west of Roosevelt Island, New York.

(2) From 7 p.m. to 7 a.m., the security zone includes all waters of the East River 100 yards off the east shore of Manhattan, New York, between East 48th Street and East 42nd Street. This area is bounded by the following points: from a point at the foot of East 48th Street at 40°45′06″ N latitude, 073°57′53″ W longitude (NAD 1983); thence southeasterly 100 yards to a point at 40°45′05″ N latitude, 073°57′50″ W longitude (NAD 1983); thence southwesterly 100 yards to a point off the foot of East 42nd Street at 40°44′51″ N latitude, 073°58′01″ W longitude (NAD 1983); thence northwesterly to a point at the foot of East 42nd Street at 40°44′52″ N latitude, 073°58′05″ W longitude (NAD 1983); thence northeasterly along the Manhattan shoreline to the point of origin.

(b) *Effective period.* This section is effective from 7 a.m. on October 22, 1995, until 7 p.m. on October 24, 1995, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

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

Dated: October 17, 1995.

T.H. Gilmour,

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

[FR Doc. 95–26318 Filed 10–19–95; 2:42 pm]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 233

Definition of Post Office Burglary

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Recent events, including the theft of office equipment from rooms in buildings in which the Postal Service business is conducted, but not post office operations, revealed the need to expand the definition of ''burglary of post office' to include all buildings in which Postal Service business is conducted. Therefore it is necessary to amend the CFR to reflect the revised definition.

EFFECTIVE DATE: October 23, 1995.

FOR FURTHER INFORMATION CONTACT: H.J. Bauman, Counsel, Postal Inspection Service, (202) 268–4415.

SUPPLEMENTARY INFORMATION: The Postal Service offers rewards for information and services leading to the arrest and conviction of perpetrators of postal crimes, including the burglary of a post office. Regulations concerning these rewards are published in 39 CFR 233.2. That section, which contains the text of Postal Service Poster 296, Notice of Reward, defines ''burglary of post office'' as ''breaking into, or attempting to break into, a post office, station,

branch, or a building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.''

Recent events, including the theft of office equipment from rooms in buildings in which Postal Service business is conducted, but not post office operations, revealed the need to expand the definition of ''burglary of post office'' to include all buildings in which Postal Service business is conducted. Therefore it is necessary to amend the CFR to reflect the revised definition.

List of Subjects in 39 CFR Part 233

Crime, Law enforcement, Postal Service.

Accordingly, 39 CFR part 233 is amended as set forth below.

PART 233—INSPECTION SERVICE/ INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App. 3.

2. In § 233.2, the note following paragraph (b)(2) is amended by republishing the introductory text and by revising the definition of ''Burglary of Post Office'' to read as follows:

§ 233.2 Circulars and rewards.

* * * * *

(b) * * *

(1) * * *

(2) * * *

Note: The text of Postal Service Poster 296, referred to in paragraph (b)(1) of this section, reads as follows:

* * * * *

Burglary of Post Office, $10,000. Breaking into, or attempting to break into, a post office, station, branch, building used wholly or partly as a post office, or any building or area in a building where the business of the Postal Service is conducted, with intent to commit a larceny or other depredation therein.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–26204 Filed 10–20–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–19–1–6934a; FRL–5310–2]

Approval and Promulgation of Implementation Plans; State of Louisiana; Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of Louisiana for the purpose of establishing a Clean Fuel Fleet Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act, as amended in 1990 (CAA), to implement a program whereby at least a certain percentage of all newly acquired vehicles of certain on-road fleets in the Baton Rouge ozone nonattainment area, beginning with model year 1998, shall be lower pollution emitting vehicles, Clean Fuel Vehicles (CFV's). The rationale for the approval is set forth in this document.

DATES: This final rule is effective on December 22, 1995, unless adverse or critical comments are received by November 22, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be submitted to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7214.

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

Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: H.D. Brown, Jr., Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7248.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act; Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The Clean Fuel Fleet Program (CFFP) is contained under part C, entitled ''Clean Fuel Vehicles,'' of title II of the CAA. Part C was added to the CAA to establish two programs: a clean-fuel vehicle pilot program in the State of California (the California Pilot Test Program) and a federal CFFP in certain ozone and carbon monoxide (CO) nonattainment areas.

The CFFP will introduce CFV's into centrally fueled fleets by requiring covered fleet operators to include a percentage of CFV's in their new fleet purchases. The goal of the CFFP is to reduce emissions of non-methane organic gasses (NMOG), oxides of nitrogen (NO_X), and CO through the introduction of CFV's into the covered areas. Both NMOG and NO_X are precursors of ozone and, in most areas, their reduction will reduce the concentration of ozone in covered ozone nonattainment areas. Reductions of vehicular CO emissions will reduce the concentration of CO in covered CO nonattainment areas.

Congress chose centrally fueled fleets because operators of these fleets have more control over obtaining fuel than the general public. Additionally, the control which operators maintain over their fleets simplifies maintenance and refueling of these vehicles. Finally, because fleet vehicles typically travel more miles on an annual basis than do non-fleet vehicles, they provide greater opportunity to improve air quality on a per vehicle basis.

Section 182(c)(4) of the CAA, 42 U.S.C. 7511a(c)(4), allows States to opt-out of the CFFP by submitting, for EPA approval, a SIP revision consisting of a substitute program resulting in as much or greater long-term emission reductions in ozone producing and toxic air emissions as the CFFP. The EPA may approve such a revision ''only if it consists exclusively of provisions other than those required under the [CAA] for the area.''

II. Program Requirements

Unless a State chooses to opt-out of the CFFP per section 182(c)(4); section 246 of the CAA, 42 U.S.C. 7586, directs a State containing covered areas to revise its SIP, within 42 months after enactment of the CAA, to establish a CFFP, whereby at least a specified percentage of all new covered fleet vehicles, beginning with model year

(MY) 1998 and thereafter, shall be CFV's and such vehicles shall use the fuel on which the CFV was certified to be a CFV (or shall use a fuel which will result in even less emissions than the fuel which was used for certification), when operating in the covered area. Louisiana did not choose to opt-out of the CFFP; rather it chose to revise its SIP to include a CFFP.

A. Covered Areas

Areas (Covered Areas) that are required to implement a CFFP are defined in section 246(a)(2) of the CAA as: any ozone nonattainment area with a 1980 population of 250,000 or more classified under section 181 of the CAA, 42 U.S.C. 7511, as Serious, Severe, or Extreme based on data for the calendar years 1987, 1988, and 1989; and any CO nonattainment area with a 1980 population of 250,000 or more and a CO design value at or above 16.0 parts per million based on data for calendar years 1988 and 1989, excluding those CO nonattainment areas in which mobile sources do not contribute significantly to CO exceedances. In Louisiana, the Baton Rouge Serious ozone nonattainment area is the only area subject to the CFFP requirements.

B. Definitions

The definition of appropriate terms in the SIP revision should correspond to the definition of the same terms as contained in sections 241(1), (2), (3), (4), (5), (6), and (7) of the CAA, 42 U.S.C. 7581, and 40 CFR 88.302–94.

C. Covered Fleets

Section 241(5) of the CAA defines a covered fleet as consisting of 10 or more on-road vehicles, which are in the vehicle classifications covered by the CFFP, and are owned or operated, leased, or otherwise controlled by a single person, the fleet operator. Both private business and government (federal, state, and local) fleets are subject to the statute. However, certain fleets and vehicles are exempt from the CFFP, including fleets with vehicles that cannot be fueled at a central location, vehicles that are normally garaged at a personal residence, vehicles held for lease or rental to the general public, vehicles held for sale by motor vehicle dealers, law enforcement and other emergency vehicles, and non-road vehicles.

D. Vehicle Classes Covered

Sections 242, 42 U.S.C. 7582, and 243, 42 U.S.C. 7583, of the CAA and 40 CFR 88 subpart C require three vehicle classes to be included in a CFFP: light-duty vehicles (LDV's), and light-duty trucks (LDT's) up to 8,500 pounds Gross Vehicle Weight Rating (GVWR), and heavy-duty vehicles (HDV's) between 8,500 and 26,000 pounds GVWR. Section 245(a) of the CAA, 42 U.S.C. 7585(a), exempts vehicles over 26,000 pounds GVWR.

E. Clean Fuel Vehicles (CFV's)

Section 241(7) of the CAA, requires that a CFV be defined as a motor vehicle in one of the vehicle classes that is certified by the EPA to meet, for any MY, one of the three sets of increasingly stringent clean fuel vehicle emission standards that apply to CFV's in that vehicle class for that MY. These standards are referred to as low-emission vehicle (LEV) standards, ultra low-emission vehicle (ULEV) standards, and zero emission vehicle (ZEV) standards. The emission standards for these vehicles are found in 40 CFR 88.104–94 and 40 CFR 88.306–94. In addition, a vehicle certified by the EPA to meet the inherently low-emission vehicle (ILEV) standard is also a CFV. Standards for the ILEV may be found in 40 CFR 88.311–93.

F. Percentage Requirements

The following table reflects the specified percentage of newly acquired fleet vehicles that are required to be CFV's pursuant to section 246(b) of the CAA:

Vehicle classification	Model year		
	1998	1999	2000
Light Duty Vehicles	30	50	70
Light Duty Trucks	30	50	70
Heavy Duty Trucks	50	50	50

G. Credit Program

Section 246(f) of the CAA and 40 CFR 88.304–94 require the SIP revision provide for the establishment of a credit program and the issuance by the State of appropriate credits to a fleet operator. Among other things, the credit program provides that, after approval of this SIP revision, a fleet operator may generate credits in any of several ways: (1) By the purchase of more CFV's than the minimum required by the CFFP, (2) by the purchase of CFV's which meet more stringent standards than the minimum required by the CFFP, (3) by the purchase of CFV's not required by the CFFP, and (4) by the purchase of CFV's before MY 1998. The credits generated may be used by a covered fleet operator to satisfy the new purchase requirements of a CFFP or may be traded by one covered fleet operator to another, provided the credits were generated and used in, and both operators are located in, the same nonattainment area. Certain restrictions on the trading of credits between classes must be observed. The credits do not depreciate with time and are to be freely traded without interference by the State.

H. Fuel Use

Section 246(b) of the CAA and 40 CFR 88.304–94(3) stipulate that the SIP revision require the fuel on which the vehicle was certified to be a CFV (or shall use a fuel which will result in even less emissions than the fuel which was used for certification) be used 100% of the time the vehicle is in the covered area.

I. Fuel Availability

Section 246(d) of the CAA requires the SIP revision shall provide that the choice of fuel for the CFV's will be made by the covered fleet operator and section 246(e) requires the SIP revision to require fuel providers to make clean alternative fuel available to the covered fleets.

J. Consultation

Section 246(a)(4) of the CAA requires the SIP revision must be developed in consultation with fleet operators, vehicle manufacturers, fuel producers and distributors of motor vehicle fuel, and other interested parties, taking into consideration operational range, specialty uses, vehicle and fuel availability, cost, safety, resale values, and other relevant factors.

K. Recordkeeping and Monitoring

The SIP revision must provide that States establish a system for recordkeeping and monitoring the CFFP and the credit program. For the CFFP this should include, at a minimum, registration of fleets, official communications from covered fleet operators to the State, quality control of program data, and unannounced audits of at least five percent of the covered fleets. In addition, in those cases where covered fleet operators choose to have vehicles with conventional petroleum back-up fuel, substantiation of the use of the required fuel in the covered area must be kept as part of the recordkeeping requirements. For the credit program, the SIP revision should provide for a formal system to issue, redeem, and/or otherwise manage credits.

L. Enforcement

The SIP revision must include provisions for enforcing the CFFP. In general, warnings and a set of penalties

or fines should be established which are proportionately related to the impacts of the violation.

M. Exemption From Transportation Control Measure (TCM) Requirements

40 CFR 88.307–94 requires States to exempt any CFV's which are required to participate in a CFFP from temporal-based (e.g., time-of-day or day-of-week) TCM's existing for air quality reasons so long as the exemption does not create a clear and direct safety hazard. This exemption does not extend to the occupancy requirements of high-occupancy vehicle (HOV) lanes. ILEV vehicles are exempt from the occupancy requirements of HOV lanes pursuant to 40 CFR 88.313–93(c). Currently, the Baton Rouge serious ozone nonattainment area has no TCM requirements.

III. Louisiana SIP Submittal

Louisiana submitted a SIP revision on May 16, 1994, that implements a CFFP. The revision meets the requirements of the CAA and the appropriate sections of 40 CFR part 88 as detailed above. The revision was adopted after reasonable public notice and public hearing as required by sections 110(a)(2) and 110(l) of the CAA, 42 U.S.C. 7410, and 40 CFR 51.102(f). The submission was reviewed and determined to be administratively complete on December 9, 1994. The submittal was then reviewed for approvability by EPA Region 6 and EPA Headquarters.

The areas affected by this program include the parishes of Ascension, Iberville, East Baton Rouge, Livingston, Point Coupee, and West Baton Rouge. These six parishes comprise the Baton Rouge ozone nonattainment area.

IV. Final Action

In this action, the EPA is approving the SIP revision submitted by the State of Louisiana for purposes of implementing a CFFP within the Baton Rouge Serious ozone nonattainment area. The EPA has reviewed this revision to the Louisiana SIP and is approving it as submitted because the State's CFFP meets the requirements of section 246 of the CAA and the appropriate sections of 40 CFR part 88.

Copies of the State's SIP revision and the Technical Support Document (TSD), detailing EPA's review of the SIP revision, are available at the address listed in the **ADDRESSES** section above. For a detailed analysis of the SIP revision, the reader is referred to the TSD.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, today's direct final action will be effective December 22, 1995, unless, by November 22, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 22, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the CAA. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations that are less than 50,000.

SIP revision approvals under section 110 and subchapter I, part D, of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the EPA certifies that this proposed rule would not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State actions. The CAA forbids the EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–266 (S. Ct. 1976); 42 U.S.C. section 7410(a)(2).

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

EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Motor vehicle pollution, Nitrogen oxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 14, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(66) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(66) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 2, Section 223 and Chapter 19, Sections 1951–1973. These revisions are for the purpose of implementing a Clean Fuel Fleet Program to satisfy the Federal requirements for a Clean Fuel Fleet Program to be part of the SIP for Louisiana.

(i) Incorporation by reference.

(A) Revision to LAC, Title 33, Part III, Chapter 2, Rules and Regulations for the Fee System of the Air Quality Control Programs, Section 223, Fee Schedule Listing, adopted in the *Louisiana Register,* Vol. 20, No. 11, 1263, November 20, 1994.

(B) Revision to LAC, Title 33, Part III, Chapter 19, Mobile Sources, Subchapter B, Clean Fuel Fleet Program, Sections 1951–1973, adopted in the *Louisiana Register,* Vol. 20, No. 11, 1263–1268, November 20, 1994.

[FR Doc. 95–26195 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI36–01–6712a; FRL–5294–4]

Approval and Promulgation of State Implementation Plan; Michigan; Eagle-Ottawa Leather Co. Site-Specific SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves a revision to the Michigan State Implementation Plan (SIP) for the Eagle-Ottawa Leather Company facility located in Ottawa County, Michigan. This approval makes federally enforceable the State's consent order requiring control of volatile organic compound (VOC) emissions from the Eagle-Ottawa facility. The EPA's review of the revision shows that the controls are sufficient to constitute Reasonably Available Control Technology (RACT) for this facility. The EPA defines RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

DATES: This action is effective December 22, 1995 unless adverse comments are received within 30 days of this publication. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353–6960 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 353–6960.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b) of the Clean Air Act, as amended on November 15, 1990, sets forth the requirements for ozone nonattainment areas which have been classified as moderate or above. Section 182(b)(2) requires the implementation of reasonably available control technology (RACT) for sources of volatile organic compounds (VOCs). Section 182(b)(2)(C) requires that States submit revisions to the State Implementation Plan (SIP) for major sources of VOCs for which the United States Environmental Protection Agency (EPA) has not issued a control technology guidelines (CTG) document.

The Eagle-Ottawa Leather Company is located in Ottawa County which is part of the Grand Rapids moderate ozone nonattainment area. The facility is a major source of VOCs for which a CTG has not been issued and, therefore, the State of Michigan has submitted a site-specific SIP revision, in the form of a consent order, that describes RACT for this source. This submittal satisfies the RACT requirement for this facility.

II. Evaluation of State Submittal

The Michigan Department of Natural Resources (MDNR) followed the required legal procedures for granting this source a site-specific consent order which are prerequisites for EPA to consider including this consent order in Michigan's federally enforceable SIP. A public comment period was held between April 25, 1994 through May 26, 1994. This public comment period was followed by a public hearing on May 26, 1994. This consent order was submitted to the EPA as a site-specific SIP revision under signature of the Governor's designee.

At the time the RACT evaluation was performed, it was thought, by the State, that only the three oldest lines needed to be evaluated for RACT. This is not the case and an evaluation should have been performed on all seven coating lines at the facility.

The consent order that was originally submitted by the State set a VOC limit of 5.8 lbs/gallon of coating, minus water and exempt solvents, as applied. EPA considers this to be acceptable as RACT for the coating lines evaluated in the RACT study. In order to satisfy the RACT requirement that all emission points at this facility have RACT limits applied to them, the remaining four lines will have a VOC limit of 3.1 lbs/gallon of coating, minus water and exempt solvents, as applied. This 3.1 limit is considered to be more stringent than RACT because it is a lower limit than the 5.8 limit which is considered RACT for the coating lines at this facility. The company has signed a letter indicating that the 3.1 limit is acceptable to them and will be incorporated as permit conditions in the federally enforceable permits that apply to these lines.

This RACT submittal is considered approvable because the control requirements evaluated as RACT for the three oldest lines have also been incorporated as permit conditions for the four lines for which a RACT evaluation was not performed. The EPA finds it acceptable that although a RACT analysis was not performed on the four newer lines, these lines are sufficiently

similar to the three older lines that RACT will be the same for all lines.

In the RACT study performed on the 3 oldest surface coating lines at this facility, various VOC controls were evaluated for appropriateness. The controls considered for the coating lines were: coating conversion, thermal incineration, catalytic incineration, and carbon adsorption. Based upon the results of this study, the State and Eagle-Ottawa have entered into a consent agreement limiting each of the lines to 5.8 pounds VOC per gallon of coating, minus water and exempt solvents, as applied, for the 3 lines evaluated in this study. The company has signed a letter indicating that the four lines that were not evaluated in this study, already have federally enforceable construction permits, will have the VOC limits in these permits set at 3.1 pounds VOC per gallon of coating, minus water and exempt solvents, as applied, which is more stringent than the limit found to be RACT for the lines that were evaluated in the RACT evaluation.

This RACT limitation requires the use of water-borne coatings but will still allow the use of solvent-borne coatings in applications where water-borne coatings could compromise product quality. All other control techniques have been eliminated on the basis of technological infeasibility or unreasonable cost. This same limit of 5.8 pounds of VOC per gallon of coating, minus water and exempted solvents, as applied, has been proposed as RACT for leather coating sources for the States of New York (57 FR 52606) and New Jersey (58 FR 38326). In addition to the limits which control the emission of VOCs into the atmosphere, appropriate recordkeeping requirements have been placed in the permits to aid in determining compliance with these limits.

In addition to the coating lines that were evaluated for RACT, this facility also has a research and development laboratory which is also a source of VOC emissions and is not currently covered under Federal regulations. The State did not include this point of emissions in the RACT evaluation and cited a State permitting regulation (which exempts pilot processes and research facilities from control) as justification for this exclusion. Region 5 commented that it is inappropriate to exclude this point of emissions from a RACT evaluation and that doing so is not in keeping with current VOC RACT policy. This comment was made in a letter to the State dated June 1, 1994.

Upon reviewing further documentation provided as technical support for this site-specific SIP revision it was found that the research and development laboratory emitted approximately 2 tons of VOCs in the past 2 years. Although a thorough RACT analysis has not been performed on this point of emissions at the facility, Region 5 is in agreement with the State that it is probably economically unreasonable to control a source of emissions of this size. Therefore, RACT for this point of emissions can be considered continuing to operate without controls.

The EPA has reviewed the procedures that the State has followed in developing the RACT limits for this facility and has found them to be approvable.

III. Action

The EPA approves Michigan's Eagle-Ottawa Leather Company site-specific SIP submittal of July 13, 1994. With this action, EPA incorporates Michigan's Stipulation for Entry of Consent Order and Final Order No. 7–1994 into the SIP, making this consent order federally enforceable.

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on December 22, 1995. However, if we receive adverse comments by November 22, 1995, EPA will publish a document that withdraws this action.

IV. Miscellaneous

A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

B. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.,* 427 U.S. 246, 256–66 (1976).

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

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

D. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and

shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 28, 1995.

Valdas V. Adamkus

Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(99) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(99) On July 13, 1994, the State of Michigan requested a revision to the Michigan State Implementation Plan (SIP). The State requested that a consent order for the Eagle-Ottawa Leather Company of Grand Haven be included in the SIP.

(i) Incorporation by reference. State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 7–1994 which was adopted on July 13, 1994.

[FR Doc. 95–26197 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 81

[A–95–09; FRL–5301–9]

Designation of Areas for Air Quality Planning Purposes; Commonwealth of Virginia: Correction to the Boundary of the Richmond Ozone Nonattainment Area To Exclude the Rural Portion of Charles City County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is making a correction to the boundary of the Richmond ozone nonattainment area in the Commonwealth of Virginia. The boundary of the Richmond ozone nonattainment area is being revised to include only a portion of Charles City County. This action is intended to reflect EPA's determination that Charles City County meets EPA's criteria for the designation of only a portion of a rural county where an air quality monitor indicates violations of the National Ambient Air Quality Standard (NAAQS), in lieu of designating the entire county nonattainment. This action will relieve the attainment portion of the County from meeting the Part D requirements of the Clean Air Act (CAA).

EFFECTIVE DATE: This rule will become effective on November 20, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry at (215) 597–0545 at the EPA Regional Office listed above.

SUPPLEMENTARY INFORMATION: On November 7, 1994, the Commonwealth of Virginia submitted a request to revise the boundary of the Richmond ozone nonattainment area to exclude the rural portion of Charles City County. Specifically, the Commonwealth asked that only the southwestern corner of the county be included in the Richmond nonattainment area.

Sections 107(d)(4)(A)(i) and (ii) set out the general process by which areas were to be designated for ozone attainment/nonattainment immediately after enactment of the 1990 Amendments. Under the CAA, preenactment ozone and carbon monoxide (CO) nonattainment areas were classified on the date of enactment according to the severity of their problem. Within 120 days of enactment of the 1990 Amendments, the Governor of each State was required to submit a list of areas within the State, designating each area as attainment, nonattainment, or unclassifiable (120-day letter). Within 60 days of submitting the State lists, EPA was required to notify States of any potential modifications to the State's recommendations and encouraged States to comment within 20 days to EPA's proposal. EPA was required to promulgate the lists, including boundary modifications, within 240 days of enactment.

On March 15, 1991, the Commonwealth of Virginia submitted a list of ozone and CO nonattainment, attainment and unclassifiable areas and boundaries, which included the preenactment Richmond ozone nonattainment area. The Commonwealth's list expanded the Richmond nonattainment area to include the Richmond/Petersburg Metropolitan Statistical Area (MSA). However, the Commonwealth excluded parts of the MSA, including Charles City, Dinwiddie, Goochland, New Kent, Powhattan and Prince George's Counties and the City of Petersburg. These areas were designated separately as either unclassifiable or attainment. The Commonwealth excluded these areas because emissions from vehicle, area and point source emissions were below specified cutoff values set by the Commonwealth for areas that were subject to VOC controls.

EPA gave the 60 day notification to Virginia on May 14, 1991, that the Agency intended to modify the designation and/or boundaries of certain areas on the State's list, including the boundaries of the Richmond/Petersburg nonattainment area. Pursuant to section 107(d)(1)(i) of the CAA, EPA indicated that it intended to designate all of Charles City County nonattainment due to monitored violations of the NAAQS for ozone at the air quality monitoring station in the southwestern corner of the county.

On June 3, 1991, the Commonwealth commented that it disagreed with EPA's nonattainment designation for Charles City County due to it's small contribution to the total emissions for the MSA. EPA reaffirmed the nonattainment designation for Charles City County in a letter to the Commonwealth dated June 21, 1991, and promulgated all of Charles City County as part of the Richmond nonattainment area in the November 6, 1991, final rule (FR 56 56694) designating areas for air quality planning purposes. Please refer to Air Docket No. A–90–42.

In the November 6, 1991 rule, EPA established criteria for designating portions of counties nonattainment where monitored violations of the NAAQS were recorded but where the state did not wish to designate an entire county as nonattainment. In general, the criteria required that the boundary: (1) include an area contiguous with the adjoining nonattainment area, (2) include a reasonable area surrounding the monitor, and (3) include all adjoining areas with a population of sufficient density such that those areas were likely to contribute to the NAAQS violation.

Based on population and emissions data submitted by the Commonwealth, 120 days after enactment of the 1990 Amendments, with its original March 15, 1991 letter; EPA has determined that the Commonwealth's November 7, 1994, request to revise the boundary of the Charles City County portion of the Richmond nonattainment area meets the criteria for designating an area smaller than an entire county. Furthermore, EPA believes that this request, to exclude a portion of the County, would have been approved had it been submitted prior to the November 6, 1991 rulemaking. Today's action will relieve the attainment portion of Charles City County from meeting the Part D requirements of the CAA.

Final Action

In the Federal Register of November 6, 1991 (56 FR 56694), EPA issued a final rule promulgating the designations, boundaries, and classifications of ozone nonattainment areas (and for nonattainment areas for other pollutants not addressed in this action). Pursuant to section 110(k)(6), EPA is correcting the boundary of the Richmond nonattainment area to exclude all of Charles City County west of Route 156. The boundaries for the Charles City County portion of the Richmond nonattainment area include the area surrounding the air quality monitor and the urbanized portion of the county that is contiguous with the rest of the Richmond nonattainment area.

In accordance with CAA sections 107(d)(2)(B) and 110(k)(6), today's action is a final rule and is not subject to the notice and comment provisions of sections 553 through 557 of Title 5.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 16, 1995.

Carol M. Browner,

Administrator.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart C—Section 107 Attainment Status Designations

4. In § 81.347 the ozone table is amended by revising the entry for ''Charles City County'' under the ''Richmond Area'' and the ''AQCR 225 State Capital Intrastate'' to read as follows:

§ 81.347 Virginia.

* * * * *

VIRGINIA—OZONE

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * * *	*	*		*
Richmond Area:				
Charles City County (part)	.....	Nonattainment		
Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.				
* * * *	*	*		*
AQCR 225 State Capital Intrastate (Remainder of)				
Charles City County (part)	.....	Unclassifiable/ Attainment		
Remainder of county				
* * * *	*	*		*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 95–26040 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 261

[SW–FRL–5318–5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final rule and correcting amendments.

SUMMARY: The Environmental Protection Agency (''EPA'' or ''the Agency'') is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion previously granted to Envirite Corporation (Envirite). EPA inadvertently removed the entire entry of Envirite's exclusion from Appendix IX, while the Agency only intended to amend the second column of the entry by removing the words ''Thomaston, Connecticut'' (see 59 FR 5725, February 8, 1994). The Agency is also making a conforming change to Part 261, Appendix IX, Table 2 by removing the words ''Thomaston, Connecticut'' from the second column of the Envirite's entry.

EFFECTIVE DATE: October 23, 1995.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346 or at (703) 412–9810. For technical information, contact Shen-yi Yang, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260–1436.

SUPPLEMENTARY INFORMATION:

I. Background Information

§§ 260.20 and 260.22 provide a delisting petition procedure, allowing facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by the petitioner, EPA determines whether certain solid wastes generated by the facility can be excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

On November 14, 1986, EPA granted final conditional exclusions to Envirite's commercial waste treatment facilities located in Canton, Ohio; Harvey, Illinois; Thomaston, Connecticut; and York, Pennsylvania (51 FR 41323). Envirite's treatment residues, provided all the conditions of exclusion are met, are no longer subject to hazardous waste regulations. Envirite's exclusions for wastes from non-specific sources (i.e., EPA Hazardous Waste Numbers: F006–F009, F011, F012, F019) and specific sources (i.e., EPA Hazardous Waste Numbers: K002–K008, K062) are listed in Table 1 and Table 2 of Part 261, Appendix IX, respectively.

On May 31, 1990, Envirite's Thomaston, CT facility ceased to generate the excluded wastes. Thereafter, EPA published a Federal Register notice to inform the public about the change to Envirite's exclusion (as well as changes to exclusions for other facilities) (see 59 *FR* 5725, February 8, 1994). While the Agency only intended to amend the second column of the entries for Envirite in both Tables 1 and 2 of Appendix IX, by removing the words ''Thomaston, Connecticut'', the Agency inadvertently removed the entire entry for Envirite from Table 1, and made no change to Table 2 of Appendix IX, Part 261. Therefore, this notice is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion granted to Envirite Corporation (Envirite) on November 14, 1986, and also deleting the words ''Thomaston, Connecticut'' from the second column of the Envirite's entries in Table 1 and Table 2 of Part 261, Appendix IX.

II. Effective Date

This notice is correcting the errors made to Appendix IX of Part 261. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six-months when the regulated community does not need the six-month period to come into compliance. As described above, the affected facility has ceased generation of the delisted waste, and changes in the status of Envirite's exclusion are effective February 8, 1994 (see 59 *FR* 5725). Therefore, a six-month delay in the effective date is not necessary in this case. The above reasons provide a basis for making this correcting amendment effective immediately upon publication under the Administrative Procedures Act, pursuant to 5 U.S.C. 5531(d).

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. § 6921(f).

Dated: September 25, 1995.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is corrected as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Table 1 in Appendix IX of Part 261 is amended by adding an entry for the Envirite Corporation in alphabetical order to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
Envirite Corporation	Canton, Ohio; Harvey, Illinois; York, Pennsylvania.	Dewatered wastewater sludges (EPA Hazardous Waste No. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. F012) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid: (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm; the waste must be retreated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed in #3 above as well as the remaining organics on the priority pollutant list. (See 47 FR 52039, November 19, 1982, for a list of the priority pollutants.) (5) The data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail semi-annually. The Agency will review this information and if needed will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4 above are not required until six months from the date of promulgation. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at these facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.
*	*	* * * * * *

3. Table 2 in Appendix IX of Part 261 is amended by removing the words ''Thomaston, Connecticut'' from the second column of the entry for the ''Envirite Corporation''.

[FR Doc. 95–26199 Filed 10–20–95; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–71; RM–8632]

Radio Broadcasting Services; Pasco, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Martin L. Gibbs, allots Channel 229A at Pasco, Washington, as the community's third local commercial FM transmission service *See* 60 FR 29817, June 6, 1995. Channel 229A can be allotted to Pasco in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) southwest to avoid a short-spacing to the licensed site of Station KDRK-FM, Channel 229C, Spokane, Washington. The coordinates for Channel 229A at Pasco are North Latitude 46–09–37 and West Longitude 119–13–07. Since Pasco is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained. With this action, this proceeding is terminated.

DATES: Effective November 30, 1995. The window period for filing applications will open on November 30, 1995 and close on January 2, 1995.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–71, adopted October 4, 1995, and released October 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 229A at Pasco.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–26104 Filed 10–20–95; 8:45 am]

BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 60, No. 204
Monday, October 23, 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

Agricultural Marketing Service

7 CFR Parts 1124 and 1135

[Docket Nos. AO–368–A25, AO–380–A15; DA–95–01]

Milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Marketing Areas; Notice of Extension of Time for Filing Briefs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of Time for Filing Briefs.

SUMMARY: This notice extends the time for filing briefs on the record of the Pacific Northwest and Southwestern Idaho-Eastern Oregon hearing held July 11, 1995, through July 12, 1995, in Portland, Oregon. The Oregon Department of Corrections requested additional time to review the hearing record and to prepare briefs.

DATES: Briefs are now due on or before October 23, 1995.

ADDRESSES: Briefs (6 copies) should be filed with the Hearing Clerk, Room 1083, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued June 15, 1995; published June 21, 1995 (60 FR 32282).

Notice is hereby given that the time for filing briefs and proposed finding and conclusions on the record of the public hearing held July 11, 1995, through July 12, 1995, at Portland, Oregon, with respect to tentative marketing agreements and to the orders regulating the handling of milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon marketing areas pursuant to the notice of hearing issued June 15, 1995, and published June 21, 1995 (60 FR 32282), is hereby extended to October 23, 1995.

The Oregon Department of Corrections requested an extension of time to file briefs based on the impact certain proposals could have on the Department of Corrections' milk production and sales program. An extension of time to file briefs is granted in accordance with the above-noticed deadlines.

This notice is issued 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).

List of Subjects in 7 CFR Parts 1124 and 1135

Milk marketing orders.

Dated: October 12, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–26083 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 95–052–1]

Horses From Bermuda and the British Virgin Islands; Quarantine Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the importation of horses from Bermuda and the British Virgin Islands to remove the requirement that such horses be quarantined for not less than 7 days upon arrival in the United States. We believe this action is warranted because Bermuda and the British Virgin Islands have reported no cases of Venezuelan equine encephalomyelitis (VEE), and it appears that horses imported from Bermuda and the British Virgin Islands with less than a 7-day quarantine would not pose a risk of transmitting VEE to horses in the United States.

DATES: Consideration will be given only to comments received on or before December 22, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–052–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–052–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m, Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Bowling, Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B08, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–6479.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92, referred to below as the regulations, govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases.

The regulations in § 92.308(a)(1) now require horses imported from all parts of the Western Hemisphere except Argentina, Canada, and Mexico to be quarantined for not less than 7 days upon arrival in the United States to prevent the introduction of Venezuelan equine encephalomyelitis (VEE). VEE is an equine viral disease, transmitted primarily by mosquitoes and other hematophagous (blood-feeding) insects, particularly flying insects, that results in a high mortality rate in animals infected with the disease. Although tests exist for the presence of VEE in horses, the tests currently available may yield positive results for horses that have been vaccinated for VEE but that are not otherwise affected with the disease. The most efficient method for initial identification of horses that may be infected with VEE is observation of the horses for clinical signs of the disease. A horse will usually exhibit signs of VEE within 2–5 days after contracting

the disease. Seven days is considered the length of time necessary to ensure that any clinical signs of VEE manifest themselves.

The Governments of Bermuda and the British Virgin Islands have requested that the U.S. Department of Agriculture consider Bermuda and the British Virgin Islands free of VEE and exempt horses imported into the United States from those countries from the 7-day quarantine requirement. No cases of VEE have ever been reported in Bermuda or the British Virgin Islands. Furthermore, based on documentation submitted by the Governments of Bermuda and the British Virgin Islands, it appears that no horses in these countries are affected with VEE. (This documentation is available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**) Therefore, we are proposing to amend § 92.308(a)(1) of the regulations to exempt horses from Bermuda and the British Virgin Islands from the 7-day quarantine requirement. We are also proposing to amend § 92.308(a)(1) of the regulations to specify that the purpose of this 7-day quarantine is to evaluate the horses for signs of VEE.

This proposal would lessen, but not eliminate, restrictions on the importation of horses from Bermuda and the British Virgin Islands into the United States, thus making it somewhat easier to move horses from these countries to the United States. Horses from Bermuda and the British Virgin Islands would still have to be quarantined at a designated port until they test negative to an official test for dourine, glanders, equine piroplasmosis, equine infectious anemia, and any other tests, inspections, disinfections, and precautionary treatments that may be required by Animal and Plant Health Inspection Service.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would exempt horses imported into the United States from Bermuda and the British Virgin Islands from the requirement for a 7-day quarantine upon arrival. This action appears unlikely to have any significant economic impact on U.S. entities.

The United States had a total population of 2,049,522 horses in 1992. There were 338,346 farms that kept horses. Over 98 percent of these farms had a market value of less than $500,000, making them small entities by Small Business Administration standards.

For reasons explained in the Supplementary Information section of this document, there is a negligible risk of horses from Bermuda and the British Virgin Islands introducing VEE into the United States. In addition, we do not expect that this action would result in any increase in the small number of horses imported into the United States from Bermuda and the British Virgin Islands. The total horse population in Bermuda is about 1,000, and only about 10 horses a year are imported from Bermuda into the United States. There are only 50 to 100 horses in the British Virgin Islands, and only a few of those are expected to be imported into the United States, and then only for temporary stays for exhibitions and racing. Under these circumstances, the imported horses would have no impact on market prices.

The only parties that would benefit from this reduced restriction are the potential importers of horses from Bermuda and the British Virgin Islands and those who use the foreign horses in exhibition and racing. The benefit to them arises from the reduced number of days required for quarantine. At present, horses coming from Bermuda and the British Virgin Islands are required to be quarantined for 7 days, while horses from countries free of VEE and certain other equine diseases are quarantined for only about 3 days. Under this proposed rule, horses from Bermuda and the British Virgin Islands would spend approximately 4 fewer days in quarantine, saving approximately $427 per horse. Furthermore the reduction in the waiting period may induce more economic activity.

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

Executive Order 12778

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

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 92

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

Accordingly, 9 CFR part 92 would be amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, 371.2(d).

2. In § 92.308, paragraph (a)(1) would be revised to read as follows:

§ 92.308 Quarantine requirements.

(a) * * *

(1) Except as provided in §§ 92.317 and 92.324, and except with respect to horses from Argentina, Bermuda, and the British Virgin Islands, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in § 92.303 for not less than 7 days to be evaluated for signs of Venezuelan equine encephalomyelitis.

* * * * *

Done in Washington, DC, this 11th day of October 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–26105 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL TRADE COMMISSION

16 CFR Part 24

Extension of Time; Guides for Select Leather and Imitation Leather Products

AGENCY: Federal Trade Commission.

ACTION: Extension of time for filing public comments.

SUMMARY: The Federal Trade Commission (the ''Commission''), as part of its periodic review of its rules and guides, requested public comment on September 18, 1995 concerning its proposed Guides for Select Leather and Imitation Leather Products. The

comment period was to end on October 18, 1995. In response to a petition from an industry group, the Commission grants an extension of the comment period.

DATES: Written comments on the proposed Guides for Select Leather and Imitation Leather Products will be accepted until November 15, 1995.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Federal Trade Commission, Room H–159, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580, telephone number (202) 326–2506. Comments should be identified as ''16 CFR Part 24—Comment—Proposed Guides for Select Leather and Imitation Leather Products''.

FOR FURTHER INFORMATION CONTACT: Susan E. Arthur, Attorney, (214) 767–5503, Federal Trade Commission, Dallas Regional Office, 100 N. Central Expressway, Suite 500, Dallas, Texas 75201.

SUPPLEMENTARY INFORMATION: As part of its periodic review of its rules and guides, the Commission published a notice in the Federal Register on March 27, 1995, which requested public comment concerning its Guides for the Luggage and Related Products Industry; Guides for Shoe Content Labeling and Advertising; and Guides for the Ladies' Handbag Industry. On September 18, 1995 (60 FR 48056), the Commission rescinded these three Guides. At the same time, the Commission sought public comment on proposed Guides for Select Leather and Imitation Leather Products, which combined relevant portions of the three Guides and the Commission's Trade Regulation Rule Concerning Misbranding and Deception as to Leather Content of Waist Belts, 16 CFR Part 405 (''Waist Belt Rule''), updated certain language used in the Guides, and reflected other modifications that clarified and streamlined provisions that were contained in the Waist Belt Rule and the Guides.

The Commission received a petition on October 13, 1995, from the Footwear Distributors and Retailers of America (''FDRA''), a trade association that represents over 70 retailers, distributors, importers and manufacturers of footwear and related products. In the petition, FDRA requested that the Commission extend the comment period until November 15, 1995. FDRA requests the additional time to engage in a consultative review process prior to submitting its comments.

In light of the importance of public comments in the Commission's evaluation of the proposed Guides, the Commission believes that an extension of the comment period is appropriate. Therefore, in order to allow all interested persons the opportunity to supply the Commission with comments concerning the proposed Guides, the Commission grants an extension of the comment period to November 15, 1995.

List of Subjects in 16 CFR Part 24

Advertising, Distribution, Imitation-leather products, Labeling, Ladies' handbags, Leather and leather products industry, Luggage and related products, Shoes, Trade practices, Waist belts.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–26192 Filed 10–20–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM95–8–000]

Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Agendas for Technical Conferences

October 16, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Proposed rule; agendas for technical conference.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is announcing the agendas and times for the Commission technical conference on ancillary services and for the Commission Staff's conference on pro forma tariffs. The agenda for the Commission technical conference on comparability for power pools will be announced at a later date. The proposed rule was published on April 7, 1995 (60 FR 17662).

DATES: October 26 and 27, 1995.

ADDRESSES: 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Richard Armstrong, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 10426, (202) 208–0241, facsimile (202) 208–0180 (about Staff conference on pro forma tariffs).

James Newton, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0578, facsimile (202) 208–0190 (about Commission conference on ancillary services).

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS) an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (800) 856–3920. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Commission previously announced (60 FR 43997, August 24, 1995) that the Commission would be sponsoring a technical conference on ancillary services, to be held on October 26, 1995, and that the Commission's Staff would be sponsoring a conference on pro forma tariffs, to be held on October 27, 1995. Both conferences will be held at the Commission, 888 First Street, NE., Washington, DC 20426.

Attached to this notice are the tentative agendas and times for these upcoming technical conferences. Although the Commission and the Staff reserve the right to make minor revisions to these agendas, announcing the tentative agendas at this time will help the parties focus on pertinent issues as early as possible.

The Commission also previously announced that the Commission would sponsor a technical conference on comparatively for power pools, to be held on December 5 and 6, 1995. The

agenda for that conference will be announced at a later date.

Lois D. Cashell,

Secretary.

Attachment A.—Ancillary Services of Conference Agenda

888 First Street, N.E., Washington, DC., October 26, 1995

9:30–9:35 Introduction—Elizabeth Moler, Chair

9:45–11:00 General Ancillary Services Issues

Panelists will address major ancillary services policy issues, including jurisdictional and reliability issues. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Donald Benjamin, North American Electric Reliability Council
David Owens, Edison Electric Institute
Joseph Jenkins, National Association of Regulatory Utility Commissioners
Kurt Conger, American Public Power Association
Julie Simon, Electric Generation Association

11:00–12:15 Markets and Pricing Policies

Panelists will address whether competitive markets for ancillary services do or can exist, under what circumstances market-based pricing for ancillary services should be permitted, and how to determine the costs of various ancillary services under traditional ratemaking. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Steven Walton, Pacificorp
Brady Belk, Large Public Power Council
L. Gayle Mayo, Transmission Access Policy Study Group
Paula G. Rosput, Associated Power Services
James Kenny, Entergy

12:15–1:30 Lunch Break

1:30–2:45 Definitions and Descriptions

Panelists will address whether additional or fewer ancillary services should be defined in the rule, and whether the NOPR's definitions and descriptions of the listed ancillary services can be improved. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Ali Vojdani, Electric Power Research Institute
Joseph L. Welch, Detroit Edison Company
Eric Hirst, Oak Ridge National Laboratory
George Gross, Electric Policy Technical Issues Group
Lester Fink, ECC, Inc.

2:45–4:00 Obligation to Offer and Obligation to Take Ancillary Services

Panelists will address which entities must offer some or all ancillary services, and how ancillary services can be provided comparably to the provider's own use of ancillary services. Panelists will also address when customers should be required to take some or all ancillary services or pay for services used but not formally taken. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Steven Naumann, Commonwealth Edison Company
B. H. Adams, North Carolina Municipal Power Agency #1
Linda Hensley, Sacramento Municipal Utility District
Susan Kelly, National Rural Electric Cooperative Association
Stanley Szwed, Centerior

4:00–4:15 Break

4:15–5:15 Bundled or Unbundled Ancillary Services

Panelists will address whether ancillary services should be provided as part of general transmission service, should be bundled and sold as a package, or unbundled and sold individually. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Barry Green, Ontario Hydro
Robert Hanes, Tejas Power Corporation
John Simpson, Florida Power Corporation
John J. Stauffacher, Coalition for a Competitive Electric Market
Patrick Damiano, Washington Water Power

Attachment B.—Pro Forma Tariff Conference Agenda

888 First Street, N.E., Washington, DC., October 27, 1995

8:30–8:45 Introduction and Opening Remarks

8:45–10:00 Characteristics of Network and Point-to-Point Services

Panelists will address whether network and point-to-point services are approximately defined and described. Panelists will also address whether non-price terms and conditions can be developed independently of the pricing method and, in particular, whether a transmission provider or network customer should be able to make off-system sales without having to pay an additional transmission rate. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Martin Blake, Louisville Gas & Electric Company
Kurt Conger, American Public Power Association
Harvey Reiter, Vermont Department of Public Service
Mike Apprill, Utilicorp United, Inc
Robert O'Neil, TDU Systems

10:00–10:15 Break

10:15–11:25 Costs and Prices for Network and Point-to-Point Services

Panelists will address whether the cost allocation methods for network and point-to-point services are appropriate for the characteristics of these services. In particular, panelists will address whether it is appropriate to use different costing methods (1 CP and 12CP) for the two services. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

J. Bouknight, Utility Working Group
Paula Green, Seattle City Light, Washington
Dennis Buckley, Pennsylvania Public Utility Commission
Tom Blackburn, Utilities For Improved Transition
Sharon Rochford, Cajun Electric Power Cooperative

11:25–12:35 Service Reservation and Curtailment Priorities

Panelists will address who, if anyone, should received priority in reserving firm and non-firm services. Panelists will also address whether the proposed curtailment provisions are appropriate. Panelists will each have 5 minutes to make a presentation, followed by a discussion period.

David Owens, Edison Electric Institute
Steven Daniel, Alabama Electric Cooperative, *et al*
Scott Hempling, Arkansas Public Service Commission, *et al*
Mark Crosswhite, Southern Companies
Scott Blaising, Sacramento Municipal Utility District

12:35–1:45 Lunch Break

1:45–3:00 Standard or Flexible Pro Forma Tariffs

Panelists will address whether the Commission should require a specific detailed tariff for all

utilities so as to develop standardized terms and conditions that facilitate use of a RIN, or should allow flexibility for regional or individual utility tariffs. Panelists will also discuss the value of having separate tariffs for network and point-to-point services, versus having one tariff covering all firm and non-firm services. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Steven Metague, Pacific Gas & Electric Company

Diane Barney, New York Public Service Commission

John Adragna, NEPOOL Review Committee, *et al*

Katherine Sasseville, Otter Tail Power Company

Den Herdocia, California Division of Water Resources

3:00–315 Break

3:15–4:30 Other Tariff Issues

Panelists will address issues not covered by prior panels, such as credit for transmission facilities, credit for generation facilities, and allocation of interface capacity. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Charles Falcone, American Electric Power Company

Anis Sherali, Southern Engineering

Terry Callender, Coalition for a Competitive Electric Market

Rodger Weaver, PacifiCorp

John McGuire, Transmission Agency of Northern California

FR Doc. 95–26167 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF STATE

Office of the Legal Adviser

22 CFR Part 181

[Public Notice 2269]

Coordination and Reporting of International Agreements: Determination Not To Publish Certain Agreements

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State is proposing to issue regulations providing that certain international agreements other than treaties will not be published in *United States Treaties and Other International Agreements* or in the Treaties and Other International Acts Series.

DATES: Consideration will be given only to comments received on or before December 22, 1995.

ADDRESSES: An original and three copies of comments should be sent to the Assistant Legal Adviser for Treaty Affairs, Office of the Legal Adviser, Department of State, Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Karen Ghaffarkhan or Wynne Teel, Office of the Legal Adviser, (202) 647–2044.

SUPPLEMENTARY INFORMATION:

Background

Until 1994, the Case-Zablocki Act, 1 U.S.C. Sec. 112a, directed the Department of State to publish in *United States Treaties and Other International Agreements* ''all treaties to which the United States is a party * * * and all international agreements other than treaties to which the United States is a party.'' *See* 1 U.S.C. Sec. 112a.

Due to resource constraints, the Department of State has been unable to publish agreements promptly. The Department's experience, however, has been that public requests have been received for very few of the unpublished agreements. In many instances the agreements that have not been published are printed by private publishers. In other cases, agreements may not be of interest to the public because they address narrow, technical subjects.

In view of these considerations, Congress enacted Public Law 102–236 in 1994, to amend the Case-Zablocki Act by authorizing the Secretary of State to ''determine that publication of certain categories of agreements is not required if the following criteria are met:

(1) Such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(2) of Article II of the Constitution of the United States;

(2) The public interest in such agreements is insufficient to justify their publication, because (A) as of the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, the agreements are no longer in force; (B) the agreements do not create private rights or duties, or establish standards intended to govern government action in the treatment of private individuals; (C) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means; or (D) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

(3) Copies of such agreements (other than those in paragraph (2)(D)), including certified copies where necessary for litigation or other purposes, will be made available by the Department of State upon request.''

This statute requires that any such determination be published in the Federal Register.

Discussion

The Department of State has determined that the categories of international agreements set forth below meet the criteria of Public Law 102–236 as set forth above. Non-publication of the following categories of agreements will substantially eliminate the existing publication backlog, thus permitting future agreements to be published in a more timely manner. Moreover, in selecting the following categories, the Department has focussed on a few areas that have a large volume of agreements that do not appear to be of general public interest or are frequently revised and readily available from private sources. The categories of bilateral agreements that the Department proposes not to publish and the reasons for selection of those agreements are as follows:

—*Debt Rescheduling Agreements* adjust the schedules for payment of principal and interest and arrearages owed by foreign governments to the United States Government. Since these agreements concern only governmental debt, there has been very limited indication of public interest.

—*Textile Agreements* are undertaken pursuant to section 204 of the Agricultural Act of 1956, as amended. Before the entry into force of the World Trade Organization (''WTO'') Agreement on Textiles and Clothing on January 1, 1995, the United States limited the export of textile and apparel products in some instances through bilateral textile agreements. Now, the United States' arrangements with WTO member countries are governed by the WTO Agreement on Textiles and Clothing, leaving approximately ten bilateral textile agreements in force with countries that are not members of WTO. A few additional agreements may be concluded with countries that have not joined the WTO. Copies of these agreements are made available upon entry into force by the Economic and Business Bureau of the Department of State.

—*Postal Agreements* are agency level agreements that govern arrangements between postal administrations in various technical areas such as money order service and express mail. There has been no indication of public interest in these agreements.

—*Military Exercise Agreements* govern certain practical aspects of specific exercises conducted by the United States military in foreign countries, *e.g.*, documentation required for drivers' permits and for entry of United States personnel into the foreign country, provision of utilities, and privileges and immunities of United States personnel during the specified exercises. These agreements are typically of short duration, are of a limited and specialized nature, create no private rights or duties and there has been no indication of public interest.

—*Military Personnel Exchange Agreements* for reciprocal details of military personnel between governments address such matters as allocation of responsibilities (salary, insurance, housing) between governments, length and conditions of the exchange, and limited privileges available to the exchanged personnel. These agreements are of a limited and specialized nature, create no private rights or duties and there has been no indication of public interest.

—*Judicial Assistance Agreements* provide for the exchange of information for specified civil or criminal investigations. Because these agreements address only identified investigations, there has been no indication of public interest.

—*Mapping Agreements* are agency level agreements that establish cooperative arrangements for cartography, including exchanges of maps, and charts, exchanges of mapping techniques, and training of personnel. There has been no indication of public interest in these agreements. Those government agencies that are interested obtain copies directly from the Department of State or from the agency that concluded the agreement.

In addition to the above bilateral agreements, the *Tariff Schedules agreed under the GATT and under the World Trade Organization Agreement,* which establish the parties' initial schedule of concessions and subsequent tariff schedules, are subject to frequent revision and correction. Thus, publication of the materials by the Department of State will not supply the public with the current schedules. Moreover, these materials are readily available and are updated frequently by GATT/WTO and other sources.

Classified Agreements, including all bilateral or multilateral agreements that have been given a national security classification pursuant to Executive Order No. 12356, or its successors will not be published.

The Department of State also intends not to publish agreements in the above categories that were signed before publication of this notice and not previously published in *United States Treaties and Other International Agreements.*

Agreements in the above categories (except classified agreements) will continue to be listed in the Department of State's annual publication *Treaties in Force.*

Finally, it should be noted that United States agencies frequently enter into contracts and similar arrangements with other governments that the Department of State does not consider to constitute international agreements under the criteria established in the Department's regulations at 22 CFR 181.2. These include, for example, nonbinding political commitments. They also include such arrangements as bilateral agreements extending grants of $25 million or less by the Agency for International Development to foreign governments and P.L. 480 agreements under which the United States sells food commodities to foreign governments. The Department of State does not publish such arrangements, as it considers them not to be international agreements within the meaning of the Case Act.

Legal Requirements

This regulation is not expected to have a significant impact on a substantial number of small entities under the criteria of the regulatory Flexibility Act. In addition, this regulation contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. This regulation has been reviewed under Executive Order No. 12778 and certified to be in compliance therewith. Further, this regulation has been reviewed internally by the Department to ensure consistency with the objectives of E.O. 12866; in addition, because it involves coordination with other agencies, OMB has been notified of its promulgation.

List of Subjects in 22 CFR Part 181

Treaties.

For the reasons set forth above, Part 181 is proposed to be amended as follows:

1. The authority for Part 181 is revised to read:

Authority: 1 U.S.C. 112a, 112b; 22 U.S.C. 2658; 22 U.S.C. 3312 and Pub. L. No. 103–236.

2. The heading of Part 181 is revised to read:

PART 181—COORDINATION, REPORTING AND PUBLICATION OF INTERNATIONAL AGREEMENTS

3. The first sentence of § 181.1(a) is revised to read as follows:

§ 181.1 Purpose and application.

(a) The purpose of this part is to implement the provisions of 1 U.S.C. 112a and 112b, popularly known as the Case-Zablocki Act (hereinafter ''the Act''), on the reporting to Congress, coordination with the Secretary of State and publication of international agreements. * * *

* * * * *

4. A new § 181.8 is added to read as follows:

§ 181.8 Publication.

(a) The following categories of international agreements will not be published in *United States Treaties and Other International Agreements:*

(1) Bilateral agreements for the rescheduling of intergovernmental debt payments;

(2) Bilateral textile agreements concerning the importation of products containing specified textile fibers done under the Agricultural Act of 1956, as amended;

(3) Bilateral agreements between postal administrations governing technical arrangements;

(4) Bilateral agreements that apply to specified military exercises;

(5) Bilateral military personnel exchange agreements;

(6) Bilateral judicial assistance agreements that apply only to specified civil or criminal investigations or prosecutions;

(7) Bilateral mapping agreements;

(8) Tariff and other schedules under the General Agreement on Tariffs and Trade and under the Agreement for the World Trade Organization;

(9) Agreements that have been given a national security classification pursuant to Executive Order No. 12356 or its successors; and

(b) Agreements on the subjects listed in paragraphs (a) (1) through (9) of this section that had not been published as of [effective date of final rule].

(c) Any international agreements in the possession of the Department of State, other than those in paragraph (a)(9) of this section, but not published will be made available upon request by the Department of State.

Dated: October 17, 1995.

Robert E. Dalton,

Assistant Legal Adviser for Treaty Affairs.

[FR Doc. 95–26190 Filed 10–20–95; 8:45 am]

BILLING CODE 4710–08–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 211

RIN 1010–AB45

Meeting on Proposed Rule To Establish Liability for Royalty Due on Federal and Indian Leases and To Establish Responsibility To Pay and Report Royalty and Other Payments

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) will hold a public meeting in Houston, Texas, to discuss a proposed rulemaking regarding the liability for payments due on Federal and Indian leases and the responsibility to pay and report royalty and other payments. The proposal was published in the Federal Register on June 9, 1995, (60 FR 30492). That notice proposes to establish and clarify which persons may be held liable for unpaid or underpaid royalties, compensatory royalties, or other payments on Federal and Indian mineral leases. The proposed rule also would establish who is required to report and pay royalties on production from leases not in approved Federal or Indian agreements or leases in approved Federal or Indian agreements containing 100 percent Federal or Indian tribal leases with the same lessor, the same royalty rate, and the same royalty distribution. MMS has extended the comment period for this rule to January 8, 1996 (60 FR 38533, July 27, 1995, and 60 FR 45112, August 30, 1995). The purpose of the meeting is to allow all interested parties to discuss the proposed rulemaking. Interested parties are invited to attend and participate at this meeting.

DATES: A public meeting will be held on Wednesday November 29, and if necessary Thursday, November 30, 1995, from 9:00 a.m. until 5:00 p.m.

ADDRESSES: The meeting will be held in Room 104, first floor, at the Houston Compliance Division Office, Minerals Management Service, 4141 North Sam Houston Parkway East, Houston, Texas 77032.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3101, Denver, Colorado 80225–0165, telephone (303) 231–3432, fax number (303) 231–3194, e-Mail David__Guzy@smtp.mms.gov. Contact Betty Casey at the Houston Compliance Division Office at telephone (713) 987–6802, fax (713) 987–6804. Please contact her prior to November 22 if you will be attending this meeting.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and are encouraged to file written statements for consideration.

Dated: October 17, 1995.

James W. Shaw,

Associate Director for Royalty Management.

[FR Doc. 95–26173 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL–5313–7]

Inspection/Maintenance Ozone Transport Region Flexibility Amendments

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes revisions to the motor vehicle Inspection/Maintenance (I/M) requirements by adding a special low enhanced performance standard for qualified areas in Ozone Transport Regions (OTR). EPA announced its intent to amend certain aspects of the I/M Program Requirements in December 1994 and held stakeholders' meetings on January 24, 1995 and January 31, 1995. A public hearing was held on May 17, 1995. Many of the comments received during that rulemaking came from OTR stakeholders who were concerned that the proposed changes did not address metropolitan areas in the OTR that were attainment, marginal, or moderate areas. Today's supplemental action proposes to create an additional performance standard which would apply to attainment, marginal and moderate areas in the OTR. The fundamental goal is to allow those OTR qualifying areas the flexibility to implement a broader range of I/M programs than is currently permitted.

DATES: Written comments on this proposal must be received no later than November 22, 1995. No public hearing will be held unless a request is received in writing by October 30, 1995.

ADDRESSES: Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A–95–08. It is requested that a duplicate copy be submitted to Eugene J. Tierney at the address in the **FOR FURTHER INFORMATION CONTACT** section below. The docket is located at the Air Docket, Room M–1500 (6102), Waterside Mall S.W., Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. until 3:30 p.m. on weekdays. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Eugene J. Tierney, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (313) 668–4456.

SUPPLEMENTARY INFORMATION:

I. Table of Contents

II. Summary of Proposal

Under the Clean Air Act as amended in 1990 (the Act), 42 U.S.C. 7401 *et seq.*, the U.S. Environmental Protection Agency (EPA) published in the Federal Register on November 5, 1992 (40 CFR part 51, subpart S) rules related to plans for Motor Vehicle Inspection and Maintenance (I/M) programs (hereafter referred to as the I/M rule; see 57 FR 52950). EPA is proposing today to further revise this rule to provide greater flexibility to certain Ozone Transport Region (OTR) areas.

Section 182 of the Act is prescriptive regarding the various elements that are required as part of an enhanced I/M performance standard. It also provides states with flexibility in meeting the numerical performance standards for enhanced or basic I/M programs. States in the OTR have requested additional flexibility in implementing I/M in areas

which are in attainment, which are areas designated and classified as marginal ozone areas or which are designated and classified as moderate ozone areas under 200,000 in population. These three types of areas would be exempt from I/M requirements but for their location in the Ozone Transport Region. These OTR areas are included in the Act to help achieve overall attainment and maintenance goals for the region, which includes serious, and severe ozone nonattainment areas.

EPA is today proposing to establish an additional enhanced I/M performance standard for qualified areas in the Northeast OTR, hereafter referred to as the OTR low enhanced performance standard. The emission reduction targets for this program are less than both the low enhanced performance standard and the basic performance standard. There are two qualifications to be eligible for the OTR low enhanced performance standard. First, the standard would apply only in attainment areas, marginal ozone nonattainment areas and certain moderate ozone nonattainment areas under 200,000 in an OTR. Moderate areas of that size that were not previously required to, or had not in fact implemented, a basic I/M program under the pre-1990 Act could take advantage of the OTR low enhanced performance standard. Section 182(a)(2)(B)(i) requires areas that had or were required to have I/M programs pre-1990 to retain programs of at least that stringency in their SIPs. Because, as explained below, EPA believes the Act requires an enhanced I/M program to be an enhancement over otherwise applicable I/M requirements, areas subject to basic I/M could not adopt the less stringent OTR low enhanced program. Any moderate area with urbanized areas having a total population of over 200,000 would also be required to implement basic I/M under section 182(b)(4) and would thus be ineligible for the OTR low enhanced standard. Second, the OTR low-enhanced program must be supplemented by other measures in order to achieve the emission reductions that would have occurred had a regular low-enhanced I/M program been implemented (as defined by § 51.351(g) of 40 CFR). This is because the primary goal of the Act in establishing the OTR provisions and requiring enhanced I/M in areas with a population of 100,000 or more in the OTR was to contribute to regional attainment and EPA believes that an area should be able to qualify for the additional flexibility provided under the OTR low enhanced standard only if it achieves in some other way, the additional reductions that the otherwise applicable low-enhanced I/M program would achieve. Thus, the total emission reductions from the I/M program plus the additional measures would have to equal the tonnage reduction that a regular low-enhanced program would have generated. However, since local reductions are not the crucial factor, a state may bubble surplus reductions from other areas not required to implement I/M in the state. For example, a state could implement a statewide reformulated gasoline (RFG) program (note that EPA has recently asked for comment on whether attainment areas can opt in to the reformulated gasoline program and a decision has not yet been made on this issue) plus an OTR low enhanced program in subject areas or statewide and potentially achieve comparable reductions to a regular low enhanced program because of the additional reductions RFG would achieve in areas not otherwise required to have RFG. Equality of emission reductions must be demonstrated over a time period which aligns with the attainment deadlines of all OTR areas: from 2000 through 2007. Note that an I/M program that meets an OTR low enhanced performance standard must be implemented even if other measures could achieve comparable emission reductions because the Act specifically requires an enhanced I/M program in metropolitan areas with 100,000 population in the OTR. Measures to fill the gap between OTR low and regular low enhanced I/M may not be otherwise required by the Clean Air Act. EPA invites comment on whether and how a state may use credits obtained through an Open Market Trading program to satisfy the equal reduction requirement.

The OTR low enhanced performance standard model program is composed of the following elements: annual testing of 1968 and newer light duty vehicles and light duty trucks, OBD checks for 1996 and newer vehicles, remote sensing of 1968–1995 vehicles, catalyst checks on 1975 and newer vehicles, and PCV valve checks on pre-1975 vehicles. These elements collectively satisfy the Act's requirements that the enhanced I/M program performance standard include certain listed features.

The emission reduction targets generated by this model program cannot be precisely modeled at this time but EPA estimates the targets to be less than those for the basic I/M program standard (which are approximately 6.3% for HC, 10.8% for CO, and 0.7% for NO_X). As soon as EPA completes development of guidance on remote sensing credits, an analysis of the emission reduction targets generated by this model program will be placed in the docket. In that the OTR low enhanced standard is less than basic I/M, the question arises as to how this standard meets the requirement of the Act for ''enhanced'' I/M. There are two important facts to consider in this regard: first, neither the Act nor the legislative history specifies that the emission reduction targets for enhanced I/M must be greater than basic in all cases. EPA believes the Act provides the agency latitude in establishing multiple performance standards to meet a wide range of state and local needs and conditions. Second, the areas eligible to take advantage of this performance standard were not required to nor did they implement I/M programs prior to 1990. So, in all cases, this standard establishes a program target that is enhanced relative to what was present or required for the area before enactment of the 1990 Amendment or is otherwise required after the 1990 Amendments.

As is the case with all performance standard model programs, EPA does not necessarily recommend implementation of the model program, since it is constrained in composition by law (e.g., EPA recommends not testing cars until they reach 4 years of age and recommends biennial testing as more cost-effective; by contrast, the enhanced I/M performance standards are required by the Act to reflect a model program that includes annual testing of all vehicles). In that the emission reduction targets for this performance standard are below the basic level, this standard provides the broadest possible latitude in program design. For example, some states in the OTR have existing decentralized, safety inspection programs. Comprehensive visual checks of emission control devices, a gas cap pressure test, the Act-mandated OBD check, and the Act-mandated on-road testing could be added to these programs. Many other possibilities exist for program designs that could meet this performance standard.

While the proposed OTC low enhanced performance standard is less demanding than the existing performance standard applicable to the affected areas, the proposed regulatory changes will ensure that enhanced I/M programs in these areas meet statutory criteria for EPA approval. A state's OTR low enhanced program is required, under § 182(c)(3)(C) of the Clean Air Act, to include computerized analyzers and on-road testing devices; computerized equipment and on-road testing devices are required by the

current rule and apply to the OTR low-enhanced program. A state's OTR low-enhanced program shall also include a regulatory framework for waivers, if waivers are to be issued, and an enforcement system through registration denial; the proposed amendments leave requirements in this regard the same as for other enhanced I/M areas. As mandated by the Act, in an OTR low enhanced program, vehicle emissions shall be tested annually unless biennial testing will equal or exceed the reductions that can be obtained from annual inspections. A program could combine biennial inspections on the vehicles equipped with OBD with biennial evaporative system checks to achieve the necessary additional reductions. The OTR low-enhanced program shall operate on a centralized basis, unless an alternative program with decentralized inspections meets the same performance standard. The performance standard itself is based on centralized inspections of OBD-equipped vehicles and on-road remote sensing testing; EPA believes that this meets the specific requirement that the performance standard be based on centralized testing.

Also, today's proposal would establish quality assurance requirements for OTR low enhanced I/M programs that are commensurate with the emission reductions the programs are intended to achieve. In particular, current rules require enhanced I/M programs to be evaluated by conducting test-only IM240s on a random representative sample of the fleet (a minimum of 0.1%) to verify that the emission reductions are occurring. EPA believes that the emission reductions from an OTR low enhanced program are small enough that this level of effort is not necessarily justified. Also, the routine quality assurance requirements are also not necessarily appropriate in light of the low level of benefits of the program.

EPA also proposes to modify the exclusion rule for counties within MSAs in the Ozone Transport Region. The modification would allow states to exclude counties that comprise less than 1% of the population of the MSA. Inclusion of such a small fraction of the population is not worth the significant cost of expanding geographic coverage of the program to include such a county.

EPA proposes that the implementation date for full testing in areas opting for the OTR low performance standard be no later than the latest date, by which full testing can commence and still achieve sufficient reductions to meet the performance standard by the Act's attainment and reasonable further progress deadlines including the end of 1999 attainment date for serious ozone nonattainment areas. This will generally mean a start date no later than January 1, 1999, for annual testing programs, although EPA proposes to accept field testing commencing as late as July 1, 1999 if the full I/M reductions can be achieved by the serious areas attainment date. Note that the performance standard model program assumes a start date of January 1, 1999 because EPA believes Congress intended that the performance standard be based on at least one complete annual test cycle. With the requirement to offset the emissions difference between OTR low and regular low enhanced, this date ensures that attainment in the region is not impaired.

EPA's proposal would also serve to provide other flexibilities to non-OTR states in designing quality assurance programs. The intent is to allow alternative quality assurance procedures that are as effective or better than those specified in the rule.

III. Authority

Authority for the action proposed in this notice is granted to EPA by section 182 of the Clean Air Act as amended (42 U.S.C. 7401, *et seq.*).

IV. Background of the Proposed Amendments

The features of the enhanced I/M performance standard model program are used to generate the minimum performance target that a state must meet. When programmed into the most current version of EPA's mobile source emission factor model (hereafter referred to as MOBILE5a), these features produce a target emission factor (emissions per mile of vehicle travel) which a state's proposed program must not exceed to be deemed minimally acceptable for purposes of state implementation plan (SIP) approval. This combination of features, however, does not constitute either a required or recommended program design. The use of the performance standard approach allows EPA to meet Congress's dual statutory requirements that the EPA develop a performance standard based on certain statutory features and that the standard provide states with maximum flexibility to design I/M programs to meet local needs.

EPA maintains that the Act in no way bars it from establishing more than one enhanced I/M performance standard. EPA believes that precedent exists for the adoption of multiple enhanced I/M performance standards, tailored to the unique needs of certain areas, and points to the case of El Paso, Texas, for which a separate, enhanced I/M performance standard was created [57 FR 52989, § 51.351 (e)]

V. Discussion of Major Issues

A. Emission Impact of the Proposed Amendments

EPA is still in the process of evaluating the emission impact of the OTR enhanced I/M performance standard. The evaluation process is based on a number of inputs, including credits awarded for RSD, and is modeled using MOBILE5a and national average values for vehicle age mix, mileage accumulation, and other area and fleet related variables. Once EPA finalizes RSD credits, an analysis of the emission reduction targets generated by this model program will be placed in the docket. The emission impact of the OTR enhanced performance standard is expected to be neutral since the proposed change would not reduce the total emission reductions that states must achieve. The scope of this change is also limited to attainment areas, marginal ozone areas, and certain moderate ozone areas below 200,000 population in the Ozone Transport Region.

B. Impact on Existing and Future I/M Programs

Only states that choose to utilize the proposed OTR performance standard will be affected by today's proposal. Modifications to a state's I/M program as a result of this rule change may require a SIP revision, if a plan has already been submitted. Each case is likely to be different, depending upon the magnitude of the change. It is important to note that today's proposal in no way increases the existing burden on states. States that currently comply, or are in the process of complying, with the existing I/M rule would only be affected by today's rule revisions if they so choose. Today's proposed amendments represent opportunities for those states that can meet the criteria set forth in today's proposal; under no circumstances are these proposed opportunities to be construed as mandatory obligations.

VI. Economic Costs and Benefits

Today's proposed revisions provide states additional flexibility that lessens rather than increases the potential burden on states. Furthermore, states are under no obligation, legal or otherwise, to modify existing plans meeting the previously applicable requirements as a result of today's proposal.

VII. Public Participation

EPA desires full public participation in arriving at final decisions in this Rulemaking action. EPA solicits comments on all aspects of this proposal from all parties. Wherever applicable, full supporting data and detailed analysis should also be submitted to allow EPA to make maximum use of the comments. All comments should be directed to the Air Docket, Docket No. A–95–08.

VIII. Administrative Requirements

A. Administrative Designation

It has been determined that this proposed amendment to the I/M rule is not a significant regulatory action under the terms of Executive Order 12866 and are therefore not subject to OMB review. Any impacts associated with these revisions do not constitute additional burdens when compared to the existing I/M requirements published in the Federal Register on November 5, 1992 (57 FR 52950) as amended. Nor does the proposed amendment create an annual effect on the economy of $100 million or more or otherwise adversely affect the economy or the environment. It is not inconsistent with nor does it interfere with actions by other agencies. It does not alter budgetary impacts of entitlements or other programs, and it does not raise any new or unusual legal or policy issues.

B. Reporting and Recordkeeping Requirement

There are no information requirements in this supplemental proposed rule which require the approval of the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this proposal will not have a significant economic impact on a substantial number of small entities and, therefore, is not subject to the requirement of a Regulatory Impact Analysis. A small entity may include a small government entity or jurisdiction. A small government jurisdiction is defined as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' This certification is based on the fact that the I/M areas impacted by the proposed rulemaking do not meet the definition of a small government jurisdiction, that is, ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' Furthermore, the impact created by the proposed action does not increase the pre-existing burden which this proposal seeks to amend.

D. Unfunded Mandates Act

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

To the extent that the rules being proposed by this action would impose any mandate at all as defined in Section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this proposed rule is not estimated to impose costs in excess of $100 million. Therefore, EPA has not prepared a statement with respect to budgetary impacts. As noted above, this rule offers opportunities to states that would enable them to lower economic burdens from those resulting from the currently existing I/M rule.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Transportation.

Dated: October 3, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 51 of title 40 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 51.350 is amended by revising paragraphs (b)(1) and adding (b)(5) to read as follows:

§ 51.350 Applicability.

* * * * *

(b) *Extent of area coverage.* (1) In an ozone transport region, the program shall cover all counties within subject MSAs or subject portions of MSAs, as defined by OMB in 1990, except largely rural counties having a population density of less than 200 persons per square mile based on the 1990 Census and counties with less than 1% of the population in the MSA may be excluded provided that at least 50% of the MSA population is included in the program. This provision does not preclude the voluntary inclusion of portions of an excluded county. Non-urbanized islands not connected to the mainland by roads, bridges, or tunnels may be excluded without regard to population.

* * * * *

(5) Notwithstanding the limitation in paragraph (b)(3) of this section, in an ozone transport region, states which opt for a program which only meets the performance standard described in § 51.351(h) of this part, may apply a geographic bubble covering areas in the state not otherwise subject to an I/M requirement to achieve emission reductions from other measures equal to or greater than what would have been achieved if the low enhanced performance standard were met in the subject I/M areas. Emissions reductions from non-I/M measures shall not be counted towards the OTR low enhanced performance standard.

* * * * *

3. Section 51.351 is amended by adding paragraph (h) to read as follows:

§ 51.351 Enhanced I/M performance standards.

* * * * *

(h) *Ozone Transport Region Low-Enhanced Performance Standard.* An attainment area, marginal ozone area, or moderate ozone area with a 1980 Census population of less than 200,000 in the urbanized area, in an ozone transport region, that is required to implement enhanced I/M under section 184(b)(1)(A) of the Clean Air Act, but was not previously required to or did not in fact implement basic I/M under the Clean Air Act as enacted prior to 1990 and is not subject to the requirements for basic I/M programs in this subpart, may select the performance standard described below in lieu of the standard described in paragraph (f) or (g) of this section as long as the difference in emission reductions between the program described in paragraph (g) and this paragraph are made up with other measures, as provided in § 51.350(b)(5). Offsetting measures shall not include those otherwise required by the Clean Air Act in the areas from which credit is bubbled. The program elements for this

alternate OTR enhanced I/M performance standard are:

(1) *Network type.* Centralized testing.

(2) *Start date.* January 1, 1999.

(3) *Test frequency.* Annual testing.

(4) *Model year coverage.* Testing of 1968 and newer vehicles.

(5) *Vehicle type coverage.* Light duty vehicles, and light duty trucks, rated up to 8,500 pounds GVWR.

(6) *Exhaust emission test type.* Remote sensing measurements on 1968–1995 vehicles; on-board diagnostic system checks on 1996 and newer vehicles.

(7) *Emission standards.* For remote sensing measurements, a carbon monoxide standard of 7.5% (with at least two separate readings above this level to establish a failure).

(8) *Emission control device inspections.* Visual inspection of the catalytic converter on 1975 and newer vehicles and visual inspection of the positive crankcase ventilation valve on 1968–1974 vehicles.

(9) *Waiver rate.* A 3% waiver rate, as a percentage of failed vehicles.

(10) *Compliance rate.* A 96% compliance rate.

(11) *Evaluation dates.* Enhanced I/M program areas subject to the provisions of this paragraph shall be shown to obtain the same or lower VOC and NO_X emission levels as the model program described in this paragraph by January 1, 2000, 2003, 2006, and 2007. Equality of substituted emission reductions to the benefits of the low enhanced performance standard must be demonstrated for the same evaluation dates.

4. Section 51.353 is amended by adding paragraph (c)(5) to read as follows:

§ 51.353 Network type and program evaluation.

* * * * *

(c) * * *

(5) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h), that achieves less emission reduction credit than the basic performance standard for one or more pollutants are exempt from the requirements of paragraphs (c)(1) through (c)(4) of this section. The reports required under § 51.366 of this part shall be sufficient in these areas to satisfy the requirements of Clean Air Act for program reporting.

* * * * *

5. Section 51.364 is amended by adding paragraphs (e) and (f) to read as follows:

§ 51.364 Enforcement against contractors, stations and inspectors.

* * * * *

(e) Alternative quality assurance procedures or frequencies that achieve equivalent or better results may be approved by the Administrator. Statistical process control shall be used whenever possible to demonstrate the efficacy of alternatives.

(f) Areas that qualify for and choose to implement an OTR low enhanced I/M program, as established in § 51.351(h) of this part, that achieves less emission reduction credit than the basic performance standard for one or more pollutants are not required to meet the oversight specifications of this section.

6. Section 51.373 is amended by adding paragraph (f) to read as follows:

§ 51.373 Implementation deadlines.

* * * * *

(f) Areas that choose to implement an enhanced I/M program only meeting the requirements of § 51.351(h) of this subpart shall fully implement the program no later than July 1, 1999. The availability and use of this late start date does not relieve the area of the obligation to meet the requirements of § 51.351(h)(11).

[FR Doc. 95–26202 Filed 10–20–95; 8:45 am]
BILLING CODE 6560–50–P

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40 CFR Part 52

[LA–19–1–6934b; FRL–5310–3]

Approval and Promulgation of Implementation Plans; State of Louisiana; Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Louisiana for the purpose of establishing a Clean Fuel Fleet Program. The SIP revision was submitted by the State to satisfy the Federal mandate, found in the Clean Air Act (CAA), to implement a program whereby at least a certain percentage of all newly acquired vehicles of certain on-road fleets in the Baton Rouge ozone nonattainment area, beginning with model year 1998, shall be clean fuel vehicles (CFV). In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received during the 30-day comment period set forth below will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 22, 1995.

ADDRESSES: Written comments should be submitted to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733; telephone (214) 665–7214.

Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, 7290 Bluebonnet Blvd. Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: H.D. Brown, Jr., Air Planning Section (6PD-L), EPA Region 6, telephone (214) 665–7248.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the rules section of this Federal Register.

Dated: September 14, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–26196 Filed 10–20–95; 8:45 am]
BILLING CODE 6560–50–P

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40 CFR Part 52

[MI36–01–6712b; FRL–5294–5]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Michigan State Implementation Plan (SIP) for the Eagle-

Ottawa Leather Company facility located in Ottawa County, Michigan. This approval makes federally enforceable the State's consent order requiring control of VOC emissions from Eagle-Ottawa facility. The EPA's review of the revision shows that the controls are sufficient to constitute Reasonably Available Control Technology (RACT) for this facility.

DATES: Comments on this proposed action must be received by November 22, 1995.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Douglas Aburano at (312) 353–6960 before visiting the Region 5 office.) EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: 42 U.S. C. 7401–7671q.

Dated: August 28, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–26198 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C to Chapter 2

[DFARS Case 95–D708]

Defense Federal Acquisition Regulation Supplement; Truth in Negotiations Act and Related Changes

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect recent amendments to the Federal Acquisition Regulation pertaining to cost or pricing data requirements.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 22, 1995 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D708 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Mr. Al Winston, Truth in Negotiations Act Team Leader, at (703) 602–2119. Please cite DFARS Case 95–D708.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355 (the Act), provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements. Item I of Federal Acquisition Circular (FAC) 90–32, published at 60 FR 48206 on September 18, 1995, amended the Federal Acquisition Regulation to implement requirements of the Act pertaining to the submission of cost or pricing data. This rule proposes amendments to the DFARS to conform to the FAR amendments published as Item I of FAC 90–32. This rule also proposes to delete DFARS language pertaining to work measurement systems, as Section 2201(b) of the Act repealed 10 U.S.C. 2406, the primary statute covering work measurement systems.

B. Regulatory Flexibility Act

The proposed rule is not expected to 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 primarily consists of conforming DFARS amendments to reflect existing FAR requirements for submission of cost or pricing data. An initial regulatory flexibility analysis, therefore, has not been performed. 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–D708 in correspondence.

C. The Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C be amended as follows:

1. The authority citation for 48 CFR Parts 204, 215, 216, 232, 233, 235, 239, 246, 252, 253, and Appendix C continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.805 is amended by revising paragraph (5) to read as follows:

204.805 Disposal of contract files.

* * * * *

(5) Retain pricing review files, containing documents related to reviews of the contractor's price proposals, subject to cost or pricing data (see FAR 15.804–2), for six years. It if is impossible to determine the final payment date in order to measure the six-year period, retain the files for nine years.

PART 215—CONTRACTING BY NEGOTIATION

215.801 [Removed]

3. Section 215.801 is removed.

4. Sections 215.804 and 215.804–1 are revised to read as follows:

215.804 Cost or pricing data and information other than cost or pricing data.

215.804–1 Prohibition of obtaining cost or pricing data.

(b) *Standards for exceptions from cost or pricing data requirements.* (1) Adequate price competition. (A) An example of a price ''based on'' adequate price competition is exercise of a priced option in a contract where adequate price competition existed, if the contracting officer has determined that the option price is reasonable under FAR 17.207(d)

(B) Dual or multiple source programs.

(*1*) In dual or multiple source programs, the determination of adequate price competition must be made on a case-by-case basis. Contracting officers must exercise deliberation and thorough review in making the determination. Even when adequate price competition exists, in certain cases it may be appropriate to obtain some data to assist in price analysis.

(*2*) Adequate price competition normally exists when—

(*i*) Price are solicited across a full range of step quantities, normally including a 0–100 percent split, from at least two offerors who are individually capable of producing the full quantity; and

(*ii*) The price reasonableness of all prices awarded in clearly established on the basis of price analysis (see FAR 15.805–2).

(*3*) If price reasonableness cannot be determined on the basis of price analysis, including the results of negotiations, the exception at FAR 15.804–1(a)(1)(i) from submission of cost or pricing data shall not apply.

(5) Exceptional cases.

(A) The DoD has exempted the Canadian Commercial Corporation and its subcontractors from submission of cost or pricing data on all acquisitions.

(B) The DoD has waived cost or pricing data requirements for nonprofit organizations (including educational institutions) on cost-reimbursement-no-fee contracts. However, the contracting officer shall require—

(*1*) Submission of information other than cost or pricing data to the extent necessary to determine reasonableness of the price and cost realism; and

(*2*) Cost or pricing data from subcontractors which are not nonprofit organizations.

215.804–3 [Removed]

5. Section 215.804–3 is removed.

215.804–6 [Amended]

6. Section 215.804–6 is amended by redesignating paragraph (b)(2)(A) as (b)(1)(A).

215.804–8 [Amended]

7. Section 215.804–8 is amended by removing paragraph (1); by removing the paragraph (2) designation; and by redesignating paragraphs (i) and (ii) as (1) and (2) respectively.

8. Section 215.805–5 is amended by revising paragraph (a)(1)(A) to read as follows:

215.805–5 Field pricing support.

(a)(1)(A) Contracting officers shall request field pricing reports for—

(*1*) Fixed-price proposals exceeding the cost or pricing data threshold;

(*2*) Cost-type proposals exceeding the cost or pricing data threshold from offerors with significant estimating system deficiencies (see 215.811–70(a)(3) and (c)(2) (i)); or

* * * * *

9. Section 215.805–70 is amended by revising paragraph (b)(2) to read as follows:

215.805–70 Cost realism analysis.

* * * * *

(b) * * *

(2) Do not request submission of cost or pricing data.

215.811–70 [Amended]

10. Section 2125.811–70 is amended by removing the word ''certified'' in paragraphs (b)(2)(i), (b)(2)(ii), and (h); and by removing the last sentence of paragraph (g)(3)(ii).

215.872 [Removed and Reserved]

11. Section 215.872 is removed and reserved.

215.872–1, 215.872–2, 215.872–3, and 215.872–4 Removed]

12. Sections 215.872–1, 215.872–2, 215.872–3, and 215.872–4 are removed.

PART 216—TYPES OF CONTRACTS

216.203–4 [Amended]

13. Section 216.203–4 is amended in the first sentence of paragraph (d)(xvi) by revising the reference ''Far 15.804–3'' to read ''FAR 15.804–1''.

216.203–4–70 [Amended]

14. Section 216.203–4–70 is amended in paragraph (a)(1)(ii) by revising the reference ''FAR 15.804–3(c)'' to read ''FAR 15.804–1(b)(2)''; and in paragraphs (a)(2), (b)(4), and (b)(6) by revising the reference ''FAR 15.804–3'' to read ''FAR 15.804–1''.

PART 232—CONTRACT FINANCING

232.502–1–71 [Amended]

15. Section 232.502–1–71 is amended in paragraph (b)(3) by removing the word ''certified'' and by revising the reference ''FAR 15.804–2'' to read ''FAR 15.801''.

PART 233—PROTESTS, DISPUTES, AND APPEALS

233.7000 [Amended]

16. Section 233.7000 is amended in paragraph (d) by revising the reference ''FAR 15.804–2(a)(1)(ii)'' to read ''FAR 15.804–2(a)(1)(iii)''.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

17. Section 235.015–71 is amended in paragraph (i)(4) by revising the entry FAR 52.215–27 to read as follows:

235.015–71 Short form research contract (SFRC).

(i) * * *

(4) * * *

FAR 52.215–27 Termination of Defined Benefit Pension Plans (Applies if cost or pricing data are required and cost determinations are subject to FAR subpart 31.2)

* * * * *

PART 239—ACQUISITION OF INFORMATION RESOURCES

18. Section 239.7406 is amended by revising paragraph (c) and the double asterisked statement at the end of paragraph (f) to read as follows:

239.7406 Cost or pricing data.

* * * * *

(c) Unless prohibited by FAR 15.804–1, contracting officers shall obtain certified cost or pricing data when unable to determine that the prices are reasonable on the basis of price analysis (see FAR 15.805–2). * * *

(f) * * *

* * * Insert the day, month, and year when price negotiations were concluded and price agreement was reached or, if applicable, another data agreed upon between the parties.

* * * * *

PART 246—QUALITY ASSURANCE

246.770–1 [Amended]

19. Section 246.770–1 is amended in paragraph (f)(2)(i) by revising the reference ''FAR 15.804–3(c)'' to read ''FAR 15.804–1(a)(1)(ii)''.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.215–7000 [Removed and Reserved]

20. Section 252.215–7000 is removed and reserved.

252.215–7002 [Amended]

21. Section 252.215–7002 is amended in paragraphs (c)(1) and (c)(2)(i) by removing the word ''certified''.

252.216–7000 [Amended]

22. Section 252.216–7000 is amended in paragraph (a)(2) by revising the reference ''FAR 15.804–3'' to read ''FAR 15.804–1''.

252.216–7001 [Amended]

23. Section 252.216–7001 is amended in paragraph (a)(1)(ii) by revising the reference ''FAR 15.804–3'' to read ''FAR 15.804–1''.

24. Section 252.243–7000 is amended by revising paragraph (c) to read as follows:

252.243–7000 Engineering change proposals.

* * * * *

(c) When the price** of the engineering change is equal to or greater than the cost or pricing data threshold, the Contractor shall submit—

(1) A completed SF 1411, Contract Pricing Proposal Cover Sheet (Cost or Pricing Data Required), and

(2) At the time of agreement on price*, or on another date agreed upon between the parties, a signed Certificate of Current Cost or Pricing Data.

PART 253—FORMS

25. Section 253.204–70 is amended by revising paragraph (c)(4)(xi) (A), (B) and (C) to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

* * * * *

(c) * * *

(4) * * *

(xi) *Block C11, Cost or Pricing Data.*

* * *

(A) *Code Y—Yes—Obtained.* Enter code Y when cost or pricing data were obtained for the contracting action (see FAR 15.804–2).

(B) *Code N—No—Not Obtained.* Enter code N when cost or pricing data were not obtained because data were not required (see FAR 15.804–2) or an exception was granted (see FAR 15.804–1).

(C) *Code W—Not Obtained—Waived.* Enter Code W when cost or pricing data were not obtained because the requirement was waived (see FAR 15.804–1(a)(3) and 215.804–1(b)(5)).

* * * * *

Appendix C—Contractor Purchasing System Reviews

26. In Appendix C to Chapter 2, Section C–208.3 is amended in the second sentence of paragraph (a) by revising the reference ''FAR 15.804–3(b)'' to read ''FAR 15.804–1(b)''.

[FR Doc. 95–26159 Filed 10–20–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS–121; Amdt. 195–51B]

RIN 2137–AB 46

Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking; Extension of time for compliance.

SUMMARY: This document proposes to extend the time for compliance with the requirements to plan and schedule pressure testing of older hazardous liquid and carbon dioxide pipelines. Plans are now required by December 7, 1995. This extension of time for compliance is in response to a petition from the American Petroleum Institute (API) to apply a risk-based alternative to the required pressure testing of older pipelines. The extension of time will allow RSPA time to consider the petition.

DATES: The deadline that establishes regulations for planning and scheduling pressure testing is proposed to be extended to December 7, 1996. All other deadlines remain intact. Comments on this notice of proposed rulemaking (NPRM) must be received on or before November 22, 1995.

ADDRESSES: Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, regarding the subject matter of this document, or the Dockets Unit (202) 366–4453, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION: In a petition dated June 23, 1995, API submitted a risk-based alternative to the pressure testing rule and requested that RSPA delay implementation of the rule until the API proposal has been given full consideration. A copy of the API proposal is available in the docket. API urged that the rule on pressure testing older hazardous liquid and carbon dioxide pipelines presents an opportunity to apply a risk-based approach to pressure testing, and proposed a risk-based alternative to the final rule issued on June 7, 1994. API argued that its proposal would allow operators to focus resources and effect a greater reduction in the overall risk from pipeline accidents. API has requested a high priority be placed on reviewing their proposal because of the compliance dates for the pressure testing rule. In addition, RSPA has received a few phone calls and requests of waiver of compliance with the June 7, 1994 final rule.

Because RSPA has been working actively with the pipeline industry to develop a risk management framework for pipeline regulations, RSPA wants to evaluate the API proposal carefully. RSPA realizes that substantial planning is required before pressure testing older pipelines. Operators will need time to prepare pipeline systems for testing and to arrange for personnel and equipment to conduct the tests. System changes and actual testing must be coordinated with operations to minimize the impact on refineries, distributors, and users of the transported products. Also, operators need time to assure that testing is done safely, with the least environmental risk, and in accordance with applicable Federal and State regulations.

Thus, RSPA is proposing to extend the time for compliance to allow evaluation of the API petition. Although the comment period on this proposed extension is limited to thirty days, RSPA recognizes that a final rule cannot be published well in advance of the current compliance date of December 7, 1995. Thus, in order to prevent imposing an undue burden on operators of pipelines which would have to prepare the plans anyway because of late issuance of the final rule, RSPA announces that it will not enforce the December 7, 1995, compliance date prior to a final rule on this notice. RSPA is issuing this NPRM with less than 60 days notice because of the limited time available between this date and December 7, 1995.

Impact Assessment

This notice proposes to extend the time for compliance of the final rule establishing regulations for pressure testing older hazardous liquid and carbon dioxide pipelines published on June 7, 1994, for one year, so there is no additional cost to comply with these rules. This proposed rule is considered to be non-significant under Executive Order 12286, and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This extension does not warrant preparation of a Regulatory Evaluation. Also, based on the facts available concerning the impact of this proposed rule, I certify under section 606 of the Regulatory Flexibility Act that it does not have a significant impact on a substantial number of small entities. This action has been analyzed under the criteria of Executive Order 12612 (52 FR 41685) and found not to warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend part 195 of title 49 of the Code of Federal Regulations as follows:

PART 195—[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; and 49 CFR 1.53.

2. Section 195.302 (c)(1) is revised to read as follows:

§ 195.302 General requirements.

* * * * *

(c) Except for onshore pipelines that transport HVL, the following compliance deadlines apply to pipelines under paragraphs (b)(1) and (b)(2)(i) of this section that have not been pressure tested under this subpart:

(1) Before December 7, 1996, for each pipeline each operator shall—

(i) Plan and schedule testing according to this paragraph; or

(ii) Establish the pipeline's maximum operating pressure under § 195.406(a)(5).

* * * * *

Issued in Washington, D.C. on October 17, 1995.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 95–26050 Filed 10–20–95; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[I.D. 101095B]

Snapper-Grouper Fishery of the South Atlantic; Public Scoping Meeting

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

ACTION: Public scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) is holding two public scoping meetings to solicit comments on the sale of fish (all species) caught under the recreational bag limits established by the Council's fishery management plans (FMPs) and on the issue of recreational catch and the commercial bycatch of wreckfish under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP).

DATES: The public scoping meetings are scheduled to begin at 6:30 p.m. on Monday, October 23, 1995, in Wilmington, NC 28401, and will end when all business is completed. See **SUPPLEMENTARY INFORMATION** for additional information on the scoping meetings.

ADDRESSES: The public scoping meetings will be held in conjunction with the South Atlantic Fishery Management Council public meetings to be held October 22–27, 1995, at the Coast Line Inn, 503 Nutt Street, Wilmington, NC 28401; telephone: (800) 763–2800.

Requests for copies of public scoping documents should be sent to the Council at the following address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Robert K. Mahood, Council Executive Director; telephone: (803) 571–4366; fax: (803) 769–4520.

SUPPLEMENTARY INFORMATION: At the first scoping meeting, comments will be solicited on the sale of fish caught under the recreational bag limits for all species as established by the Council's FMPs. The Council has considered this issue on numerous occasions over the past several years, and both commercial and recreational fishermen have expressed concern about this matter. Currently, all of the Council's FMPs allow for the sale of fish taken in a legal bag limit. The issue regarding the sale of fish caught under bag limits involves several considerations including: (1) The definitions of recreational and commercial fishermen, (2) the ethical question of a ''recreational'' fisherman selling his catch, and (3) the impacts of selling fish caught under an FMP-established bag limit on an FMP-established commercial quota for the same species. The Council will consider prohibiting the sale of fish caught by recreational anglers. The Council is inviting, and will consider, the views of recreational and commercial fishermen and other interested persons on this matter prior to taking any formal and final action. The Council is particularly interested in hearing about the possible impacts of prohibiting the sale of recreationally-caught fish.

At the second scoping meeting, which will follow the first meeting, comments will be solicited on wreckfish caught by recreational fishermen and on the commercial bycatch of wreckfish outside of the Blake Plateau.

Amendments 3 and 4 to the Snapper Grouper FMP established a management program for wreckfish in the South Atlantic region. A regulatory adjustment framework measure was also included in the Snapper-Grouper FMP allowing the Council to set total allowable catch each year and at the same time consider other possible management options. Amendment 5 to the Snapper Grouper FMP established an individual transferrable quota (ITQ) system in the wreckfish fishery that allows only ITQ shareholders to land and sell wreckfish, and allows only permitted dealers to handle wreckfish and to buy wreckfish from ITQ shareholders.

Recent reports have indicated that wreckfish are being caught by recreational fishermen fishing primarily for red grouper off Key West, FL, and that commercial snapper-grouper fishermen, especially off south Florida, are observing an occasional wreckfish bycatch in their fishery. These reports do not indicate the catch frequency or poundage, catch disposition, nor the number of fishermen targeting wreckfish.

The Council is considering the following management options for regulating this fishery: (1) No action (i.e., continue to prohibit the taking or landing of wreckfish in the South Atlantic region except by ITQ shareholders; (2) set a recreational bag limit of one or two fish per fisherman per trip; (3) set a recreational bag limit of one or two fish per boat per trip; (4) set a recreational bag limit of one or two fish per boat per day; (5) set an undetermined recreational bag limit; (6) set a bag limit of one or two fish per boat per trip for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (7) set a bag limit of one or two fish per boat per day for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (8) set a bag limit of one or two fish per boat per trip for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (9) set a bag limit of one to two fish per boat per day for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (10) allow for an undetermined commercial bag limit in the South Atlantic region; and (11) allow for an undetermined commercial bag limit only in the South Florida area.

Written public comments on the subjects of the scoping meetings, as well as any Council scoping documents made available to the public, may be submitted to the Council from the time of the scoping meetings until such time as the Council has prepared appropriate

and related public hearing documents that are available for public comment. For copies of the public scoping documents, see **ADDRESSES**.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by October 20, 1995 (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 17, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–26080 Filed 10–17–95; 3:32 pm]

BILLING CODE 3510–22–F

50 CFR Part 652

[Docket No. 951017252–5252–01; I.D. 101695C]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed 1996 fishing quotas for surf clams and ocean quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam and ocean quahog fisheries for 1996. These quotas are selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1996.

DATES: Public comments must be received on or before November 16, 1995.

ADDRESSES: Send comments to: Andrew A. Rosenberg, Regional Director, Northeast Region, NMFS One Blackburn Drive, Gloucester, MA 01930–2298. Mark on the outside of the envelope, ''Comments—1996 Surf Clam and Ocean Quahog Quotas.''

Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin (Resource Policy Analyst), 508–281–9104.

SUPPLEMENTARY INFORMATION: NMFS, acting on behalf of the Secretary of Commerce, in consultation with the Mid-Atlantic Fishery Management Council (Council), is directed under the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the OY for each fishery. Further, it is the policy of the Council that the levels selected should allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within these constraints, the quotas are also to be set at a level that would meet the estimated annual demand.

For surf clams, the quota must fall within the OY range of 1.85 million bushels (mil. bu.) to 3.4 mil. bu. For ocean quahogs, the quota must fall within the OY range of 4.00 mil. bu. to 6.00 mil. bu.

During its discussions of the 1996 quota recommendations, the Council also considered revising the overfishing definitions specified in the FMP. Overfishing is presently defined for both species in terms of actual yield levels, that is, overfishing is defined as harvests in excess of the quota levels specified for a given year. These overfishing definitions do not incorporate biological considerations to protect against overfishing of the two species. The Council is now developing an amendment to the FMP that contains new overfishing definitions. NMFS will review the proposed quotas for 1996 in the context of the new proposed overfishing definitions before issuing the final quotas for 1996.

In proposing these quotas, NMFS considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report, ''Overview of the Surf Clam and Ocean Quahog Fisheries and Quota Recommendations for 1996,'' prepared by the Council. The proposed quotas for the 1996 Atlantic surf clam and ocean quahog fisheries are shown below. The surf clam quota would be unchanged from 1995, and the ocean quahog quota would be reduced by approximately 9 percent.

NMFS notes that the Council used the 1992 stock abundance survey, as described in the 1993 stock assessment report, in setting the 1996 quotas. The most recent stock abundance survey, completed in 1994, was considered to be a statistical anomaly as described in the final specifications for these species in 1995 (60 FR 25853), and was set aside until a more thorough review of the data was possible. As this review is not completed, NMFS still considers the 1992 stock abundance survey to be the best scientific information available. This data was used in conjunction with the updated information stated above.

PROPOSED 1996 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1996 final quotas (mil. bu)	1996 final quotas (mil. hL)
Surf clam ..	2.565	1.362
Ocean quahog	4.450	2.363

Surf Clams

The Council staff originally proposed a surf clam quota of 2.843 mil. bu., based on the assumption that Georges Bank, presently closed to the fishery due to the presence of paralytic shellfish poisoning toxin (PSP), would reopen. The staff assumed that the risks from PSP would be eliminated by implementation of a dockside test for the toxin and that half of the surf clam resource on Georges Bank would be available over the next 10 years. As a result of this assumption, the staff recommended an increase in quota of 10 percent from the 1995 level of 2.565 mil. bu.

The staff recommendation was presented to the Council's Science and Statistical Committee (SSC), Surf Clam and Ocean Quahog Committee (Committee), and Industry Advisors at a meeting in July, 1995. These bodies did not accept the staff assumption concerning the reopening of Georges Bank. At the July meeting, the SSC was the only body to make an alternative quota recommendation; the SSC recommended that the 1996 quota should remain unchanged from 1995 (2.565 mil. bu.).

In August, 1995, the Council met as a ''Committee of the Whole'' to consider the SSC recommendation and revised the staff recommendation. Subsequent to its original proposal, the staff reviewed two projections based on the most recent stock assessment, both of which assumed that there would be no Georges Bank harvest. The first projection estimated the number of years that the quota could remain at the 1995 level of 2.565 mil. bu. This projection showed a median of 7 supply years, with an 80% confidence level that the supply years would fall into a range between 5 and 10 years. The second projection calculated that a

quota level of 2.473 mil. bu. was the median estimate of a 10-year supply. The staff recommended basing the quota on the second, more conservative, projection. The ''Committee of the Whole'' adopted the SSC recommendation for a 1996 quota of 2.565 mil. bu., rather than the staff recommendation, because uncertainties in the projections indicated that there was no compelling reason for a quota reduction at this time. The Committee of the Whole's recommendation was adopted by the Council at its meeting in September, 1995.

Ocean Quahogs

The Council staff proposed an ocean quahog quota of 4.45 mil. bu., a reduction of 9 percent from 1995. This reduction is based on a recalculation by Council staff of the harvest level that could be maintained over a 30-year period. This recommendation assumes that all of the Georges Bank biomass will become available to the fishery over the course of the 30-year harvest period. In making this assumption, however, the Council stated that additional quota reductions would be necessary in the future if demonstrable progress is not made toward a reopening of Georges Bank in the near future.

The staff recommendation was adopted by the SSC in July, 1995, by the Committee of the Whole in August, 1995, and by the Council in September, 1995.

Classification

This action is authorized by 50 CFR Part 652 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 17, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–26081 Filed 10–17–95; 3:32 pm]

BILLING CODE 3510–22–W

Notices

Federal Register
Vol. 60, No. 204
Monday, October 23, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

Food Stamp Program: Collection Requirements Submitted for Public Comment and Recommendations

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Food and Consumer Service (FCS), United States Department of Agriculture, is publishing for public comment this summary of proposed information collection. Responses will be either summarized or included in the request for OMB approval and will become a matter of public record.

DATES: Written comments and recommendations for the proposed information collection must be received by December 22, 1995 to be assured of consideration.

ADDRESSES: Send comments and requests for copies of the information collection form and instructions to the Quality Control Policy Section; Quality Control Branch; Program Accountability Division; Food and Consumer Service, USDA; 3101 Park Center Drive, Room 904; Alexandria, Virginia, 22302.

FOR FURTHER INFORMATION CONTACT: John Knaus, Chief; Quality Control Branch; Program Accountability Division; Food and Consumer Service, USDA; 3101 Park Center Drive, Room 904; Alexandria, Virginia, 22302; (703) 305–2474.

SUPPLEMENTARY INFORMATION: *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection*: Integrated Quality Control Review Schedule; *Form No.:* FCS–380–1; *Use:* The Integrated Review Schedule is jointly developed and used by the Health Care Financing Administration (HCFA), Administration for Children and Families (ACF), and the Food and Consumer Service (FCS). It is designed to collect both quality control (QC) data and case characteristics and to serve as the comprehensive data entry form for all QC reviews in the Aid to Families With Dependent Children (AFDC), Food Stamp (FS) and Medicaid programs.

Frequency: On occasion;
Affected Public: Individual households, State and local government;
Number of Respondents: 63,419;
Total Annual Hours: 64,916.

Dated: October 6, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–26096 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–30–U

Rural Utilities Service

Notice of Request for Reinstatement and Revision of an Information Collection

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Utilities Service's (RUS) intention to request a reinstatement and revision of an information collection.

DATES: Comments on this notice must be received by December 22, 1995.

FOR FURTHER INFORMATION CONTACT: Walter L. Petty, Jr., Assistant Chief, Distance Learning Telemedicine Branch, Rural Utilities Service, U.S. Department of Agriculture, 14th and Independence Avenue SW., AG Box 1701, Washington, DC 20250. Telephone: (202) 690–0419. Fax: (202) 720–2734.

SUPPLEMENTARY INFORMATION:

Title: Distance Learning and Medical Link Grant Program.

OMB Number: 0572–0096.

Type of Request: Reinstatement and revision of an information collection.

Abstract: The Rural Utilities Service (RUS) implements a program that provides grants to rural community facilities, such as schools, hospitals, and medical centers, to encourage, improve, and make affordable the use of advanced telecommunications and computer networks to provide educational and medical benefits to people living in rural areas and to improve rural access to reliable facsimile, document and data transmission, multi-frequency tone signaling services, 911 emergency service with automatic number identification, interactive audio and visual transmissions, voice mail services designed to record, store, and retrieve voice messages, and other advanced telecommunication services. RUS awards grants to projects that will improve the quality of life of people residing in rural areas by improving their access to improved educational, training, and medical services; and, their access to opportunities that rely on these advanced communication and information technologies to provide such services. RUS funds up to 80 percent of any project selected, and requires at least a 20 percent matching contribution from the applicant.

In order for the public to receive the benefits of this program, they need to submit an application and the supporting information for RUS to determine if they meet the eligibility requirements. The Distance Learning and Medical Link Grant Program regulation (7 CFR 1703 D, 58 FR 11507) establishes the method of selecting projects to receive grants, the method of allocating the available funds, the method of determining the beneficiaries of the program, the requirements for the application to be submitted to RUS, the method of notifying potential applicants of maximum and minimum amounts of grant funds that will be considered for a single application, and the requirements for qualifying for expedited telephone loan consideration and determination.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 27.25 hours per response.

Respondents: Business or other for-profit and non-profit institutions.

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1842.50.

Copies of this information collection, and related forms and instructions, can be obtained from Walter L. Petty, Jr., Distance Learning Telemedicine Branch, at (202) 690–0419.

Comments: Send comments regarding this burden estimate, including suggestions for reducing this burden through the use of automated collection techniques or other information technology, to:

Walter L. Petty, Jr., Assistant Chief, Distance Learning Telemedicine Branch, U.S. Department of Agriculture, Rural Utilities Service, 14th and Independence Avenue SW., AG Box 1701, Washington, DC 20250. Fax: (202) 720–2734.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 13, 1995.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 95–26102 Filed 10–20–95; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–614–801]

Fresh Kiwifruit From New Zealand; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the New Zealand Kiwifruit Marketing Board (NZKMB), the respondent in this case, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on fresh kiwifruit from New Zealand. The review covers one exporter of the subject merchandise to the United States for the period June 1, 1993, through May 31, 1994.

We preliminarily determine that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between the United States price (USP) and the FMV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: October 23, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 482–4195 or 482–3814, respectively.

Applicable Statute

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 1992, the Department published the antidumping duty order on fresh kiwifruit from New Zealand (57 FR 23203). On June 7, 1994, the Department published a notice of ''Opportunity to Request Administrative Review'' of this antidumping duty order for the period June 1, 1993, through May 31, 1994 (59 FR 29411). We received a timely request for review by the respondent, NZKMB. On July 15, 1994, the Department initiated a review of NZKMB (59 FR 36160). The period of review (POR) is June 1, 1993 through May 31, 1994.

Scope of the Review

The product covered by this review is fresh kiwifruit. Processed kiwifruit, including fruit jams, jellies, pastes, purees, mineral waters, or juices made from or containing kiwifruit, are not covered under the scope of this review. The subject merchandise is currently classifiable under subheading 0810.90.20.60 of the Harmonized Tariff Schedule (HTS). Although the HTS number is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Verification

As provided in section 776(b) of the Tariff Act, we verified information provided by the respondent by using standard verification procedures, including onsite inspection of the grower's/seller's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

United States Price

In calculating USP, the Department treated certain sales by the respondent as exporter's sales price (ESP) sales, as provided in section 772(c) of the Tariff Act. These sales to the United States by NZKMB were made to the first unrelated party in the United States after importation, and hence warranted ESP methodology.

We calculated ESP based on packed F.O.B. (ex-New Zealand coolstore), and packed F.O.B., freight-prepaid prices. We made deductions, where appropriate, for New Zealand inland freight (coolstore to port), loading charges in New Zealand, ocean freight, basic marine insurance, charter insurance, U.S. import duties, U.S. brokerage and handling, U.S. inland freight (decreased to account for prepaid freight where applicable), and price discounts (i.e., advertising allowances, special advertising allowances, market adjustment discounts, advertising rebates which actually constituted discounts, and discounts for quality problems). In accordance with sections 772(e)(1) and (2) of the Tariff Act, we made additional deductions, where appropriate, for agent commissions, broker commissions, credit, direct advertising, and indirect selling expenses. Indirect selling expenses included inventory carrying costs, repacking, U.S. primary and U.S. satellite coolstore charges, New Zealand and U.S. instore insurance, fire insurance, product liability and tamper insurance, earthquake insurance, indirect advertising, quality control expenses, miscellaneous selling-agent-related charges, other U.S.-incurred indirect expenses, and other New Zealand-incurred indirect selling expenses associated with selling in the United States. We increased the U.S. price to account for post sale price adjustments not reflected in the gross price.

As provided in section 772(b) of the Tariff Act, we used purchase price as the U.S. price for sales made directly by the NZKMB to unrelated customers in the United States prior to importation. Deductions were made, where appropriate, for ocean freight, foreign inland freight, and inland/marine insurance in accordance with section 772(d)(2) of the Tariff Act.

Foreign Market Value

In order to determine whether there were sufficient sales of kiwifruit in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of kiwifruit by NZKMB to its volume of

kiwifruit sales to third countries, in accordance with section 773(a)(1)(B) of the Act. We determined that home market sales did not constitute a viable basis for calculating FMV. Therefore, in accordance with 19 CFR sections 353.48 and 353.49(b), the Department chose sales to Japan as the basis of FMV. Japan is the largest third-country market based on information submitted by the NZKMB. Neither the petitioner nor the respondent in this review raised any other factor relevant to third country selection, hence we did not consider any other factor in determining the third-country market. The Department relied on monthly weighted-average third country prices in the calculation of FMV.

Because many of the NZKMB's third country sales were found to have been made at prices below the cost of production and were therefore disregarded in the most recent review, the Department initiated a COP investigation for the purposes of this administrative review. Just as the Department found in the original investigation and the first administrative review, we find that in comparing third-country sales to COP, the reseller/exporter's acquisition prices are irrelevant because section 773(b) of the Tariff Act requires that the Department look at the actual COP of the subject merchandise. Thus, we used the cost incurred by kiwifruit farmers, the actual producers of the subject merchandise, to calculate the COP benchmark.

Due to the large number of growers from which the NZKMB purchased kiwifruit during the POR, the Department determined that sampling was both administratively necessary and methodologically appropriate to calculate a representative cost of producing the subject merchandise for purposes of this administrative review (see section 777A of the Tariff Act). Based on comments submitted by the petitioner and the respondent, we decided to select kiwifruit growers as follows: Farms were segregated by geographic regions into either the Bay of Plenty region or non-Bay of Plenty regions. In selecting our sample of 25 growers, we determined that we would select 18 growers representing the Bay of Plenty region and seven from the non-Bay of Plenty regions, in order to reflect the relative proportion of kiwi production from each of the two regions. Because the Department's purpose is to estimate the average unit cost per tray of exported kiwifruit, as a second step we have assigned selection probabilities to the growers on the basis of the volume of kiwifruit each grower submitted to the NZKMB for export. (See public document Proposed Sampling Methodology, August 26, 1994.)

We sent COP questionnaires through the NZKMB to 25 kiwifruit growers, all but one of which responded to the Department's questionnaire. The 24 responses submitted, along with supplemental responses and verification results, were analyzed and relied upon, where appropriate, in reaching the preliminary results of the review.

We calculated the cost of cultivation for each grower by summing all costs for the 1993–1994 kiwifruit season. These costs included the cost of materials, farm labor, farm overhead, and packing. We allocated the cost on a per-tray equivalent basis over the total number of tray equivalents submitted by each grower to the NZKMB. (A tray equivalent is a standard unit of measurement for kiwifruit. It is representative of the kiwifruit which can fit into a standard packing tray.) We then adjusted those costs to reflect the fruit loss of 8.8 percent, which was disclosed by the NZKMB in its financial statement. We added the NZKMB's general and administrative expenses to the farm's average cost per tray.

The orchard set-up costs for all growers were amortized over 20 years. Where growers purchased an established orchard, the acquisition price of the farm was treated as the start up cost.

For growers that allocated costs over the productive area, that is, canopy area, we made adjustments to include the headlands and sidelands in the productive area of the kiwifruit orchard for the purpose of allocating costs.

We made adjustments to growers' cost for depreciation, interest, labor, repairs, management, vehicles, fertilizer, spraying, rates (property tax), electricity, shelter, water, general and administrative, pruning, and mowing on a farm-specific basis where appropriate.

For the grower that did not submit a response, we used best information available (BIA) to determine its COP, pursuant to 19 CFR 353.37(a). This BIA was based on the highest COP we calculated for all responding growers.

We calculated a simple average COP from the sampled growers' individual COPs. The total COP was calculated on a New Zealand dollar per single-layer tray equivalent basis (NZ$/SLT). In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which would permit recovery of all costs within a reasonable period of time in the normal course of trade.

When less than 10 percent of the third-country market sales of a model in a POR were at prices below COP, we did not disregard any sales of that model for that POR. When 10 percent or more, but not more than 90 percent, of the third-country market sales of a particular model in a POR were determined to be below cost, we excluded the below-cost third country market sales from our calculation of FMV for that POR, provided that these below-cost market sales were made over an extended period of time. When more than 90 percent of the third-country market sales of a particular model were made below cost over an extended period of time during a POR, we disregarded all third-country market sales of that model in our calculation of FMV for that POR, in accordance with section 773(a)(2) of the Tariff Act.

To determine whether sales below cost had been made over an extended period of time, we compared the number of months in which below-cost sales occurred for a particular model to the number of months during a POR in which that model was sold. If the model was sold in fewer than three months during a POR, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months in a POR, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold during each POR. We used CV as the basis for FMV when an insufficient number of third-country market sales were made at prices above COP (see Preliminary Results and Partial Termination of Antidumping Duty Administrative Review: Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan (58 FR 69336, 69338, December 10, 1993)).

There is no information on the record demonstrating that prices of below cost sales would recover all costs within a reasonable period of time.

To calculate CV, the statutory minimum profit of eight percent was added because the NZKMB's actual profit was less than the statutory minimum (see section 773(e) of the Act). We added actual selling, general and administrative expenses for the NZKMB to the farm's average cost per tray because the actual expenses were higher than the statutory minimum of 10 percent.

We adjusted third-country prices, where appropriate, to reflect deductions for rebates, New Zealand inland freight, New Zealand inland freight insurance, New Zealand port loading expenses, ocean freight and charter insurance. Direct advertising, imputed credit, and letter of credit charges were also deducted. We also deducted indirect selling expenses including inventory carrying costs, New Zealand instore and fire insurance, product liability and tamper insurance, indirect advertising, and other indirect selling expenses when calculating FMV for comparison to ESP transactions. This deduction for third country indirect selling expenses was capped by the amount of U.S. indirect selling expenses plus U.S. commissions, in accordance with 19 CFR 353.56(b).

Preliminary Results of Review

We preliminarily determine that the following margin exists for the period June 1, 1993, through May 31, 1994:

Manufacturer/exporter	Percent margin
New Zealand Kiwifruit Marketing Board	10.97

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions concerning the respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed firm will be that firm's rate established in the final results of this administrative review; (2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) If the exporter is not a firm covered in this review, a prior review, or in the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) If neither the manufacturer nor the exporter is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 98.60 percent, the ''all others'' rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within ten days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first work day thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 5, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95–26209 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–804]

Sparklers From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 4, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sparklers from the People's Republic of China (PRC) (60 FR 39931). The review was requested for one manufacturer, Guangxi Native Produce Import and Export Corporation, Beihai Fireworks and Firecrackers Branch (Guangxi), of the subject merchandise and the review period June 1, 1993, through May 31, 1994.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: October 23, 1995.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–5831/4114.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 1991, the Department published in the Federal Register the antidumping duty order on sparklers from the PRC (56 FR 27946). On June 7, 1994, the Department published a notice in the Federal Register notifying interested parties of the opportunity to request an administrative review of sparklers from the PRC (59 FR 29411). On June 23, 1994, the petitioners requested, in accordance with 19 CFR 353.22(a), that we conduct an administrative review of exports to the United States by Guangxi, for the period June 1, 1993 through May 31, 1994. We published a notice of initiation of the antidumping duty administrative review on July 15, 1994 (59 FR 36160). On August 4, 1995 (60 FR 39931), the Department published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on sparklers from the PRC. The Department has now completed that review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The products covered by this administrative review are sparklers from the PRC. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning.

Sparklers are currently classifiable under the Harmonized Tariff System (HTS) subheading 3604.10.00. The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of this proceeding.

Best Information Available

On July 20, 1994, we mailed Guangxi a questionnaire explaining the review procedures. In addition, a short questionnaire was sent to Guangxi, the Guangxi Zhuang Autonomous Region People's Government, the Embassy of the People's Republic of China, the Guangxi Foreign Economic Relations and Trade Commission and the Guangxi People's Government-Beijing Office. This questionnaire sought to ascertain whether Guangxi is entitled to a separate rate by reason of both *de jure* and *de facto* absence of central government control with respect to exports. The questionnaires, which covered exports to the United States for the period of review (POR), were due on August 23, 1994. We did not receive a response from any party by the due date and, thus, asked Skypak International Express (TNT) to trace the mailing and verify Guangxi's receipt of the document. On August 3, 1994, TNT's delivery office in Hong Kong confirmed that the questionnaire was accepted by a representative of Guangxi on August 2, 1994. Because we received no response and have not been contacted by Guangxi or any other respondent, we determine that Guangxi is an uncooperative respondent. Further, Guangxi is no longer entitled to a separate rate, as absence of central government control with regard to exports was not demonstrated. Therefore, in accordance with section 776(c) of the Act, we are using the best information available (BIA) as the basis for determining a dumping margin for all entries into the United States of the subject merchandise during the POR.

In determining what to use as BIA, the Department follows a two-tiered methodology whereby the Department normally assigns lower margins to those respondents who cooperate in a review, and margins based on more adverse assumptions for those respondents who do not cooperate in a review.

In accordance with our BIA methodology for uncooperative respondents, we assign as BIA the higher of: (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the less than fair value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin (*see Final Results of Antidumping Administrative Review: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France; et. al.* (57 FR 28379, June 24, 1992)).

This methodology has been upheld by the U.S. Court of Appeals for the Federal Circuit (*see Allied-Signal Aerospace Co.* v. *the United States, 996 F.2nd 1185* (CAFC 1993); *see also Krupp Stahl Ag. et. al.* v. *the United States, 822 F. Supp. 789* (CIT 1993).) Given that Guangxi did not respond to the Department's questionnaires, we find that Guangxi has not cooperated in this review.

In accordance with our methodology we have used as BIA the highest rate established in the remand of the LTFV final determination (58 FR 53708, July 29, 1993), the PRC country-wide rate of 93.54 percent.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. The final results are therefore unchanged from those presented in the preliminary results, and we determine that a margin of 94.54 percent exists for Guangxi for the period June 1, 1993, through May 31, 1994.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Guangxi will be the PRC country-wide rate as stated above; (2) for previously reviewed or investigated companies that received separate rates not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC country-wide rate of 93.54 percent, the rate established on remand of the LTFV final determination; and (4) the cash deposit rate for any non-PRC exporter will be the rate established for that firm; if a non-PRC exporter does not have its own separate rate, the deposit rate for that firm's shipments will be the rate applicable to the PRC supplier of that exporter. In all cases, the rate applicable to a firm normally should change only as a result of a review of that firm, except in instances of change of ownership.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: October 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–26210 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–508–064]

Determination To Revoke Countervailing Duty Order; Roses From Israel

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Determination to Revoke Countervailing Duty Order.

SUMMARY: The Department of Commerce (the Department) is revoking the countervailing duty order on roses from Israel because it is no longer of interest to interested parties.

EFFECTIVE DATE: October 23, 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, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 1995, the Department published in the Federal Register (60 FR 45398) its intent to revoke the countervailing duty order on roses from Israel (44 FR 39219; September 4, 1980). Additionally, as required by 19 CFR 355.25(d)(4)(ii)(1994), the Department served, by certified mail, written notice of its intent to revoke this countervailing duty order on each party listed on its most current service list.

Prior to publication of the Department's notice of intent to revoke the order, this countervailing duty order was determined to be subject to section 753 of the Tariff Act of 1930 (as amended by the Uruguay Round Agreements Act of 1994) (the Act). *Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation*, 60 FR 27,963 (May 26, 1995). In conjunction with that determination, domestic interested parties were notified of their right to request an injury investigation under section 753(a) of the Act from the U.S. International Trade Commission (the Commission). Those parties were further informed that, in accordance with sections 753(b) (3) and (4) of the Act, the order would be revoked effective April 21, 1995 unless a request for an injury investigation was submitted to the Commission within six months of the date on which Israel became a signatory to the World Trade Organization (April 21, 1995), and the Commission rendered an affirmative injury determination pursuant to section 753(a)(1) of the Act. However, since the revocation under 19 CFR 355.25(d)(4)(iii) is effective January 1, 1995, no further action is required by the Department under section 753 of the Act.

Scope of the Order

Imports covered by this order are shipments from Israel of fresh cut roses. Such merchandise is currently classified under item numbers 0603.10.60 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Determination To Revoke

The Department may revoke a countervailing duty order if it concludes that the order is no longer of interest to interested parties. We conclude that there is no interest in a countervailing duty order when no interested party (as defined in sections 355.2(i)(3), (i)(4), (i)(5), and (i)(6) of the Department's regulations) has requested an administrative review for at least five consecutive review periods and when no domestic interested party objects to the revocation (19 CFR 355.25(d)(4)(iii)).

We received no requests for administrative review for five consecutive review periods and no objections to our notice of intent to revoke the countervailing duty order. Therefore, we have concluded that the countervailing duty order covering roses from Israel is no longer of interest to interested parties, and we are revoking this countervailing duty order in accordance with 19 CFR 355.25(d)(4)(iii).

Further, as required by 19 CFR 355.25(d)(5), the Department is terminating the suspension of liquidation on the subject merchandise as of the effective date of this notice, and will instruct the Customs Service to liquidate, without regard to countervailing duties, all unliquidated entries of this merchandise exported from Israel on or after January 1, 1995.

Dated: October 17, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–26212 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–DS–P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95–086. *Applicant:* The Regents of the University of California, Riverside, Materiel Management, Riverside, CA 92521. *Instrument:* Electron Microscope, Model CM300. *Manufacturer:* N. V. Philips, Netherlands. *Intended Use:* The instrument will be used for studies of animal and plant tissues, geological, physical, chemical and engineering specimens pertinent to basic research. In addition, the instrument will be used for educational purposes in Biology 211 and new courses created as needed. *Application Accepted by Commissioner of Customs:* September 12, 1995.

Docket Number: 95–087. *Applicant:* Continuous Electron Beam Accelerator Facility, 12000 Jefferson Avenue, Newport News, VA 23606. *Instrument:* Field Mapping Equipment for Hall A Quadrupole Magnets. *Manufacturer:* CEA/DSM, France. *Intended Use:* The instrument will be used for studies of nucleons, nuclei, pions and Kaons and nucleon excited states. In addition, the instrument will be used for educational purposes in a graduate course in experimental nuclear physics. *Application Accepted by Commissioner of Customs:* September 15, 1995.

Docket Number: 95–088. *Applicant:* Mississippi State University, Box C, Mississippi State, MS 39762. *Instrument:* Stopped-Flow Spectrometer, Model SX.17MV. *Manufacturer:* Applied Photophysics Limited, United Kingdom. *Intended Use:* The instrument will be used in experiments which involve measurement of the kinetics (i.e., time-dependence) of the cleavage of the carbon-cobalt bond of co-enzyme B_{12} and its structurally altered analogs induced by this enzyme. The research will be conducted by postdoctoral trainees, graduate and undergraduate students as part of their research training and preparation for their careers as scientists. *Application Accepted by Commissioner of Customs:* September 20, 1995.

Docket Number: 95–089. *Applicant:* University of Wyoming, 16th and Gibbon, Laramie, WY 82071. *Instrument:* Spectrometer package including Palmtop Computer and Infrared Mineral Identification System. *Manufacturer:* Integrated Spectronics Pty Ltd, Australia. *Intended Use:* The instrument will be used to characterize soils and rocks according to reflectance in the mid-infrared spectral region. Experiments will involve identifying lithologic and stratigraphic variations on the basis of reflectance contrasts. The instrument will allow spectral reflectance measurements in the field on undisturbed surfaces which will enable direct correlation with multiband data recorded by earth resources satellites. *Application Accepted by Commissioner of Customs:* September 29, 1995.

Docket Number: 95–090. *Applicant:* Department of Health & Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204. *Instrument:* ICP Mass Spectrometer, Model PlasmaTrace 2. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used for analysis of foods and beverages in support of FDA's food programs and EPA's NHEXAS Pilot Studies. *Application Accepted by Commissioner of Customs:* September 29, 1995.

Docket Number: 95–091. *Applicant:* Northwestern University, 2145 N. Sheridan Road, Evanston, IL 60208. *Instrument:* Electron Microscope, Model H-8100. *Manufacturer:* Hitachi Instruments, Japan. *Intended Use:* The instrument will be used for

investigations of ceramics, metals, alloys, composites and electronic materials in order to understand the complex interplay among processing - property relationship for materials via the understanding of size, shape/ morphology, crystallography and defect structures. In addition, the instrument will be used in electron microscopy courses for training students to understand the structure, chemistry and properties of materials. *Application Accepted by Commissioner of Customs:* September 29, 1995.

Docket Number: 95–092. *Applicant:* Florida International University, Department of SERP, University Park, Miami, FL 33199. *Instrument:* Elemental Analyzer and Automated Interface Upgrade for IR Mass Spectrometer. *Manufacturer:* Europa Scientific, United Kingdom. *Intended Use:* The instrument is an upgrade for an existing isotope ratio mass spectrometer that will be used for analysis of carbon and nitrogen isotope tracers in solid samples in a variety of basic research, including studies of food webs in the Everglades and associated coastal systems, studies of plant uptake of C and N in South Florida wetlands and coral reefs, and studies of microbial processes such as respiration and nitrification. The instrument will also be used for educational purposes in a workshop (BSC-6926; Isotope Biogeochemistry) focusing on developing 2-4 class projects that involve isotope measurements as the main analytical approach in studying environmental problems. *Application Accepted by Commissioner of Customs:* September 29, 1995.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 95–26218 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–DS–F

University of Texas Medical Branch, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95–035. *Applicant:* University of Texas Medical Branch, Galveston, TX 77555. *Instrument:* Electron Microscope, Model CM100. *Manufacturer:* Philips, The Netherlands. *Intended Use:* See notice at 60 FR 29826, June 6, 1995. *Order Date:* December 13, 1994.

Docket Number: 95–039. *Applicant:* Richard L. Roudebush VA Medical Center, Indianapolis, IN 46202. *Instrument:* Electron Microscope, Model CM120. *Manufacturer:* Philips, The Netherlands. *Intended Use:* See notice at 60 FR 29827, June 6, 1995. *Order Date:* January 20, 1995.

Docket Number: 95–049. *Applicant:* Auburn University, AL 36849. *Instrument:* Electron Microscope, Model JEM-2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 60 FR 35552, July 10, 1995. *Order Date:* March 14, 1995.

Docket Number: 95–053. *Applicant:* Georgia Institute of Technology, Atlanta, GA 30332. *Instrument:* Electron Microscope, Model HF–2000. *Manufacturer:* Hitachi Instruments, Japan. *Intended Use:* See notice at 60 FR 37051, July 19, 1995. *Order Date:* March 2, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 95–26217 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–DS–F

National Institute of Standards and Technology

American Lumber Standard Committee; Public Meeting

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The American Lumber Standard Committee (ALSC), acting as the Standing Committee for NIST Voluntary Product Standard PS 20–94 American Softwood Lumber Standard, will convene on Friday, November 17, 1995 during the annual meeting of the ALSC.

ADDRESSES: The meeting will be held at the Corpus Christi Marriott, 900 N. Shoreline Boulevard, Corpus Christi, TX 78401; telephone: (512) 887–1600. The ALSC address: American Lumber Standard Committee, P.O. Box 210, Germantown, MD 20875–0210; telephone: (301) 972–1700, fax: (301) 540–8004.

FOR FURTHER INFORMATION CONTACT: Barbara M. Meigs, Office of Standards Services, National Institute of Standards and Technology, Room 121, Building 417, Gaithersburg, MD 20899; telephone: 301–975–4025; fax: 301–963–2871.

SUPPLEMENTARY INFORMATION: The ALSC shall convene on November 17, 1995 to consider the composition of membership of the Committee and to consider the following amendments to PS 20–94:

- Amendment 1—a recommendation concerning the certification functions of the Board of Review with regard to grading rules. The Standard currently states that certification shall be subject to certain conditions. One of these conditions is stipulated in 10.2.3 which states:

''The originating agency permits the publication of the rules without charge in whole or in part, including all applicable provisions and with all quoted parts clearly so indicated by anyone desiring to do so. Any such publication shall carry reference to the source of the rules and their effective date, and shall be revised to conform with any subsequent changes in the rules, giving the effective dates thereof.''

It is recommended that Section 10.2.3 be revised as follows:

''The originating agency shall make the rules fully and fairly available to all manufacturers, distributors, users, and consumers of lumber on equal terms and conditions and without discrimination.''

- Amendment 2—a recommendation to revise 9.3.7 regarding Committee membership, which states:

''Balance of representation—The Secretary of Commerce may make such changes in the constitution of the Committee or make additional appointments as the Secretary deems necessary to ensure that the Committee has a balance of interest and is not dominated by a single interest category.''

as follows:

''Balance of representation—Upon request, the Secretary of Commerce may consider making changes in the constitution of the Committee or making additional appointments to ensure that the Committee has a balance of interest and is not dominated by a single interest category. In

such considerations, the Secretary of Commerce shall consult the Committee for advice regarding balance and the criteria by which it may be determined.''

• Amendment 3—a recommendation to insert a new subsection 9.3.4 on Canadian representation to state:

''The Canadian Lumber Standards Accreditation Board may nominate a principal and alternate member.''

The current 9.3.4 would be renumbered 9.3.5 and the remaining subsections of 9.3 renumbered appropriately.

The American Softwood Lumber Standard (PS 20–94) was published and is maintained by the Department of Commerce under procedures established in Part 10 of Title 15 of the Code of Federal Regulations.

Dated: October 16, 1995.

Authority: 15 U.S.C. 272.

Raymond G. Kammer,

Deputy Director.

[FR Doc. 95–26095 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[I.D. 101295A]

New England Recovery Plan Implementation Team Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Recovery Plan Implementation Team (Team) for the Northern Right Whale and Humpback Whale Recovery Plans will hold a 1-day public meeting to consider whale recovery plan implementation actions, particularly for the northern right whale.

DATES: The meeting will begin on Wednesday, November 1, 1995, at 9:15 a.m.

ADDRESSES: The Team meeting will be held at the Offices of the First Coast Guard District, 408 Atlantic Avenue, Boston, MA, 02210–3350, telephone (617) 233–8420.

FOR FURTHER INFORMATION CONTACT: Douglas Beach, (508) 281–9254.

SUPPLEMENTARY INFORMATION: The Team is made up primarily of representatives from State and Federal agencies from New England that are identified in each of the recovery plans as having a role in recovery of these two species. The meeting will continue discussion on implementation of the humpback and right whale recovery plans along the northeast coast of the United States. The meeting will include a discussion on vessel interaction and gear conflicts with whales, team composition issues, aquaculture-whale interactions, and critical habitat locations, along the New England coast.

Dated: October 12, 1995.

Patricia Montanio,

Deputy Director, Office of Protected Resources.

[FR Doc. 95–26086 Filed 10–20–95; 8:45 am]

BILLING CODE 3510–22–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposal To Revise Member Margin Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange (''CME'') has submitted proposed rule amendments which would revise margin requirements for certain CME members. Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets has determined to publish the CME proposal for public comment. The Division believes that publication of the CME proposal is in the public interest and will assist the Commission in considering the views of interested persons.

DATES: Comments must be received on or before November 22, 1995.

FOR FURTHER INFORMATION CONTACT: Clarence Sanders, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Telephone: (202) 418–5484.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Rule Amendments

By a letter dated August 11, 1995, the CME submitted proposed rule amendments pursuant to Section 5a(a)(12)(A) of the Commodity Exchange Act (''Act'') and Commission Regulation 1.41(c) to revise margin requirements for certain CME members.

Under existing CME Rule 827.C., CME clearing members are prohibited from accepting a customer's order (whether for a CME member or nonmember) unless the performance bond margin held for the customer's pre-existing open positions meets or exceeds CME maintenance requirements, or is forthcoming within a reasonable time. The proposal would establish an exception to the provisions of Rule 827.C. and thereby permit a qualifying clearing member to accept orders from a CME equity member whose performance bond margin is less than applicable CME requirements or whose account is in debit, if the performance bond margin deficiency or debit amount is less than the lesser of (i) $100,000 or (ii) 50 percent of the market value (current bid) of the member's membership interest.[1] Under the proposal, however, the exception would not apply in those cases where the member's membership interest is assigned to the qualifying clearing member for clearing privileges pursuant to CME Rule 902 or is used as a guarantee for a CME Rule 106.D. transferee (lessee) or trading permit holder, or where the qualifying clearing member is guaranteeing a loan to the CME member for the purchase of the membership.

The proposal would not afford beneficial treatment for net capital purposes when computing current receivables or capital charges for undermargined accounts. When computing current receivables or undermargined account capital charges, memberships would continue to be non-allowable assets.

II. Request for Comments

The Commission requests comments on any aspect of the CME's proposed rule amendments that members of the public believe may raise issues under the Act or Commission regulations. In particular, the Commission requests comments regarding the liquidity of the market for CME memberships, including discussion of the market's ability to provide transactional immediacy and efficient pricing.

Copies of the proposed rule amendments and related materials are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address or by

[1] A CME qualifying clearing member is a member of the CME clearing house who has qualified a CME floor member to execute CME futures or spot call commodity contracts. A CME qualifying clearing member agrees to guarantee and assume complete responsibility for (i) all trades executed or directed to be executed by the qualified member and (ii) all orders that the qualified member negligently executes or fails to execute. See CME Rule 924.

telephoning (202) 418–5100. Some materials may be subject to confidential treatment pursuant to 17 CFR 145.5 or 145.9.

Any person interested in submitting written data, views, or arguments on the proposed amended rule should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, by the specified date.

Issued in Washington, DC, on October 18, 1995.

Alan L. Seifert,

Deputy Director.

[FR Doc. 95–26150 Filed 10–20–95; 8:45 am]

BILLING CODE 6351–01–P

Coffee, Sugar & Cocoa Exchange: Proposed Amendment to the Implementation Procedure for Changes to Contract Market Rules Governing Loading Rates for the Purpose of Determining Despatch and Demurrage Applicable to Deliveries on the Sugar No. 11 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed amendment to implementation procedure for contract market rule changes.

SUMMARY: The Coffee, Sugar & Cocoa Exchange (''CSCE'') has submitted a proposed amendment to the implementation procedure for an amendment to the daily loading requirement for deliveries on its sugar No. 11 (world raw sugar) futures contract that was recently approved by the Commission. The amended implementation procedure would permit the CSCE to implement the amendment with respect to deliveries on the March 1996 contract month, rather than with respect to only those existing contract months that did not have open interest on the date the amendment was implemented. In accordance with Section 5a(a)(12) of the Commodity Exchange Act, and acting pursuant to the authority delegated by Commission Regulation 140.96, the Acting Director of the Division of Economic Analysis (''Division'') of the Commodity Futures Trading Commission (''Commission'') has determined, on behalf of the Commission, that publication of the proposed implementation procedure would be in the public interest. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before November 22, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581. Reference should be made to the proposed amendment to the implementation procedure for the amendment to CSCE contract market rules governing loading rates for sugar No. 11 futures contract deliveries.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581, telephone (202) 418–5273.

SUPPLEMENTARY INFORMATION: On September 1, 1995, the Commodity Futures Trading Commission approved an amendment to the sugar No. 11 futures contract which increased to 1,500 from 750 long tons per weather working day the rate at which futures delivery sugar must be loaded into vessels in order to avoid payment of demurrage by the deliverer or despatch by the receiver.[1] At the time of the Commission's approval of the amendment, it also approved the CSCE's proposal to make the amendment effective within 30 days of receipt of notice of Commission approval with respect to all newly listed contract months and existing contract months, commencing with the first existing contract month following the last such contract month in which there was an open position on the effective date. In this respect, the Division understands that the Exchange recently implemented the amendment with respect to the May 1997 and all subsequently listed contract months.

Under the revised implementation procedure, the CSCE is proposing to make the above-noted amendment effective with respect to existing contract months, commencing with the March 1996 contract month. Therefore, the proposed implementation procedure would provide for the application of the amendment to additional existing contract months commencing with the March 1996 contract month and extending through the March 1997 contract month.

The CSCE indicates that it believes that the amendment should be made effective beginning with the March 1996 contract month ''* * * because of its ameliorative effect in making deliveries less subject to delays and relieving port congestion.''

On behalf of the Commission, the Division is requesting comment on the CSCE's proposal to revise the implementation plan for the noted amendment.

Copies of the proposed amended implementation plan will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 418–5100.

The materials submitted by the CSCE in support of the proposed amendment 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)). 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 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendment should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581 by the specified date.

Issued in Washington, D.C. on October 16, 1995.

Blake Imel,

Acting Director.

[FR Doc. 95–26154 Filed 10–20–95; 8:45 am]

BILLING CODE 6351–01–P

[1] Under the contract's existing terms, deliverers that load futures delivery sugar into vessels at a daily rate that is less than the specified reference loading rate must pay demurrage to receivers. If the deliverer's daily rate of loading exceeds the reference daily loading rate, the receiver must pay despatch to the deliverer.

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors Meeting

Pursuant to Section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the U.S. Air Force Academy, Colorado, November 16–19, 1995. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public on Saturday, November 18, 1995. Other portions of the meeting will be closed to the public to discuss

matters listed in Subsections (2), (4), and (6) of Section 552b(c), Title 5, United States Code. These closed sessions will include attendance at cadet training programs and discussions with cadets, military staff, and faculty officers which include personal information, financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in various facilities throughout the cadet area.

For further information, contact Lt Col David O. DiMarchi, Plans and Current Operations, HQ USAFA/XPO, 2304 Cadet Drive, Suite 350, USAF Academy, CO 80840–5002, at (719) 472–3933.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26125 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Information Technology will meet on February 21–23, 1996 at Griffiss AFB, NY between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26131 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Structures & Materials will meet on February 5–9, 1996 at Tyndall AFB, FL between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26129 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Ordnance & Propulsion will meet on January 29–February 2, 1996 at Edwards AFB, CA and Eglin AFB, FL between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26129 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Electronics will meet on January 16–19, 1996 at Griffiss AFB, NY and Kirtland AFB, NM, between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26128 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Human Centered Technology will meet on February 12–16, 1996 at Wright Patterson AFB, OH and Brooks AFB, TX between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26132 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Vehicles and Power will meet on January 22–26, 1996 at Wright Patterson AFB, OH between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26127 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Science & Technology Review of Avionics and Communications will meet on February 26–March 1, 1996 at Griffiss AFB, NY between 8 a.m. and 5 p.m.

The purpose of the meeting is to review the quality and long-range relevance of the science and technology base.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer

[FR Doc. 95–26130 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

Intent To Grant a Partially Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant SVT Associates, Inc. and EPI, both incorporated in the State of Minnesota, a partially exclusive license under U.S. Patent Application Serial No. 08/278,671 filed in the name of Charles R. Jones for a ''System And Method For Controlling Molecular Beam Flux.''

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below by no later than December 22, 1995. Copies of the patent application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to: Mr. Samuel B. Smith, Jr., Chief, Intellectual Property Branch, Commercial Litigation Division, Air Force Legal Services Agency, AFLSA/JACNP, 1501 Wilson Blvd., Suite 805, Arlington, VA 22209–2403, Telephone No. (703) 696–9033.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–26133 Filed 10–20–95; 8:45 am]

BILLING CODE 3910–01–P

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee will meet on November 15-17, 1995. The meeting will be held at the University of Texas at Austin, and SEMATECH, in Austin, Texas; Commander, Mine Warfare Command, Corpus Christi, Texas; and Naval Station, Ingelside, Texas. The meeting will commence at 12:30 p.m. and terminate at 5:30 p.m. on November 15; commence at 8:00 a.m. and terminate at 4:30 p.m. on November 16; and commence at 8:30 a.m. and terminate at 4:00 p.m. on November 17, 1995. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to expose the Committee members to defense-sponsored university research laboratory capabilities and operations; associated local industry manufacturing practices; and mine countermeasures operations, capabilities, and related technology. The agenda will include briefings, discussions and demonstrations related to defense-sponsored university research and laboratory capabilities and operations in the areas of high frequency acoustics, long-range low-frequency acoustics, and electro-magnetic propagation, and associated local manufacturing practices; electromechanics, robotics, and nuclear engineering laboratory capabilities and operations at the University of Texas; and mine threat, countermeasures, capabilities, operations, exercise results, and relevant technology issues. These briefings, discussions and demonstrations will contain classified and proprietary information that is specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order. The classified, proprietary, and non-classified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) and (4) of title 5, United States Code.

For further information concerning this meeting contact:Ms. Diane Mason-Muir, Office of Naval Research, Naval Research Advisory Committee, 800 North Quincy Street, Arlington, VA 22217–5660, Telephone Number: (703) 696-6769.

Dated: October 13, 1995.

M. D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–26134 Filed 10–20–95; 8:45 am]

BILLING CODE 3810–FF–F

DEPARTMENT OF ENERGY

Amoco Oil Co. et al. v. D.O.E., et al.; Total Petroleum, Inc. v. D.O.E., et al.; Notice of Settlement

AGENCY: Department of Energy.

ACTION: Notice of Settlement.

SUMMARY: Notice is hereby given that the parties to the district court actions in Amoco et al. v. D.O.E. et al., H–94–2423 (S.D. Texas) and Total Petroleum, Inc. v. D.O.E. , 94–72745 (E.D. Michigan), have agreed to a settlement of the issues in litigation. Copies of the settlement are available upon request from the office of the Deputy General Counsel for Litigation at (202) 586–2909.

FOR FURTHER INFORMATION CONTACT: Milton C. Lorenz, Office of the General Counsel (GC–33), 1000 Independence Ave., S.W., Washington, D.C. 20585. Phone: (202) 523–3011.

SUPPLEMENTARY INFORMATION: These actions were brought in two U.S. District Courts to challenge the decision by the Department of Energy's Office of Hearings and Appeals that provided for the distribution of certain funds that resulted from the termination of exception relief that had been granted to the 341Tract Unit of the Citronelle Field. All issues have been resolved to the satisfaction of the parties to the District Court cases, and, upon approval of the Court for the Southern District of Texas the actions will be dismissed.

Issued this 13th day of October, 1995.

Robert R. Nordhaus,

General Counsel.

[FR Doc. 95–26177 Filed 10–20–95; 8:45 am]

BILLING CODE 6450–01–P

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collections listed in this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995.

DATES: Comments must be filed on or before November 22, 1995. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Herbert Miller, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Miller may be telephoned at (202) 254–5346; e-mail: hmiller@eia.doe.gov; (FAX 202–254–9700).

SUPPLEMENTARY INFORMATION: Each entry contains the following information: (1) collection number and title; (2) summary of the collection of information (includes sponsor; i.e., the DOE component), current OMB document number (if applicable), response obligation (mandatory, voluntary, or required to obtain or retain benefits), and type of request (new, revision, extension, or reinstatement); (3) a description of the need and proposed uses of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting and recordkeeping burden (number of respondents per year times the average number of responses per respondent annually times the average burden per response).

The energy information collections submitted to OMB for review were:

1. Form RW–859, ''Nuclear Fuel Data Survey,'' and Form RW–859S, ''Nuclear Fuel Data Supplement''

2. Sponsor—Office of Civilian and Radioactive Waste Management; Docket Number—1901–0287; Response Obligation—Mandatory; and Revision.

3. The RW–859 and RW–859S collect data to be used by the Office of Civilian Radioactive Waste to define, develop, and operate its program that requires information on spent nuclear fuel inventories, generation rates, and storage capacities. Respondents are all owners of nuclear power plants and owners of spent nuclear fuel.

4. Businesses or others for profit

5. 9,298 total annual burden hours (59 respondents × 2.5 responses per respondent per year × 63.04 hours per response).

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., October 16, 1995.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–26176 Filed 10–20–95; 8:45 am]

BILLING CODE 6450–01–P

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

SUPPLEMENTARY INFORMATION: The following information is provided in this notice: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (7) Affected public; (8) An estimate of the number of respondents per report period; (9) An estimate of the number of responses per respondent annually; (10) An estimate of the average hours per response; (11) The estimated total annual respondent burden; and (12) A brief abstract describing the proposed collection and the respondents.

The energy information collection submitted to OMB for review is as follows:

1. Federal Energy Regulatory Commission
2. FERC–561
3. 1902–0099
4. Annual Report of Interlocking Positions
5. Extension
6. Mandatory
7. Individuals or households; business or other for-profit; 8. 2,500 respondents
9. 1 response
10. 0.25 hours per response
11. 625 hours
12. This collection of information requirement is required by Section 305(c) of the Federal Power Act. The information is collected by the Commission to identify persons holding interlocking positions involving public utilities and possible conflicts of interest.

DATES: Comments must be filed on or before November 22, 1995. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place N.W., Washington, D.C. 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION: Requests for additional information or copies of the forms and instructions should be directed to Norma White, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585–0670. Ms. White may be telephoned at (202) 254–5327; e-mail: nwhite.@eia.doe.gov; (Fax 202–254–9700).

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., October 13, 1995.

John Gross,

Acting Director Office of Statistical Standards Energy Information Administration.

[FR Doc. 95–26178 Filed 10–20–95; 8:45 am]

BILLING CODE 6450–01–P

American Statistical Association Committee on Energy Statistics

AGENCY: U.S. 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 a meeting of the American Statistical Association's Committee on Energy Statistics, a utilized Federal Advisory Committee.

DATE AND TIME: Wednesday, November 8, 1995, 9:00 a.m.–4:30 p.m., Thursday, November 9, 1995, 9 a.m.–12:15 p.m.

PLACE: Holiday Inn-Capitol, 550 C Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Miller, EIA Committee Liaison, U.S. Department of Energy, Energy Information Administration, EI–72, Washington, DC 20585, Telephone: (202) 254–5507.

SUPPLEMENTARY INFORMATION: *Purpose:* To advise the Department of Energy, Energy Information Administration (EIA), on EIA technical statistical issues and to enable the EIA to benefit from the Committee's expertise concerning other energy statistical matters.

Tentative Agenda:

Wednesday, November 8, 1995

A. Opening Remarks
B. Major Topics
1. Obtaining Estimates of Wood Consumption
2. Results of the Process Improvement Team on Survey Costs
3. Business Re-engineering
4. Performance Measurement
5. Reconciliation of Annual Energy Outlook and Short-Term Energy Outlook Projections
6. Review of International Energy Outlook
7. Representation of New Technology in NEMS—Renewables (Public Comment)

Thursday, November 9, 1995

8. Documentation of Data on the Internet
9. Collecting Monthly Data from Nonutilities
10. Review of End-Use Sector Team's Proposals (Public Comment)

C. Topics for Future Meetings

Public Participation: The meeting is open to the public. The Chairperson of the committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the committee either before or after the meeting. If there are any questions, please contact Ms. Renee Miller, EIA Committee Liaison, at the address or telephone number listed above or Mrs. Antoinette Martin at (202) 254–5409.

Transcripts: Available for public review and copying at the Public Reading Room, (Room 1E–290), 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–6025, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Issued at Washington, DC on October 18, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–26179 Filed 10–20–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Project No. 11402–000 Michigan]

City of Crystal Falls, MI; Notice of Availability of Final Environmental Assessment

October 18, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Hydropower Licensing has reviewed the application for an original license for the Crystal Falls Hydroelectric Project, located in Iron County, Michigan, and has prepared a Final Environmental Assessment (FEA) for the project. In the FEA, the Commission's staff has analyzed the potential environmental impacts of the existing unlicensed project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street, N.E., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26168 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–2–20–000]

Algonquin Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 1995.

Take notice that on October 12, 1995, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheet, proposed to be effective November 16, 1995.

Fifth Revised Sheet No. 40

Algonquin states that pursuant to Section 32 of the General Terms and Conditions of its FERC Gas Tariff, it is filing to revise the Fuel Reimbursement Percentages for the four calendar periods beginning November 16, 1995. Furthermore Algonquin states that pursuant to Section 32.5 and 32.6 of the General Terms and Conditions of its FERC Gas Tariff, it is also submitting the annual calculation of the fuel reimbursement quantity deferral allocation.

Algonquin further states that copies of this filing were mailed to all affected customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26108 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–10–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 1995.

Take notice that on October 13, 1995, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Second Revised Volume No. 1

Ninth Revised Sheet No. 17
Original Sheet No. 210
Original Sheet No. 211

Original Volume No. 2

Third Revised Sheet No. 14

ANR states that the referenced tariff sheets are being submitted pursuant to ANR's approved Order No. 528 cost recovery settlement to implement partial recovery of approximately $2.4 million of additional buyout/buydown costs, in part by a fixed monthly charge applicable to ANR's customers, and in part by a volumetric buyout/buydown surcharge of $0.0006 per dth applicable to all throughput. This filing is being made pursuant to Article II of the Stipulation and Agreement filed by ANR on February 12, 1991 in Docket Nos. RP91–33–000 and RP91–35–0000, as approved by the Commission on March 1, 1991.

ANR has requested that the Commission accept the tendered tariff sheets to become effective November 12,

1995. ANR states that it intends to commence billing of the proposed fixed monthly charges and volumetric surcharge in January, 1996 for December, 1995 business.

ANR states that all of its Volume Nos. 1 and 2 customers and interested State Commissions have been apprised of this filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26109 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–161–003]

Avoca Natural Gas Storage; Notice of Amendment

October 17, 1995.

Take notice that on October 11, 1995, Avoca Natural Gas Storage (Avoca), One Bowdoin Square, Boston, Massachusetts 02114, filed in Docket No. CP94–161–003, pursuant to Section 7(c) of the Natural Gas Act, to amend the certificate of public convenience and necessity issued by the Commission on September 20, 1994 in Docket No. CP94–161–000. Avoca seeks to make four modifications to its project design that will result in ''net positive environmental benefits,'' all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The first change is to use electric motors to replace the originally proposed five natural gas-fired engines to drive the compressors that allow the facility to withdraw and inject natural gas. This change will result in reduced noise and air emission levels.

Second, Avoca now intends to withdraw water directly from the Cohocton River via a direct water intake system rather than the previously approved groundwater withdrawals. In connection with this change, Avoca requests that the year-round threshold level for the cessation of water withdrawals, based on the daily average flow of the Cohocton River, be reduced from 18.65 cubic feet per second (cfs) to 14 cfs with direct river intake and 18.65 cfs with groundwater pumping.[1]

Third, Avoca states that engineering constraints, due to customer needs and lender requirements, necessitate the construction of six storage caverns rather than five storage caverns. The six storage caverns would have the same total working capacity, 5.0 Bcf, that was approved with five storage caverns. The ''minimum build'' capacity of the six storage caverns would be made available in the following phases: Phase I—1.4 Bcf in October 1997; Phase II—1.6 Bcf in October 1998; and Phase III—1.4 Bcf in October 1999.

The final change requested by Avoca is to install a triple-header interconnecting pipe rather than the previously-proposed single-header. Avoca states that this installation will enable a market center to develop and result in less environmental impact, since future interconnections would not disrupt surface and soil environments.

Avoca asserts that the requested changes be approved by December 29, 1995, in order that full construction of the project begin by January 1, 1996.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 24, 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 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 amendment 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 is 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 Avoca to appear or be represented at the hearing.

Lois D. Cashell,

Secretary

[FR Doc. 95–26110 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[1] The issue of the proper threshold level is currently before the Commission on rehearing. Avoca states that if its alternative is approved, it will withdraw its request for rehearing.

[Docket No. RP95–400–002]

Distrigas of Massachusetts Corporation; Notice of Compliance Filing

October 17, 1995.

Take notice that on October 12, 1995, Distrigas of Massachusetts Corporation (DOMAC) made a compliance filing submitting revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1. DOMAC states that its compliance filing only redesignates the headers on the relevant tariff sheets and does not change the substantive provisions contained therein.

DOMAC states that copies of the filing were served upon all of DOMAC's customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26111 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–4–23–001]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 1995.

Take notice that on October 13, 1995, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised substitute tariff sheets included in Appendices A and B attached to the filing. Such revised substitute tariff sheets bear various proposed effective dates as shown therein.

ESNG states that the above referenced revised substitute tariff sheets have been filed to correct for certain storage tracking errors as contained in ESNG's original filing in this docket.

ESNG states that copies of the filing have been served upon its jurisdictional sales customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

FR Doc. 95–26112 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–22–000]

K N Interstate Gas Transmission Co.; Notice of Application

October 17, 1995.

Take notice that on October 12, 1995, K N Interstate Gas Transmission Co. (K N), P.O. Box 281304, Lakewood, Colorado 80228, filed an application pursuant to Sections 7(c) and 7(b) of the Natural Gas Act, and Part 157 of the Commission's Regulations for: (1) A certificate of public convenience and necessity authorizing the construction and operation of approximately 3.4 miles of 10-inch pipeline, running parallel to its existing 6-inch mainline, beginning approximately 4.6 miles upstream of its Clay Center Compressor Station and ending approximately 1.2 miles upstream of the compressor station, Clay County, Nebraska; and, (2) authorization to abandon in place an equivalent length of the existing 6-inch mainline, running between the same two points. K N's application is on file with the Commission and open to public inspection.

K N states that the existing pipeline which K N proposes to replace was installed in 1946 pursuant to an order issued on March 30, 1946 in Docket No. G–683.[1] K N states that certain hydrostatic tests on the existing pipeline reveal several leaks, indicating that the condition of the existing pipeline has deteriorated to the point where reliability considerations along justify replacement. Also, K N states it has been asked by K N Energy, Inc. (K N Retail) to increase the amount of gas available to K N Retail at delivery points southeast of the Clay Center Compressor Station; and that, K N Retail will bear the incremental cost associated with the replacement of the 6-inch pipe with 10-inch pipe. K N states that the total projected cost of the project is $465,000; and that, K N's net cost will be $300,000.

If the Commission determines that its Statement of Policy issued on May 31, 1995 in Docket No. PL94–4–000 is applicable to this project, K N is requesting a ruling from the Commission that it is entitled to rolled-in pricing of the cost of the proposed facilities. Until it makes its next filing under Section 4 of the Natural Gas Act, K N would charge the firm transportation rates established by the Commission in Docket No. RP94–93–000, *et al.* for transportation of gas through the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 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 385.211 and 385.214) 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 matters 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 K N to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26113 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[1] *See*, 5 FPC 432 (1946).

[Docket No. ER95–1137–000]

Northeast Utilities Service Company; Notice of Filing

October 17, 1995.

Take notice that on September 19, 1995, Northeast Utilities Service Company tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before October 30, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26114 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–444–001]

Southern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 17, 1995.

Take notice that on October 12, 1995, Southern Natural Gas Company (Southern) tendered for filing the following corrected tariff sheet to its FERC Gas Tariff, Seventh Revised Volume No. 1, to be effective October 1, 1995:

First Substitute Fourth Revised Sheet No. 404

Southern states that the purpose of this filing is to correct an error in the revised firm contract quantity filed on Fourth Revised Sheet No. 404 (Index of Purchasers) in this proceeding on September 22, 1995. Southern has requested all waivers necessary to make the corrected sheet effective October 1, 1995.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211). All such protests should be filed on or before October 24, 1995. Protests will not be considered by the Commission in determining the parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26115 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–206–002]

Tennessee Gas Pipeline Company; Notice of Motion Filing

October 17, 1995.

Take notice that on October 13, 1995, Tennessee Gas Pipeline Company (Tennessee), in accordance with the Commission's order issued on April 28, 1995 in the captioned docket, filed to move the following original and revised tariff sheets into effect as of November 13, 1995:

—Fourth Revised Sheet No. 1
—Second Revised Sheet No. 210
—Second Revised Sheet No. 213
—First Revised Sheet No. 225
—Original Sheet No. 228
—Substitute Original Sheet No. 229
—Original Sheet No. 230
—Original Sheet Nos. 231 through 300
—Substitute First Revised Sheet No. 304
—Original Sheet No. 304A
—Second Revised Sheet No. 316
—First Revised Sheet No. 350
—Substitute First Revised Sheet No. 351
—Original Sheet No. 351A
—Third Revised Sheet No. 509
—Third Revised Sheet No. 512
—Original Sheet Nos. 617A through 617F

Tennessee states that these tariff sheets place into effect the new SA (or Supply Aggregation) service. Tennessee states that this service will allow a customer that enters into an SA Service Agreement to aggregate supplies from any and all receipt points within specific pooling areas, as defined in revised Section 23, Article I of the General Terms and Conditions (GT&C) of Tennessee's FERC Gas Tariff.

Tennessee also proposes revisions to the scheduling priorities set forth on Sheet Nos. 316 and 317 to reflect the Commission's recent rejection of Tennessee's ''capacity path'' concept at issue in Docket Nos. RP95–88, *et al.* Tennessee states that this revision places SA service on a scheduling priority immediately below firm transportation and storage service that use Primary Receipt and Delivery Points.

Any person desiring to protest with reference to said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26116 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–10–004]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

October 17, 1995.

Take notice that on October 4, 1995, pursuant to Section 154.62 of the Commission's Regulations and in compliance with the Commission's March 17, 1995 Order in Docket No. GT95–10–000, Texas Eastern Transmission Corporation (Texas Eastern) submits a supplement to its September 11, 1995 filing, in Docket No. GT95–10–003. Attached is six copies of the executed Section 7(c) service contract #412004 with New Jersey Natural Gas Company under Texas Eastern's firm Rate Schedule SS.

Texas Eastern requests that the Commission waive all necessary rules and regulations to permit the contract to become effective on the first day of the primary term as stated.

Texas Eastern states that a copy of the letter of transmittal and its attached contract is being sent to New Jersey Natural.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26117 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT96–2–000]

Viking Gas Transmission Company; Notice of Filing

October 17, 1995.

Take notice that on October 12, 1995, Viking Gas Transmission Company (Viking) tendered for filing a report of Gas Research Institute (GRI) refunds to Viking's firm shippers for the period from January 1, 1994 through December 31, 1994.

Viking states that the refunds have been based on a total refund from GRI to Viking of $114,916.00, and have been allocated among Viking's firm shippers based upon their relative contributions to GRI funding during 1994. Viking also states that the reported refunds were credited to Viking's customers on their October 1995 invoices.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure. All such motions or protests should be filed on or before October 24, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26118 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EF96–5041–000]

Western Area Power Administration; Notice of Filing

October 17, 1995.

Take notice that on October 3, 1995, the Deputy Secretary of the Department of Energy, by Rate Order No. WAPA–68, did confirm and approve on an interim basis, to be effective on October 1, 1995, the Western Area Power Administration's (Western) Rate Schedules PD–F5, PD–FT5, PD–FCT5, and PD–FNT5 for firm power service, firm transmission service, and nonfirm transmission service from the Parker-Davis Project.

The rate in Rate Schedules PD–F5, PD–FTS, PD–FCT5, and PD–FNT5 will be in effect pending the Federal Energy Regulatory Commission's (FERC) approval of these or substitute rates on a final basis, ending September 30, 2000.

The power repayment study indicated that the existing rate results in collecting revenues in excess of those required by law through the study period. The revised rate schedules will yield appropriate revenues.

The Administrator of Western certifies that the rates are consistent with applicable law and that they are the lowest possible rates consistent with sound business principles. The Deputy Secretary of the Department of Energy states that the rate schedules are submitted for confirmation and approval on a final basis for a 5-year period beginning October 1, 1995, and ending September 30, 2000, pursuant to authority vested in FERC by Delegation Order No. 0204–108, as amended.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 3, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26119 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EF96–5161–000]

Western Area Power Administration; Notice of Filing

October 17, 1995.

Take notice that on October 3, 1995, the Deputy Secretary of the U.S. Department of Energy by Rate Order No. WAPA–67 did confirm and approved on an interim basis, to be effective on October 1, 1995 the Western Area Power Administration's (Western) rates for nonfirm energy sales contained in Rate Schedule SNF–4 from the Stampede Division, Washoe Project (Stampede).

The rates in Rate Schedule SNF–4 will be in effect pending the Federal Energy Regulatory Commission's (FERC) approval of it or of substitute rates on a final basis, through September 30, 2000.

Under Western's contract with the Sierra Pacific Power Company (Sierra), all Stampede nonfirm energy is credited to the Stampede Energy Exchange Account (SEEA), at the SEEA rate. The cost of project use service is then debited to the SEEA. Energy remaining after meeting project use service will be offered to interested parties and preference customers through an annual bidding process. Bids will be accepted only if the bid rate is equal to or higher than the SEEA rate, and less than the cost recovery rate. If no mid meets this criteria, the nonfirm energy will be deemed sold to Sierra at the SEEA rate. The SEEA rate is 85 percent of the then-effective non-time differentiated rate as provided in the Sierra's California Quarterly Short-Term Purchase Price Schedule for As-Available Purchases from Qualifying Facilities with Capacities of 100 kilowatts or less. If the SEEA arrangements with Sierra are terminated, Western will offer all available nonfirm energy for sale at the cost recovery rate, or the highest rate bid that is below the cost recovery rate.

Stampede power costs associated with providing project use service are nonreimbursable and not recovered through power revenues. The amount of nonreimbursable costs is calculated by multiplying the total annual power costs by a ratio of the cost of providing project use service to the revenues from Stampede generation as recorded in the SEEA. The reimbursable cots and energy remaining after project use service has been provided are used to calculate the cost recovery rate. The power repayment study and other analyses indicate the cost recovery rate provides sufficient revenue to pay all reimbursable annual costs including interest expense, plus repayment of required investment within the allowable time period.

Under the existing rate schedule, Stampede nonfirm energy is sold through an annual bidding process on a short-term nonfirm basis. A floor and ceiling rate for the bidding process is calculated each year. The floor rate is based on annual operation and maintenance expenses plus two mills per kilowatthour, and the ceiling rate is the rate required to repay annual expenses and investment within the required time frames.

The Administrator of Western certifies that these rates are consistent with applicable law and that they are the lowest possible rates consistent with sound business principles. The Deputy Secretary of the U.S. Department of Energy states that the rate schedule is submitted for confirmation and approval on a final basis for a 5-year period beginning October 1, 1995 and ending September 30, 2000, pursuant to authority vested in FERC by Delegation Order No. 0204–109, as amended.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 3, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–26120 Filed 10–20–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5318–7]

Agency Information Collection Activities Up for Renewal

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.), this notice announces that the Information Collection Request (ICR) listed below is coming up for renewal. Before submitting the renewal package to the Office of Management and Budget (OMB), EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before December 22, 1995.

ADDRESSES: U.S. EPA; Office of Wetlands, Oceans and Watersheds; Oceans and Coastal Protection Division (4504F); 401 M Street SW; Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eric Slaughter; phone 202–260–1051; fax 202–260–9960.

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities affected by this action are those which receive grants under Section 320 of the Clean Water Act, the National Estuary Program (NEP).

Title: National Estuary Program; ICR #1500.02; OMB control #2040–0138; expiration date: 12/31/95.

Abstract: The National Estuary Program (NEP) involves collecting information from one source: The state or local agency which receives funds under section 320 of the Clean Water Act. The regulation requiring this information is found at 40 CFR Part 35. The prospective recipient is seeking grant funds to carry out a three to five-year program resulting in the completion of a Comprehensive Conservation and Management Plan. In order to receive grant funds, grantees must submit an annual workplan to EPA. This workplan is the only information required from the grantee beyond that which is required in the standard government grant application. The workplan is reviewed by EPA, and it then provides the basis for the scope of work written into the grant agreement. The annual workplan consists of two parts: progress on projects funded previously, and new projects proposed with dollar amounts and completion dates. Once incorporated into the grant agreement, the workplan is then used to track performance. As of this date, there are 28 grantees nationally. The current ICR renewal will propose no changes in burden.

EPA simplifies the burden by providing guidance on how to prepare the workplan and by issuing planning targets to each grantee so that workplans can target a known funding level. EPA also provides direct assistance to prospective grantees in preparing the annual workplan by reviewing and commenting on drafts.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are displayed in 40 CFR Part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The estimated burden for the 28 estuaries in the program totals 4900 hours. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: September 30, 1995.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 95–26193 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5318–2]

Nominations for Exemptions to the Production and Import Phaseout of Ozone Depleting Substances for Uses Satisfying the Montreal Protocol "Essential Use" Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Through this notice, the U.S. Environmental Protection Agency is requesting applications for consideration at the Eighth Meeting of the Parties to the Montreal Protocol to be held in late 1996 for exemptions to the production and import phase-out for ozone-depleting substances in 1997 and subsequent years (including halons, CFC–11, CFC–12, CFC–113, CFC–114, CFC–115, CFC–13, CFC–111, CFC–112, CFC–211, CFC–212, CFC–213, CFC–214, CFC–215, CFC–216, CFC–217, carbon tetrachloride, and methyl chloroform).

Nominations for essential use exemptions for production or importation in 1996 and beyond for Class I substances were solicited in previous Federal Register Notices (58 FR 29410, May 20, 1993; 59 FR 52544, October 18, 1994) and recommendations by the Montreal Protocol Technology and Economics Assessment Panel have been forwarded to the Parties for consideration at the Seventh Meeting of the Parties, to be held December 5–7, 1995. The results of the previous solicitations and subsequent actions taken by the Protocol Parties are described in this Notice.

DATES: Applications for essential use exemptions eligible for consideration at the Eighth Meeting of the Parties must be submitted to EPA no later than 30 days after date of publication of this notice in order for the U.S. government to complete its review and to submit its nominations to the United Nations Environment Programme (UNEP) and the Protocol Parties by January 1, 1996.

ADDRESSES: Karen Metchis, Program Manager; Essential Use Exemptions; Mail Stop 6205J; U.S. Environmental Protection Agency; 401 M Street SW.; Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Karen Metchis, Substitutes Analysis and Review Branch, Stratospheric Protection Division (6205J), Office of Atmospheric Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Phone (202) 233–9193; FAX (202) 233–9577. General information may be obtained from the Stratospheric Ozone Hotline at 1–800–296–1996 or (202) 775–6677.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background—The Essential Use Nomination Process

As described in previous Federal Register notices, the Parties to the Montreal Protocol on Substitutes that Deplete the Ozone Layer (the Parties) agreed during the Fourth Meeting in Copenhagen on November 23–25, 1992, to accelerate the phase-out schedules for Class I ozone-depleting substances. Specifically, the Parties agreed to phase out the production of halons by January 1, 1994 and the production of other Class I substances, except methyl bromide, by January 1, 1996. The Parties also took decisions and adopted resolutions on a variety of other matters, including the criteria to be used for allowing ''essential use'' exemptions from the phase out of production and importation of controlled substances for uses considered essential. Language regarding essential uses was added to the Protocol provisions in Article 2 governing the control measures. Decision IV/25 of the Fourth Meeting of the Protocol details the specific criteria and review process for granting essential use exemptions. The Parties recognized the importance of including such an exemption because of the accelerated phaseout dates for these chemicals.

At the Fifth Meeting of the Parties held on November 17–19, 1993 in Bangkok, the Parties modified the timetable for the nomination of essential uses for all controlled substances. Pursuant to Decision V/18, Parties may nominate a controlled substance for uses meeting the essential use criteria by January 1 of each year. Decisions on such nominations will be taken by the Parties in that year in which the nomination is made for subsequent years. In accordance with this new timetable, the UNEP Montreal Protocol Technology and Economics Assessment Panel (the Panel) and its relevant Technical Options Committees will review and develop recommendations on the nominations and submit their report to the Protocol Parties.

Nominations may be for production or importation in any year after the date on which the substance is phased out and may be for more than one calendar year. For example, a nomination could be submitted by January 1, 1996 for a halon essential use Decision at the Meeting of the Parties in late 1996 to allow for production of halons beginning in 1997. If adequate supplies of halons were available for 1997, but thought to be unavailable beginning in 1998, an application in 1996 could request the essential use exemption for production or importation in 1998. The Parties may choose to grant the exemption for one or more of the nominated years, but each approved or pending application may be reconsidered and modified by the Parties at their annual meetings. In cases where companies believe they have a use that meets the essential use criteria but where an adequate supply of the controlled substance is currently available, an application generally need not be made at this time. Applications for these uses may be made at a later date for consideration at subsequent meetings of the Parties, and EPA intends to solicit applications annually. Thus the process permits, but does not require, applications for essential uses for future years to facilitate planning.

In establishing these essential uses exemptions, the Parties set out criteria to identify eligible essential uses and established a process for the Parties to decide which uses would qualify under this provision. Decision IV/25 states that ''a use of a controlled substance should qualify as essential only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health''. In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: (i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and (ii) the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances.''

Any essential use exemptions would also have to comply with the provisions of the Clean Air Act (CAA). Section 604 authorizes the granting of specific exemptions from the phaseout schedules contained in the Clean Air Act. Specific to halons, it allows exemptions for aviation safety (section 604(d)(3)), national security (section 604(f)), and fire suppression and explosion prevention (section 604(g)). Other exemptions specified in section 604 include essential uses of methyl chloroform (section 604(d)(1)); uses of Class I substances in medical devices (section 604(d)(2)); and uses of CFC–114 for national security (section 604(f)). To the extent that an accelerated phaseout schedule has been adopted under the Montreal Protocol, EPA can legally provide exemptions for uses not specified in the CAA, so long as these exemptions do not exceed the production reduction schedule contained in section 604(a).

Since section 604(b) specifies the phaseout date for Class I substances as 2000 (2002 for methyl chloroform), that section effectively limits the authority of EPA to provide essential use exemptions for periods after the CAA's production termination dates, other than for the specific exemptions authorized by section 604.

The first step in the process to qualify a use as essential under the Protocol is for the user to carefully consider whether the use of the controlled substance meets the Protocol criteria. If the user believes that it does, the user should notify EPA of the candidate use and provide sufficient information for EPA and the Protocol Parties to evaluate that use for consistency with the criteria adopted by the Parties in Copenhagen. The Panel has issued a handbook entitled ''Handbook on Essential Use Nominations,'' available from EPA, to guide applicants. EPA will review the candidate for exemption and will work with other interested federal agencies to determine whether or not it should be submitted to the United Nations Ozone Secretariat for further consideration. Nominations submitted to the Ozone Secretariat by the U.S. or other Parties will then be directed to the Panel and its Technical Options Committees which will review submissions and prepare recommendations to the Parties for exemptions. The Panel will review these nominations to determine whether the eligibility criteria have been satisfied and will examine the expected duration of the essential use, emission controls for the essential use application, sources of already produced controlled substances that are available to meet the essential use, and the steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use. The Parties also instructed the Panel to consider the environmental acceptability, health effects, economic feasibility, availability and regulatory status of alternatives and substitutes. The Panel's recommendations are then considered by the Parties who subsequently take final action on each proposed nomination. If the Parties decide that a specified use of a controlled substance is essential, EPA will propose regulatory changes to

reflect decisions by the Parties consistent with the CAA.

If a user of the controlled substance determines that it has a use that meets the essential use criteria discussed above, the user should prepare and submit to EPA an essential use application as described below.

II. Summary of Actions to Date

EPA issued the following Federal Register notices requesting nominations for essential uses of halons and other Class I substances:

Substance	Year of production [1]	FR notice	Meeting
Halons	1994	February 2, 1993, 58 FR 6786	1993—Fifth.
All other class I substances	1996	May 20, 1993, 58 FR 29410	1993—Fifth.
Halons	1995	October 18, 1993, 58 FR 53722	1994—Sixth.
Halons other class I substances	1995 1997	October 18, 1994, 59 FR 52544	1995—Seventh.

[1] And subsequent years.

Two cycles implementing the essential use Decision have been completed, and the third will soon be completed when the Parties meet in December, 1995. To date, the Parties to the Protocol have granted essential use exemptions only for CFC–11, CFC–12 and CFC–114 for use in metered dose inhalers (MDIs); methyl chloroform for use as a solvent on the Space Shuttle; and a global exemption for CFCs, methyl chloroform and carbon tetrachloride in laboratory uses under specified limitations. No exemptions have been granted for halons. A more detailed description of actions taken at the Fifth and Sixth meetings can be found in a prior Federal Register notice (59 FR 52544, October 18, 1994). EPA subsequently allocated the essential uses allowances approved by the Parties for the United States (60 FR 24970, May 10, 1995).

In response to the October 18, 1994 Federal Register notice (59 FR 52544) requesting nominations for production of CFCs and halons in 1996 and beyond, EPA received 24 applications. EPA worked with candidates to ensure applications met the criteria set forth by the Parties. Subsequently, the United States submitted the five nominations to the Ozone Secretariat for consideration at the Seventh Meeting. The nominations were for:

- An adjustment to a previously granted exemption for CFC–11 and CFC–12 for use in metered dose inhalers (MDI), 1996 and 1997;
- CFC–12 and CFC–114 for MDI treatment of rhinitis, 1996 and 1997;
- CFC–11, CFC–12 and CFC–114 for generic MDIs, 1996 and 1997;
- Methyl chloroform for use as a solvent on the NASA Space Shuttle, 1996–2001; and
- Methyl chloroform for use as a solvent on the Air Force Titan Upgraded Solid Rocket Motor, 1996–2001.

TOTAL ESSENTIAL USE REQUESTS SUBMITTED BY THE UNITED STATES

[Metric tonnes]

	1996	1997	1998	1999	2000	2001
CFC–11	328	331	.....	.....	.....	.....
CFC–12	432	437.2	.....	.....	.....	.....
CFC–114	19	43.7	.....	.....	.....	.....
Methyl Chloroform	0.29	0.37	57	56.99	56.87	56.87

Nominations from the U.S. and other countries were submitted to the Montreal Protocol Secretariat and provided to the Technical and Economics Assessment Panel for review. In March 1995, the Panel issued the ''Supplement to the 1994 Assessments'' containing the ''Report of the Technology and Economic Assessment Panel.'' The Report includes the Panel's recommendations for essential-use production and consumption exemptions. The Panel made the following recommendations for consideration by the Parties:

- Methyl chloroform in specific cleaning, bonding and surface activation applications in rocket motor manufacturing for the U.S. Space Shuttle and Titan;
- Halon 2402 to be used in the Russian Federation for special hazards fire protection;
- For Metered Dose Inhalers (MDIs) for Asthma and Chronic Obstructive Pulmonary Disease (COPD) (but not for general nasal use) nominations, the Panel endorses the overall recommendation to grant necessary quantities while avoiding the possibility of over-supply;
- Specific controlled substances needed for laboratory and analytical applications.

The Panel was unable to recommend the nomination of Poland for CFCs for servicing of refrigeration equipment.

The Seventh Meeting of the Parties is scheduled for December 5–7, 1995. At that session the Parties will review the recommendations by the Technology and Economic Assessment Panel and make final decisions on this round of essential use nominations.

Once the Parties have taken a decision on this year's nominations, EPA will issue a Notice of Proposed Rulemaking (NPRM) to propose to grant the exemptions under the Clean Air Act and to make specific allocations of the essential-use allowances. Despite the predisposition of the Parties to consider nominations only for two year windows, the EPA is still requesting that applications include projections of potential future needs in order to help us plan for future nominations. Final essential-use allowances promulgated by EPA may not exceed the exemptions adopted by the Parties.

III. Request for Applications for Production of All Class I Substances in 1997 and Subsequent Years

Through this Notice, EPA requests applications for essential use exemptions for all class I substances for 1997 or subsequent years. Eligible applications will be nominated to the

Secretariat for consideration at the Eight Meeting of the Parties to be held in September, 1996 or later. Applications for essential use exemptions should be submitted to EPA no later than 30 days after the date of publication of this notice to allow time for a review of the information before the deadline for submitting nominations to the Secretariat.

As described previously, the Parties established criteria to identify essential uses and a process to decide which uses would qualify under Decision IV/25. The Decision states that ''a use of a controlled substance should qualify as essential only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health.'' In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances.'' When submitting a nomination to the Secretariat, the U.S. must be able to demonstrate that the proposed uses meet these criteria. The burden of proof is on the nominating country, and applications failing to prove that these criteria have been met will be rejected by the Parties. Thus, it is incumbent upon applicants to ensure that all applications are supported by complete and detailed documentation including the types of information outlined in the Handbook on Essential Use Nominations to allow EPA to determine whether to submit the applications as nominations, and to assist EPA in presenting a strong and credible case before the Parties and the recommending Panel for those nominations.

All requests for nominations submitted to EPA must present the following information in the manner prescribed in the Panel Handbook. EPA will not forward incomplete or inadequate nominations to the Montreal Protocol Secretariat for consideration, and therefore recommends that applicants make every effort to provide the requested information. Applicants should contact the Essential Use Program Manager to obtain a copy of the Handbook on Essential Use Nominations, prepared by the Panel, for guidance on preparing nominations. As noted in that book, nominations should, at a minimum:

(1) Provide details of the type, quantity and quality of the controlled substance that is requested to satisfy the use that is the subject of the nomination. Indicate the period of time and the annual quantities of the controlled substance that are requested.

(2) Provide a detailed description of the use.

(3) Explain why this use is necessary for health and/or safety, or why it is critical for the functioning of society.

(4) Explain what other alternatives and substitutes have been employed to reduce the dependency on the controlled substance for this application.

(5) Explain what alternatives were investigated and why they were not considered adequate (technically, economically or legally).

(6) Describe the measures that are proposed to eliminate all unnecessary emissions. At a minimum, this explanation should include design considerations and maintenance procedures.

(7) Explain what efforts are being undertaken to employ other measures for this application in the future.

(8) Explain whether the nomination is being made because national or international regulations require use of the controlled substance to achieve compliance. Provide full documentation including the name, address, phone and fax number of the regulatory authority requiring use of the controlled substance and provide a full copy or summary of the regulations. Explain what efforts are being made to change such regulations or to achieve acceptance on the basis of alternative measures that would satisfy the intent of the requirement.

(9) Describe the efforts that have been made to acquire stockpiled or recycled controlled substance for this application both from within your nation and internationally. Explain what efforts have been made to establish banks for the controlled substance.

(10) Briefly state any other barriers encountered in attempts to eliminate the use of the controlled substance for this application.

(11) Demonstrate consistency with CAA provisions on essential uses.

All nominations should be sent to: Karen Metchis, Program Manager, Essential Use Exemptions, Mail Stop 6205J, Environmental Protection Agency, Washington, DC 20460, FAX: (202) 233–9577, Phone: (202) 233–9193

EPA will work with submitters, other interested federal agencies, and outside experts to review this information and forward nominations to the Protocol's Secretariat for consideration as appropriate and consistent with any CAA limitations.

Dated: October 6, 1995.

Richard D. Wilson,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 95–26203 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5318–6]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Merit Products Superfund Site in Philadelphia, PA, was executed by the Agency on September 29, 1995 and is subject to final approval by the United States Department of Justice. The Purchaser Agreement would resolve certain potential EPA claims under Section 107 of CERCLA, 42 U.S.C. 9607, against Henshell Corporation, the City of Philadelphia, and the Philadelphia Industrial Development Corporation (''The purchasers''). The settlement would require the Henshell Corporation to pay a principal payment of $3,500 within thirty (30), days and $14,000 after Henshell acquires title to the property, to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before November 22, 1995.

ADDRESSES: The proposed agreement and additional background information

relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency, Regional Docket Clerk (3RC00), 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the ''Merit Products Superfund Site'' and ''EPA Docket No. 95 III–95–10–10–DC'', and should be forwarded to Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Charles B. Howland (3RC23), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597–3210.

Dated: September 29, 1995.

W. Michael McCabe,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 95–26194 Filed 10–20–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

New Procedures, Terms and Conditions for Broadband PCS C Block Auction, Scheduled for December 11, 1995

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: This Public Notice, released October 6, 1995, announces the procedures, terms and conditions for the auction of the 493 BTA licenses to provide PCS on the C block of the 2 CHz band, scheduled to begin December 11, 1995. This Public Notice supersedes the Public Notice issued on July 20, 1995, and is designed to assist prospective bidders in preparing for the upcoming C block auction.

FOR FURTHER INFORMATION CONTACT: The FCC auction contractor, Hudson & Marshall, Inc., at (202) 408–1322. The complete text of the Public Notice dated October 6, 1995 follows. Copies of this item is available for public inspection in Room 207, 2033 M Street NW., Washington, DC and may also be obtained from the FCC copy contractor, ITS, Inc. at (202) 418–0620, and the FCC auction contractor, Hudson & Marshall, Inc., at (202) 408–1322.

SUPPLEMENTARY INFORMATION:

New Public Notice on Procedures, Terms and Conditions for Broadband PCS C Block Auction

Synopsis

Auction Date: Monday, December 11, 1995. The precise schedule for bidding in the first week of the auction will be announced by Public Notice prior to the start of the auction. Unless otherwise announced, bidding will be conducted on each business day, until bidding has stopped on all Basic Trading Area (BTA) licenses.

Auction Workshop Seminar Date: Thursday, November 16, 1995.

Auction Methodology: Simultaneous multiple round bidding. Bidding in this auction will only be permitted from remote locations, either electronically (by computer) or telephonically.

Licenses to be Auctioned: 493 licenses to provide PCS in the 2 GHz band. These licenses will authorize service on 30 MHz of spectrum over the 493 BTAs in the United States and will be on frequency block C (one of the ''Entrepreneurs' Blocks''). Frequency Block C encompasses 1895–1910 MHz paired with 1975–1990 MHz.

Pre-Auction Deadlines:

- Short form Application (FCC Form 175)—5:30 p.m., et, Monday, November 6, 1995
- Upfront Payments:

—Wire Transfer—3:00 p.m., et, Monday, November 27, 1995

—Cashier's Check—11:59 p.m., et, Monday, November 27, 1995

Telephone Contacts:

- Bidder Information Package and Supplemental Bidder Package—(202) 408–1322
- Auction Hotline—(202) 418–1400
- FCC Technical Support Hotline—(202) 414–1260

This Public Notice supersedes the Public Notice issued on July 20, 1995, concerning the Personal Communication Services (PCS) C block auction.

Those wishing to participate in the C block auction must submit a ''short-form'' application on FCC Form 175 in accordance with the Commision's rules and instructions in this Public Notice and in a soon-to-be-released ''Supplemental Bidder Package.'' Applicants should note that this Supplemental Bidder Package will include a revised FCC Form 175. Potential applicants will be able to order the supplement by calling the auctioneer, Hudson & Marshall, at (202) 408–1322. The FCC Form 175 must be received no later than 5:30 p.m. Eastern Time on Monday, November 6, 1995, and must be received either electronically or manually pursuant to the instructions set forth in the original Bidder Information Package, the Supplemental Bidder Package, and this Public Notice. Applicants should note that the previous version of the FCC Form 175 is no longer valid. A new FCC Form 175 (marked ''October 1995'' in the bottom right-hand corner) will be included in the Supplemental Bidder Package. Furthermore, the FCC Form 175–M which was used in the MDS auction will *not* be accepted for the C block auction.

Applicants for the C block auction are encouraged to file their FCC Form 175s electronically. Applicants should be aware that those applicants who file applications electronically will be permitted to bid electronically or telephonically. Applicants who file their applications manually, however, will only be permitted to bid telephonically.

New instructions regarding electronic filing are contained in this Public Notice. Applicants whose FCC Form 175s have been accepted for filing will be required to submit an upfront payment (in U.S. dollars) to be eligible to participate in the auction. The upfront payment must be made by wire transfer or cashier's check payable to the ''Federal Communications Commission'' or ''FCC'' and must be received on or before Monday, November 27, 1995, at the Mellon Bank in Pittsburgh, Pennsylvania. No other form of payment will be accepted.

The information contained in this Public Notice may be subsequently amended or supplemented. The FCC will issue Public Notices to convey the new or supplemental information to prospective bidders. It is the responsibility of all prospective bidders, however, to remain fully informed regarding all FCC rules and Public Notices pertaining to this auction. FCC Public Notices and other documents may be obtained for a fee by calling the FCC copy contractor, International Transcription Services, Inc., at (202) 857–3800. Additionally, prospective bidders may retrieve some of these documents from the FCC Internet node via anonymous FTP@FCC.gov.

Part I: Revised Pre-Auction Procedures

I. Eligibility to Bid on an Entrepreneurs' Block License

Potential applicants should consult the Commission's Sixth Report and Order in PP Docket No. 93–253 *et seq.*, 60 FR 37786 (July 21, 1995), concerning changes to the eligibility rules. A copy of the Sixth Report and Order will be

provided in the Supplemental Bidder Package.

II. Short Form Application (FCC Form 175)

A. FCC Form 175 Filing Options

Auction applicants will have the opportunity to file their applications either electronically or manually (via hard copy). Electronic filing will enable the applicant to: (1) receive interactive feedback while completing the application, and (2) receive immediate acknowledgement that the FCC Form 175 has been submitted for filing. Applicants for the C block auction are encouraged to file their FCC Form 175 electronically. Applicants should be aware that only those applicants who file applications electronically will be permitted to bid electronically. Applicants who file their applications manually will only be permitted to bid telephonically. The following is a description of each filing method:

1. *New Electronic Filing of FCC Form 175 Applications.*

Detailed new instructions on electronic filing of FCC Form 175 Applications are provided in Attachment A to this Public Notice.

B. FCC Form 175 General Information

Because of the significance of the FCC Form 175 application to the auction, it is important to take note of the following requirements. Applicants will be required to complete all the items on the FCC Form 175. The previous version of the FCC Form 175 is no longer valid. A new FCC Form 175 (revised 10/95) will be included in the Supplemental Bidder Package. Furthermore, the FCC Form 175–M which was used in the MDS auction will not be accepted for the C block auction. Applicants should carefully review §§ 1.2105(a)(2), 24.705, and 24.813 of the Commission's Rules. In completing an FCC Form 175, applicants should note the following:

1. Applicants should apply for all licenses on which they want to be eligible to bid in the auction. Bids will not be accepted on licenses for which an applicant has not applied on its FCC Form 175.

2. The Entrepreneurs' Block auction will be the fifth auction scheduled by the FCC. For ''Auction No.'' in item 6 of FCC Form 175, applicants should enter ''5.''

3. Applicants are required to create a ten-digit FCC Account Number, which the Commission will use to identify and track applications. Each applicant must create this FCC account number by using its taxpayer identification number (TIN), if it has one, with a prefix of ''0'', *i.e.*, 0123456789. If an applicant does not have a taxpayer identification number, the applicant should use its ten-digit area code and telephone number (*i.e.*, 5552345678). Each applicant must include its FCC Account Number when submitting any amendments, additional information or other correspondence regarding its application, and must include this number on each FCC Form 159 (FCC Remittance Advice) accompanying required auction deposits or payments submitted to the Commission. This number also must be used whenever an applicant writes, calls, or otherwise inquires about its application. Applicants will also need this number to register and bid in the auction.

4. In items #9 and #10 of the FCC Form 175 applicants must indicate their eligibility to participate in this auction and their Applicant Status if applicable. Designated Entities include rural telephone companies, small businesses, and businesses owned by members of minority groups or women. The indication of an applicant's status as a minority-owned or women-owned business is for statistical purposes only. All applicants should pay particular attention to the provisions of 47 C.F.R. §§ 24.709 and 24.720. In accordance with 47 C.F.R. § 24.709 (c) and (d), the FCC will conduct random audits to ensure that applicants meet the financial eligibility requirements.

5. Applicants will have to identify on the FCC Form 175 the market number for each block C license on which they want to bid. The market number for each BTA is listed in Tab I. B of the Bidder Information Package. The upfront payment amount is also included so that applicants can calculate the upfront payment amount required to be eligible to bid on the maximum number of bidding units, also referred to as activity units, in any single round of bidding. Applicants should note that the BTAs have been organized by population within the corresponding Major Trading Area (''MTA''). BTA service areas are based on Rand McNally *1992 Commercial Atlas & Marketing Guide*, 123rd Edition, pages 38–39 (''BTA/MTA Map''). Rand McNally organizes the 50 states and the District of Columbia into 487 BTAs. Six additional BTA-like areas will be licensed separately, they are:

(a) American Samoa
(b) Guam
(c) Northern Mariana Islands
(d) Mayagüez/Aguadilla-Ponce, Puerto Rico. Consisting of the following municipios: Adjuntas, Aguada, Aguadilla, Añasco, Arroyo, Cabo Rojo, Coama, Guánica, Guayama, Guayanilla, Hormigueros, Isabela, Jayuya, Juana Díaz, Lajas, Las Marías, Mayagüez, Maricao, Maunabo, Moca, Patillas, Peñuelas, Ponce, Quebradillas, Ricón, Sabana Grande, Salinas, San Germán, Santa Isabel, Villalba, and Yauco.
(e) San Jaun, Puerto Rico (including all other municipios not included in Mayagüez/Aguadilla-Ponce)
(f) United States Virgin Islands.

6. Applicants will be required to list the name(s) of the person(s) (up to a maximum of three) authorized to represent them at the auction. Only those individuals listed on the FCC Form 175 will be authorized to place or withdraw bids for the applicant during the auction.

7. Applicants should read the ''Certifications'' listed on the FCC Form 175 carefully before signing their manually filed application. Applicants who file their FCC Form 175 application electronically will not be required to transmit an original or electronic signature. However, by submitting the form electronically, the certifying official has made representation that they are an authorized representative of the applicant for the license(s) selected, and that they have read the instructions and the certifications and all matters and things stated in the application and attachments, including exhibits, are true and correct. These certifications help to ensure a fair and competitive auction and require, among other things, disclosure to the Commission of certain information on applicant ownership and agreements or arrangements concerning the auction. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, and ineligibility to participate in future auctions, and/or criminal prosecution.

8. If the Commission wishes to communicate with the applicant by telephone or fax, those communications will be directed to the contact person identified on the FCC Form 175. A space is provided for both a telephone number and a fax number. All written communications and registration information will be directed to the applicant's contact person at the address specified on the FCC Form 175. (Applicants must provide a street address; no P.O. box addresses should be used.)

9. Section 24.813 of the Commission's Rules requires each applicant to submit certain ownership information as an exhibit to its FCC Form 175 application. Specifically, each applicant must attach:

(a) A list of its subsidiaries, if any. Subsidiary means any business five

percent or more whose stock, warrants, options or debt securities are owned by the applicant or an officer, director, stockholder or key management personnel of the applicant. This list must include a description of each subsidiary's principal business and a description of each subsidiary's relationship to the applicant.

(b) A list of its affiliates, if any. Affiliates means any business which holds a five percent or more interest in the applicant, or any business in which a five percent or more interest is held by another company which holds a five percent interest in the applicant (*e.g.*, Company A owns 5% of Company B (the applicant) and 5% of Company C: Companies A and C are affiliates).

(c) A list of names, addresses, citizenship and principal business of any person holding five percent or more of each class of stock, warrants, or options or debt securities together with the amount and percentage held, and the name, address, citizenship and principal place of business of any person on whose account, if other than the holder, such interest is held. If any of these persons are related by blood or marriage, include such relationship in the statement.

(d) In the case of partnerships, the name and address of each partner, each partner's citizenship and the share of interest participation in the partnership. This information must be provided for all partners, regardless of their respective ownership interests in the partnership.

The FCC waives the information disclosure requirement of Section 24.813(a)(1) and 24.813(a)(2) with respect to other, outside ownership interests of attributable stockholders of applicants, except that direct, attributable ownership interests in other Commercial and Private Mobile Radio Service licensees or applicants shall be disclosed on the FCC Form 175. All long-form (FCC Form 600) reporting requirements will continue to apply.

10. Applicants must also attach an exhibit identifying all parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the competitive bidding process of Auction No. 5.

11. As a convenience to applicants, the FCC will provide a new ''FCC Form 175 Organizational Guidelines and Checklist for Attachments'' in the Supplemental Bidder Package. This document will replace the old *''FCC Form 175 Organizational Guidelines and Checklist for Attachments''* which appeared as Tab IV. B of the Bidder Information Package. For expediency of processing, we hope that applicants will choose to file the information in the order set forth in the checklist. While this format is not required, it may make the information provided easier to process which will be of benefit to the applicant.

12. Microfiche copies of manually filed FCC Form 175 and 175–S are required for all submissions in excess of five pages in accordance with § 24.806(e) of the Commission's rules. However, for this auction the FCC will allow submission of a 3.5'' diskette (in lieu of microfiche) which contains ASCII text (.TXT) files of all ownership documentation attached to the FCC Form 175.

Failure to sign a manually filed FCC Form 175 and/or submit the required ownership information (both electronic and manual filers) will result in dismissal of the application and inability to participate in the auction. Only original signatures will be accepted for manually filed applications.

C. Application Fee

There is no application fee required when filing a FCC Form 175. However, to be eligible to bid, an applicant will have to submit an upfront payment. *See* Section III below.

D. Procedures After FCC Form 175 Applications are Filed and Processed for Minor Corrections

After the deadline for filing FCC Form 175 applications has passed, the Commission will process all applications to determine whether they are acceptable for filing. The Commission will issue a Public Notice listing all applications which are accepted for filing, rejected, and those which have minor defects that may be corrected. The Public Notice announcing accepted, incomplete, and rejected applications will also announce the deadline for filing corrected applications. As described more fully in the Commission's Rules, applicants may make only minor corrections to their FCC Form 175 applications. *See*, 47 CFR 24.822. Applicants will not be permitted to make major modifications to their applications.

Applicants should note that the financial eligibility requirements for this auction require the *computation* of gross revenues and total assets of the applicant and all its affiliates. Merely certifying that an applicant is financially eligible is insufficient; each applicant must provide an amount, which demonstrates eligibility. Applications without a specified amount will be considered deficient with an opportunity to correct.

After the deadline for resubmitting corrected applications, the Commission will release another Public Notice announcing all applications that have been accepted for filing.

E. Qualified Applicant Seminar

All applicants whose FCC Form 175 have been accepted for filing will be eligible to attend an Auction Workshop Seminar in Washington D.C. on Thursday, November 16, 1995. This seminar will provide applicants with detailed instructions and assistance in the processing and filing of the FCC Remittance Advice Form (FCC Form 159) which is required with all upfront payments. Additional topics to be covered include: FCC Bid Submission Software, available bidding options, auction rules and procedures.

A new seminar registration form will be included in the Supplemental Bidder Package. Applicants interested in attending the November 16, 1995 seminar must submit a new registration form. All interested applicants must fax the new seminar registration form to Hudson & Marshall by November 9, 1995. (Fax # (202) 789–1538).

III. Upfront Payments

In order to be eligible to bid at the auction, applicants must submit an upfront payment together with an FCC Remittance Advice Form (FCC Form 159). A sample FCC Form 159 and instructions for making upfront payments are contained in the Supplemental Bidder Package. This information will replace the information contained in Table IV of the original Bidder Information Package. Please note: Payments made by cashier's check must be received by 11:59 p.m. eastern time, November 27, 1995. Payments made by wire transfer must be received by 3:00 p.m. eastern time, November 27, 1995, in order to be recorded as received. Failure to accurately complete the FCC Form 159 could result in a delay in processing your remittance.

All payments must be made in U.S. dollars, must be in the form of a wire transfer or cashier's check, and must be made payable to the ''Federal Communications Commission'' or ''FCC.'' No other form of payment will be accepted. Cashier's checks must be drawn on a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC).

A. Making Auction Payments by Cashier's Check

Each cashier's check and corresponding FCC Remittance Advice

Form (FCC Form 159) must be in an separate envelope, (only one check and one FCC Form 159 is required to be submitted with the upfront payment) addressed to: Mellon Bank, Attention: Auction No. 5, P.O. Box 358850, Pittsburgh, PA 15251–5850.

If delivering an auction payment in person or by courier, the cashier's check and FCC Remittance Advice Form (FCC Form 159) must be delivered to: Mellon Bank, Attention: Wholesale Lockbox Shift Supervisor, 27th Floor (153–2713), 3 Mellon Bank Center, 525 William Penn Way, Pittsburgh, PA 15259–001. (Note: Please indicate on the inside envelope ''Lockbox No. 358850''.)

B. Making Auction Payments by Wire Transfer

If making an auction payment by wire transfer, an applicant must fax a completed FCC Remittance Advice Form (FCC Form 159) to Mellon Bank at (412) 236–5702 at least one hour prior to placing the order for the wire transfer (but on the same business day).

On the cover sheet of the fax, the applicant should write ''Wire Transfer—Auction Payment for Auction Event #5''. To submit funds by wire transfer, you will need the following information:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/AC—9116106
OBI Field: (Skip one space between each information item)
''AUCTIONPAY''
FCC ACCOUNT NO. (SAME AS FCC FORM 159, BLOCK 1)
PAYMENT TYPE CODE (SAME AS FCC FORM 159, BLOCK 14)
FCC CODE (SAME AS FCC FORM 159, BLOCK 17)
PAYOR NAME (SAME AS FCC FORM 159, BLOCK 3)
LOCKBOX NO. 358850

Failure to deliver the upfront payment in a timely manner will result in dismissal of the application and disqualification from participation in the auction.

The upfront payment for Auction No. 5 is $0.015 per bidding unit (which is the equivalent of MHz-pops) for the largest combination of bidding units upon which a bidder wishes to bid in a single round of bidding. The upfront payment submitted by each applicant is not attributed to specific licenses but instead will define the maximum number of bidding units on which the applicant will be permitted to bid in any single round of bidding. The upfront payment amounts for the licenses to be auctioned in each BTA are listed in Tab I. B of the Bidder Information Package.

In calculating the upfront payment amount, an applicant should determine the maximum number of bidding units on which it wishes to bid in any single round and submit an upfront payment covering that number of bidding units. In this auction, all of the licenses are for 30 MHz of spectrum. Thus, if an applicant wants to be eligible to bid in any single bidding round on licenses in BTAs with a total population of 750,000 persons, the applicant must submit an upfront payment of $337,500 (30 MHz times 750,000 times $0.015).

An applicant may, on its FCC Form 175, apply for every license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment. As explained under Activity Rules, in Part II of the Procedures, Terms and Conditions, bidders will be required to remain active in each round of the auction on a specified percentage of the bidding units for which they are currently eligible.

IV. Registration for the Auction

Only qualified applicants who have submitted timely upfront payments will be permitted to register for the auction. Registration materials will only be sent to the address and contact person identified in an applicant's FCC Form 175. All registration is completed prior to the auction in two separate overnight mailings. The first registration package will include the bidder's login code and login password. A second registration mail-out will include the bidder's identification number and a schedule for bidding in the first week of the auction. At the end of the registration mail-out process, bidders should be in possession of the following information:

- FCC Account Number (self-assigned on the FCC Form 175)
- Login password
- Login code
- Bidder identification number

After an FCC Public Notice announcing qualified applicants is released, the auction registration process will begin. The two over-night mailings will take place within three business days of each other. Any applicant who has not received both mailings five business days after the release of the Public Notice should contact Hudson & Marshall at (202) 408–1322.

All applicants will be pre-registered prior to the auction event; no on-site registration will be available. Applicants who have not received the two separate registration mailouts will not be able to submit bids. It is the applicant's responsibility to ensure all registration information has been received.

Part II: Revised Auction Event

The Auction will begin at 9:00 a.m. Eastern Time on December 11, 1995. The precise schedule for bidding in the first week of the auction will be announced by Public Notice prior to the start of the auction. Bidders will have the option of bidding electronically or telephonically. Applicants should be aware that only those applicants who file applications electronically will be permitted to bid electronically. Applicants who file their applications manually will only be permitted to bid telephonically. There will be no on-site bidding allowed for this auction.

Qualified bidders must be aware that lost login codes, passwords or bidder identification numbers can only be replaced at the FCC Auction Center located at 2 Massachusetts Avenue, NE, Washington, DC 20002. Additionally, only an authorized representative or certifying official, as designated on an applicants FCC Form 175, must appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.

Generally there will be one bidding round per day during the first week of the auction. Each bidding round contains the following periods:

- Bid submission period
- Bid submission round results
- Bid withdrawal period
- Final round results

The times of the bidding periods for the first week will be included in the second registration mail-out and by Public Notice. The Commission may, however, increase or decrease the amount of time for bid submission as well as the number of rounds per day depending upon the bidding activity level and the aggregate amount of high bids.

Bids must be submitted before the conclusion of the bid submission period and bid withdrawals must be submitted before the conclusion of the bid withdrawal period. Bidders may print a hard copy confirmation to their local printer after electronic bid submission or after withdrawing a high bid electronically. Telephonic bidders will be required to provide a fax number to the bid operator and will receive an automatic fax back confirmation of their bid submission or high bid withdrawal.

All FCC auction announcements will be available on the FCC remote electronic bidding system and through the Internet and the FCC Bulletin Board System. The FCC will announce such items as the schedule for bid submission and bid withdrawal periods. The FCC will make a further announcement if it

decides to extend a period. If a period is extended, the time remaining clock on the bid submission and bid withdrawal screens will automatically be refreshed to reflect the change.

Round results will be available after the conclusion of each period on the FCC electronic bidding system, via Internet and the FCC Bulletin Board System. The FCC electronic bidding system provides the flexibility for a user to define their own file formats. Round results file formats will be available through the Internet and the FCC Bulletin Board System and are included in this Public Notice and the Supplemental Bidder Package. This information will replace the information contained in Tab III. A. of the original Bidder Information Package.

I. Auction Procedures

The block C BTA broadband PCS licenses will be awarded through a simultaneous multiple round auction. Bids will be accepted on all licenses in each round of the auction (See *infra* section II.C for specific information about stopping rules). High bid amounts will be posted after the end of the bid submission period in each round of bidding. In addition, information regarding all valid bids submitted and all bid withdrawals in each round will be provided.

A. Bid Submission and Withdrawal Procedures

1. *Bid Submission*

Each bidder may submit bids once in each round, for as many licenses as it is eligible, according to the limit of its deposited upfront payment. Bidders will be able to place their bids electronically or by telephone. Applicants should be aware that only those applicants who file applications electronically will be permitted to bid electronically. Applicants who file their applications manually will only be permitted to bid telephonically. Each bidder will be required to log in to the FCC auction computer system, using a log-in code and confidential password unique to that bidder, and in addition must provide its bidder identification number and FCC account number in order to place or withdraw a bid. To place a bid telephonically, bidders must call the FCC Bidding Line during the bid submission period. This telephone number will be provided to all qualified bidders in their registration materials. The bid operator will request the log-in code, system password, FCC account number, bidder identification number, authorized bidder name and fax number. Detailed instructions regarding remote bidding access are contained in the Remote Bidding System User Manual provided with your software. This information will replace the information contained in Tab III.A of the original Bidder Information Package.

2. *Bid Withdrawals*

A high bidder who wishes to withdraw one or more of its high bids during the bid withdrawal period may do so electronically or telephonically subject to the bid withdrawal penalty specified in the Commission's Rules, 47 CFR § 24.704(a)(1). If a high bid is withdrawn, the license will be offered (without a minimum bid increment—see explanation below) in the next round at the second highest bid price, which may be less than or equal to (in the case of tie bids) the amount of the withdrawn bid. The FCC will be identified as the high bidder on the license until a new valid bid is submitted on that license. In addition, to prevent a bidder from strategically delaying the close of the auction, the FCC retains the discretion to limit the number of times that a bidder may re-bid on a license from which it has withdrawn a high bid.

B. Minimum Bid Increments and Tie Bids

There will be no minimum opening bid and no minimum bid increment for a license until the license has received an initial bid. Once a bid has been received on a license the minimum bid increment for that license will be set initially at the greater of five (5) percent of the previous high bid or $0.02 per bidding unit. The Commission retains the discretion to vary the minimum bid increments in each round of the auction for individual licenses or groups of licenses by announcement prior to each round.

Each bid will be date and time stamped when it is entered into the computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid.

C. Number of Licenses That May Be Acquired and Other Licensing Restrictions

No bidder may hold more than 98 Entrepreneurs' Blocks licenses (frequency blocks C and F). 47 CFR § 24.710. Additionally, broadband PCS applicants will only be permitted to aggregate broadband PCS licenses up to a total of 40 MHz in any geographic area. Bidders should also be aware that there are other restrictions pertaining to PCS cellular cross-ownership and a Commercial Mobile Radio Service (CMRS) spectrum cap. *See* 47 CFR §§ 24.204, 24.229, 20.6. *See also, Sixth Report and Order* in PP Docket No. 93–253 *et seq.*, 60 FR 37786 (July 21, 1995) (this document will also be included in the Supplemental Bidder Package).

II. Activity Rules

In order to ensure that the auction closes within a reasonable period of time, the Commission will impose an activity rule to discourage bidders from waiting until the end of the auction before participating. The activity rule provides for three stages with increasing levels of minimum activity required in each stage if a bidder is to maintain its current eligibility.

A. Activity Requirements

A bidder will be considered ''active'' on a license in the current round if it is either the high bidder at the end of the bid withdrawal period in the previous round or submits a bid in the current round which meets or exceeds the minimum valid bid. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. The minimum required activity levels for each stage of the auction are as follows:

1. *Stage One:* In each round of the first stage of the auction, a bidder who wishes to maintain its current eligibility is required to be active on licenses encompassing at least 60% of the bidding units for which it is currently eligible. Failure to maintain the requisite activity level will result in a reduction in the number of bidding units upon which a bidder will be eligible to bid in the next round of bidding (unless an activity rule waiver is used). During the first stage, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by five-thirds (5/3). Eligibility for each applicant in the first round is determined by the amount of the upfront payment received and the licenses identified in the FCC Form 175 application.

2. *Stage Two:* In each round of the second stage, a bidder who wishes to maintain its current eligibility is required to be active on 80% of the bidding units for which it is eligible in the current round. During the second stage, if activity is below the required minimum level, eligibility in the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

3. *Stage Three:* In each round of the third stage, a bidder who wishes to

maintain its current eligibility is required to be active on licenses encompassing 95 percent of the bidding units for which it is eligible in the current round. In the final stage, if activity in the current round is below 95 percent of current eligibility, eligibility in the next round will be calculated by multiplying the current round activity by twenty-nineteenths ($^{20}/_{19}$).

As stated above, activity requirements increase in each auction stage, therefore, it is necessary for bidders to check current activity during the bid submission period in the first round following a stage transition. Bidders who do not wish to submit any new bids in that round can confirm their current activity level (measured in terms of their standing high bids) telephonically or through the FCC WAN by entering the bid submission module and comparing the current activity to the activity required.

B. Activity Rule Waivers

Bidders will be provided five activity rule waivers that may be used in any round during the course of the auction. If a bidder's activity level is below the required activity level a waiver will automatically be applied, if a bidder still has waivers remaining and does not submit an automatic waiver override. That is, if a bidder fails to submit a bid in a round or bids below the required activity level, and its activity level from any standing high bids (high bids at the end of the bid withdrawal period in the previous round) falls below its required activity level, a waiver will be automatically applied. A waiver will preserve current eligibility in the next round. An activity rule waiver applies to an entire round of bidding and not to a particular license. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.

Bidders will be afforded an opportunity to override the automatic waiver mechanism if they wish to intentionally reduce their eligibility and do not want to use a waiver to retain their eligibility at its current level. If a bidder overrides the automatic waiver mechanism, its eligibility will be permanently reduced and it will not be permitted to regain its bidding eligibility from a previous round.

Bidders will have the option of pro-actively entering an activity rule waiver during the bid submission period. If a bidder submits a proactive waiver in a round in which no other bidding activity occurs, the auction will remain open. Therefore in the later rounds of the auction, if a bidder does not intend to bid but wants to ensure that the auction does not close, it should enter a proactive waiver in a place of a bid. The submission of a proactive waiver will prevent the auction from closing.

C. Stopping Rules

Bidding will remain open on all licenses until bidding stops over every license. The auction will close after one round passes in which no new valid bids or proactive waivers are submitted. The Commission retains the discretion, however, to keep an auction open even if no new valid bids and no proactive waivers are submitted. In the event that the Commission exercises this discretion, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, if a bidder has any activity rule waivers left, an automatic waiver will be applied if its activity from standing high bids does not meet its required activity level.

Bidders whose activity from the standing high bid does not meet its required activity level and that have no activity rule waivers remaining will have their maximum eligibility reduced according to the activity rules as described above.

The Commission may also declare at any time after 40 rounds that the auction will end after a specified number of additional rounds. If the Commission invokes this stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding three rounds. The Commission also retains the discretion to close bidding on a particular license or licenses. In the unlikely event that we use such a license-by-license stopping rule, we would anticipate doing so only after 40 rounds; applying it first to the largest BTAs, and only if three or more rounds have passed without any bids on these licenses.

The Commission does not intend to exercise these options except in extreme circumstances such as where the auction is proceeding very slowly, there is minimal overall bidding activity and it appears unlikely that the auction will close within a reasonable period of time. Before exercising these options, however, the Commission would first attempt to increase the pace of the auction by announcing that the auction will move into the next stage, where bidders would be required to maintain a higher level of bidding activity. Under these circumstances, the Commission may also first increase the number of bidding rounds per day and increase the amount of the minimum bid increments for those limited number of licenses where there is still a high level of bidding activity.

Part III: Revised Post-Auction Procedures for High Bidders

I. Down Payment

The winning bidder for each license must submit sufficient additional funds (a ''down payment'') to bring the amount of money on deposit with the government to 5 percent of their winning bid (less any applicable bidding credits) within five (5) business days after bidding is declared closed and the high bidders are announced. In the event that a bidder has incurred any bid withdrawal penalties, the bidder's upfront payment will be applied first to satisfy the penalty before being applied toward its down payment on licenses it has won. If the amount of the penalty cannot yet be determined, the bidder will be required to make a deposit of 5 percent of the amount bid on such licenses.

The remainder of the down payment, an additional 5 percent of the applicant's net winning bid, is due within 5 business days after the license is granted. A sample FCC Remittance Advice Form (FCC Form 159) and further instructions for making auction down payments are contained in the Supplemental Bidder Package. The instructions for submitting cashier's checks and/or wire transfers are identical to those presented in the Pre-Auction Procedures Upfront Payments Section contained in the Supplemental Bidder Package. This information replaces the information contained in Tab IV.C. of the original Bidder Information Package.

A. Submission of Long-Form Application (FCC Form 600) and Award of Licenses

Unless otherwise announced by Public Notice, winning bidders must timely submit a properly completed FCC Form 600 application (either electronically or manually) for a block C broadband PCS license within ten (10) business days after a Public Notice is issued announcing the high bidders and/or instructions on filing the FCC Form 600. Winning bidders must complete a FCC Form 600, Long Form Application and Schedule ''A'' for each individual BTA license won through the auction. Detailed instructions and a copy of FCC Form 600 are contained in Tab IV.D. of the Bidder Information Package. The FCC Form 600 is subject to change. Bidders are responsible for submitting the correct and most up-to-date version of this form. Manual submission of the FCC Form 600 must be sent to: Office of the Secretary, Attn: Broadband PCS Processing Section, Federal Communications Commission,

1919 M St., NW., Room 222, Washington, DC 20554.

Once a high bidder has submitted its down payment and filed the FCC Form 600 application, a Public Notice will be issued announcing the acceptance of applications for filing. Petitions to Deny against any of the applications accepted for filing must be filed no later than 30 days from the date of that Public Notice.

After the Commission reviews an applicant's FCC Form 600 and resolves any petitions to deny, the Commission will determine whether there are any reasons why the license should not be granted; if there are none, it will grant the license. The remainder of the winning bidder's down payment, an additional five (5) percent of the applicant's net winning bid, is due within five (5) business days after the Public Notice is issued announcing that the Commission will award the license. All license grants will be conditioned on timely payments for the license in accordance with the installment payment plan applicable to that bidder set forth in 47 CFR § 24.711 of our Rules.

B. Refund of Upfront Money

All applicants who submitted upfront payments, yet were not winning bidders for any BTA licenses, may be entitled to a refund of their upfront payments after the conclusion of the auction. Any refund will be conditioned upon the existence of excess funds on deposit after any applicable bid withdrawal penalties have been paid. After the close of the auction, a refund package will be delivered, via Federal Express, to these applicants at the address provided in the payor blocks 4 through 7 of the Remittance Advice Form, FCC Form 159. The package will include a cover letter which outlines the procedures for processing a refund, and an FCC Form SF–3881 (ACH Vendor/Miscellaneous Payment Enrollment Form).

Applicants are expected to complete their section of the SF–3881 and forward the form to their financial institution for final completion. Once the SF–3881 has been properly completed, it must be transmitted by facsimile to the Billings and Collections Branch, Federal Communications Commission, ATTN: William Koch. The fax number is (202) 418–2843. The original SF–3881 must also be mailed to the following address: Federal Communications Commission, ATTN: William Koch, 1919 M Street, NW., Room 452, Washington, DC 20554.

Bidders who drop out of the auction may also be eligible for a refund of upfront payments prior to the close of the auction. Qualified bidders who wish to obtain a refund, prior to the close of the auction, must have exhausted all of their activity rule waivers and have no remaining bidding unit eligibility. These bidders must forward a written request for refund, along with a copy of their bidding eligibility screen print, to Regina Dorsey or William Koch to the address listed above. Additionally, a copy of the refund request and the bidding eligibility screen print should also be transmitted by fax number (202) 418–2843. Once your request has been approved, a refund package will be forwarded to the address provided on the FCC Form 159.

Refund processing generally takes up to two weeks to complete. Bidders with questions regarding the refund process or completion of the SF–3881 should contact either Regina Dorsey or William Koch at (202) 418–1995.

II. Construction Requirements

Licensees of 30 MHz blocks must serve with a signal level sufficient to provide adequate service to at least one-third of the population in their licensed area within five years of being licensed and two-thirds of the population in their licensed area within 10 years of being licensed. Licensees may choose to define population using the 1990 census or the 2000 census. Failure by any licensee to meet these requirements will result in forfeiture or non-renewal of the license and the licensee will be ineligible to regain it.

Licensees must file maps and other supporting documents showing compliance with the respective construction requirements within the appropriate five-year and ten-year benchmarks of the date of their initial licensees. *See* 47 CFR § 24.203.

III. Bidder Alert

The Terms contained in the Commission's Report and Orders, Public Notices and in the Supplemental Bidder Package are not negotiable. Prospective bidders should review these auction documents thoroughly prior to the auction to make certain that they understand all of the provisions and are willing to be bound by all of the Terms before making any bid.

All applicants must certify under penalty of perjury on their FCC Form 175 applications that they are legally, technically, financially and otherwise qualified to hold a license. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties including monetary forfeitures, license revocations, being barred from participating in future auctions, and/or criminal prosecution.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Attachment A—New Electronic Filing of FCC Form 175

The Commission recently implemented a remote access system to allow applicants to submit their FCC Form 175 applications electronically. The remote access system for initial filing of the FCC Form 175 applications will generally be available 24 hours per day beginning at approximately the same as the release of the Supplemental Bidder Package. FCC Form 175 applications that are filed electronically using this remote access system must be submitted and confirmed by 5:30 p.m. Eastern Time on Monday, November 6, 1995. Late applications or unconfirmed submissions of electronic data will not be accepted. The electronic filing process consists of an initial filing period and a resubmission period to make minor corrections. More detailed filing instructions will be provided in the Supplemental Bidder Package.

Parties interested in reviewing, printing, or downloading other applicants' FCC Form 175 applications should be aware that this feature will be provided via a 900 number telephone service at a cost of $2.30 per minute. Those applicants who wish to file their FCC Form 175 electronically or review other FCC Form 175 applications on-line will need the following hardware and software:

Hardware Requirements

- CPU: Intel 80386 or above (80486 or faster recommended).
- RAM: 8MB RAM (more recommended if you intend to open multiple applications).
- Hard Disk: 10MB available disk space.
- 1.44MB 3.5″ Floppy Drive (to install the remote system).
- Modem: v.32bis 14.4kbps Hayes compatible modem.
- Monitor: VGA or above.
- Mouse or other pointing device.
- Three 1.44MB floppy disks.

Software Requirements

- FCC-provided application software (will be available via Internet or the FCC Bulletin Board System).
- PPP Asynchronous Communications Package that is Winsock v1.1 compliant (tested—Trumpet v2.1F, NetManage Chameleon c4.1, Wollongong Pathway Access for Windows v3.2).
- Microsoft Windows 3.1 or above, or Microsoft Windows for WorkGroups v3.11 or above.

Note: The FCC is in the process of testing Windows95. For further technical information, contact the FCC Technical Support Hotline at (202) 414–1260. The FCC Form 175 has not been tested on a Macintosh or OS/2 environment. Therefore, the FCC will not support operating systems other than Microsoft Windows 3.1, or Windows for Workgroups v3.11 or above in an enhanced mode. This includes any other emulated Windows environment.

If your Windows is in a networked environment, you should check with your local network administrator for any potential conflicts with the ppp software package you will use to connect to the FCC network. This usually includes any TCP/IP installed network protocol.

Applicants who wish to file their FCC Form 175 applications electronically through the FCC Remote Access System must first download the FCC-provided application software from either the Internet or the FCC Bulletin Board System. Applicants should note that previous versions of the Remote FCC Form 175 software will not work. Applicants must download the version specific to this auction. (File Name: *F175V5.EXE).*

Internet Access

In order to download the compressed file from the Internet, you will need to have access to the Internet and an ftp client software as follows:

- *FTP:* The following instructions are for the command line version of ftp.

1. Connect to the FCC ftp server by typing ftp fcc.gov.
2. At the user name prompt, type anonymous [Enter].
3. At the password prompt, type your Internet e-mail address [Enter].
4. To allow the file to be downloaded type: binary [Enter].
5. Change your current directory to the FCC175 directory by typing: cd/pub/Auctions/PCS/Broadband/BTA/FCC175 [Enter].
6. Use the get command to download files from the FCC ftp serve by typing: get F175V5.EXE [Enter].
7. If you wish to exit, type: bye [Enter].

- *Gopher:* gopher.fcc.gov or use any gopher to get to ''all the gophers in the world'' then 'U.S.' then 'DC' then 'FCC'.
- *World Wide Web:* ftp://fcc.gov.

Dial-In Access to the FCC Auction Bulletin Board System (BBS)

The FCC Auction Bulletin Board System provides dial-in access for the FCC-provided application software. In order to access the FCC Auction BBS, use a communications package that can handle at least xmodem protocol (e.g., pcAnyWhere, Telix, Procomm) to dial in to (202) 682–5851. Use the settings of 8 data bits, no parity and 1 stop bit (8,N,1).

- *For new users follow steps 1–6, otherwise go to step 7:*

1. Type New, [Enter]. If the word ANSI is blinking, type Y for yes. If the word ANSI is not blinking, type N for No
2. Type in your first and last name and press [Enter]. This will be your login name
3. Type in your Telephone number and press [Enter]
4. Type in your Fax number and press [Enter]
5. Type in what you want your password to be and press [Enter]
6. Retype the password for verification and press [Enter]

- *Once the account is generated:*

7. Type B for Broadband Auction and press [Enter]
8. Type B for BTA and press [Enter]
9. Type P for Programs and Applications and press [Enter]
10. Move the cursor to the file named F175V5.EXE and type [Control]-D (hold the Ctrl key down and press the D key) for Download and press [Enter]
11. Type the letter representing the transfer protocol desired and press [Enter]. How the file is downloaded and where it gets downloaded depends on the transfer protocol package used.
12. To download additional files move cursor to the filename desired and type [Control]-D (hold the Ctrl key down and press the D key) for Download and press [Enter]. Then repeat step 11, or press X and [Enter] to Exit the screen.

- *To Exit:*

13. Type X to Exit and press [Enter] and continue to do so until asked if you want to Exit the BBS. Press Y for Yes when asked to verify your leaving.

The FCC-provided application software available through the Internet and the FCC Auction BBS will be in a self-extracting compressed file format. Once the compressed file has been downloaded, you will need to generate the installation disks. You will need to have three (3) blank MOS-DOS® formatted 3.5″ 1.44MB disks. To generate the installation disks, type F175V5.EXE /! and press [Enter].

If you had previously downloaded and installed the FCC Form 175 application, then, during installation, the setup program will prompt you to update any existing files. You MUST update all the existing files.

The extracted files will be executable programs for submitting and reviewing FCC Form 175 applications along with a README.TXT file. The text file will provide instructions for installing the software on the applicant's personal computer. After you create the installation disks, restart Windows and run SETUP.EXE from installation Disk 1 of 3 and follow the instructions on the screen. For technical assistance in downloading, extracting or installing the FCC application software contact the FCC Technical Support Hotline at (202) 414–1260.

After the FCC Form 175 installation is complete, you will have a new Program Manager group called FCC Auction with two icons: Remote FCC Form 175 Submit and Remote FCC Form 175 Review. You must art the ppp software and be connected before you start either program. To start up either the Remote FCC Form 175 Submit or Remote FCC Form 175 Review, double click the respective icon. When you are finished with either program, be sure to disconnect from the FCC Network via your ppp software.

General Setup for Unsupported or Unlisted PPP Software

It is possible to use ppp software that we have not tested. The following information should provide enough information to make your software work. However, if your software cannot confirm/establish the following parameters, you will need to get one of the tested ppp software. The FCC will not provide support for any untested software product.

1. Set the ppp software to ppp mode (do not set for slip)
2. Set the domain name server to 165.135.22.249
3. Set the domain suffix to fcc.gov
4. Set the phone number to: (this number will be provided in the README.TXT file included with the F175V5.EXE). You may need to add a dialing prefix
5. Be sure to set the Baud Rate to the maximum DTE modem speed. This is usually 57600 bps for 14.4 kbps modems
6. Set the modern parameters to 8 data bits, no parity and 1 stop (if needed, set flow control to hardware)

Note: Spry's Internet-in-a-Box failed our testing procedures.

Installing Trumpet v2.1f

Trumpt can be found on the Internet. It can be downloaded via ftp (be sure to download in binary mode). Trumpet v2.1f can be found at ftp.trumpet.com.au in the director /winsock as twsk21f.zip. You will need PKWare's v2.04g pkunzip.exe to uncompress these filed. PKWare v2.04g can be found at oak.oakland.edu in the directory /simtel/msdos/zip as pkz204g.exe. This is a self-extracting

file. Type pkz204g.exe to extract the file pkunzip.exe. Please be aware of any licensing issues for these shareware products. The information is included in the respective package.

If you already have some kind of TCP/IP networking package installed, the Trumpet Winsock program may not run. Contact your LAN administrator for assistance. Trumpet version 2.1f has successfully been tested to work with the FCC network.

Copy the files winsock.dll, tcpman.exe, hosts, services, login.cmd, bye.cmd, setup.cmd, sendreg.exe, and protocol to a suitable directory (e.g., c:\trumpet).

The essential files are:

winsock.dll the core of the Trumpet TCP/IP driver
tcpman.exe controlling program for the Winsock
sendreg.exe registration program
hosts list of host names
services list of Internet services
protocol list of Internet protocols
login.cmd Trumpet script file to connect to the FCC Network
bye.cmd Trumpet script file to disconnect from the FCC Network
setup.cmd Trumpet setup file to connect to the FCC Network

Modify the path line in your autoexec.bat to contain a reference to that directory.

e.g., path c:\trumpet;c:\dos;c:\windows

Make sure it is active by rebooting your computer. Now you are ready to start Windows.

From Windows, start up tcpman by selecting File | Run from the file manager, then type tcpman. If this fails, the path is probably not set up correctly. Please fix it before proceeding. Later, you can set up tcpman as an icon so it can be started directly.

Assuming you are a first time user, a setup screen will appear giving you a number of options to fill in. You will need to fill in the following details to enable the TCP package to function. If you are unclear on any of them, try to seek some help from qualified Internet support staff—it will save you a lot of time.

First click on Internal PPP. The parameters available for your use will be darkened, while the parameters not available will be shaded gray and will be disabled.

Name server

- Enter name server IP address 165.135.22.249 for DNS searches.

Domain suffix

- Enter domain suffix fcc.gov

MTU

- Maximum Transmission Unit, set to 1500. Related to TCP MSS usually TCP MSS +40 (Numeric).

TCP RWIN

- TCP Receive Window, set to 4096. It is recommended that this value be roughly 3 to 4 times the value of TCP MSS (Numeric).

TCP MSS

- Maximum Segment Size, set to 1460.

SLIP port

- your modem port number 1=com1, 2=com2 etc., (numeric).

Baud rate

- The speed you wish to run at (numeric), set to the maximum modem DTE speed or 57600. Up to 115200 is supported although speeds greater than 19200 require suitable hardware.

Hardware

- Handshake should be checked.

The rest of the details should be grayed out and you need not try to fill them in. When you are done, click on [OK].

Under the Dialler | 1.setup.cmd:

- Set the telephone number to: (this number will be provided in the README.TXT file included with the F175V5.EXE). You may need to add a dialing prefix
- Leave the login username blank (i.e., no username)
- Leave the login password blank (i.e., no password)

Under the File | PPP Options

- Do not enable PAP

If you decide to use the login script login.cmd, you will need to use a text editor to delete line 132 and all following lines to the end of the file.

Line 132:

input % logintimeout $userprompt

If all goes well, the Trumpet Winsock will be initialized. You are now ready to start using the Winsock.

Remember, before you use the FCC Form 175, you will need to be connected. To connect, select Dialler | Login on the menu bar. For applications with an associated access charge, the charging begins as soon as the connect is established. After finishing the FCC Form 175, you should disconnect from the FCC network by selecting Dialler | Bye. For applications with an associated access charge, the charging continues until the disconnect has been completed.

Detailed Configuration Information Using NetManage Chameleon v4.1

Install the software as instructed by the NetManage installation routine. Activate the Custom-Connect Here icon in the Program Manager Internet Chameleon group. Setup Chameleon's parameters with the following:

Under the Custom menu Interface—Add:

- Set the Name to FCC.
- Set the Type to PPP.

Under the Custom menu Setup—Port:

- Set the Baud Rate to the maximum DTE speed of your modem, usually 57600 bps for 14.4 kbps modems.
- Set the Data Bits to 8.
- Set the Stop Bits to 1.
- Set the Parity to none.
- Set the Flow Control to Hardware.
- Set the Connector to match your modem comm port.

Under the Custom menu Setup—Modem:

- Select the modem that most closely matches your modem. Hayes© is the most common choice.

Under the Custom menu Setup—Dial:

- Type in the dial edit box: (this number will be provided in the README.TXT file included with the F175V5.EXE). You may need to add a dialing prefix.

Under the Custom menu Setup—Login:

- Leave User Name blank
- Leave User Password blank

Under the Services Domain—Servers:

- Set an IP address to the number 165.135.22.249

Remember, before you use the FCC Form 175, you will need to be connected. To connect, click on Connect on the menu bar. For applications with an associated access charge, the charging begins as soon as the connect is established. After finishing the FCC Form 175, you should disconnect from the FCC network by clicking on Disconnect. For applications with an associated access charge, the charging continues until the disconnect has been completed.

Configuration Information For Using Wollongong Pathway for Windows v3.2

Install the Pathway Runtime for Windows v4.0 software using the Wollongong installation routine. During setup, you will be required to provide the following parameters: (you may enter anything for information not listed):

- Set the Adapter to SLIP/CSLIP/PPP connection.
- Set the Domain Name to fcc.gov.
- Set the IP Address to 0.0.0.0.
- Set the Subnet Mask to 255.255.0.0.

- Set the DNS Server to the number 165.135.22.249.

After the installation, start Dialer found in the Pathway Access Program Manager group. Enter a new profile (File New) and supply the following relevant information:

- Set the Telephone Number to: (this number will be provided in the README.TXT file included with the F175V5.EXE). You may need to add a dialing prefix.
- Set the Port to match your modem comm port.
- Set the Baud Rate to the maximum DTE speed of your modem.
- Check Driver Parameters' Flow Control.
- Under Protocol, select PPP.
- In the script text box, have only the following command:

Send:

When you are finished, click on [Save] and provide a filename for your new profile.

Before you use the FCC Form 175 programs, you must be connected. To connect, click on Dial on the tool bar. For applications with an associated access charge, the charging begins as soon as the connect is established. After you are connected, Dial will gray out and Disconnect will be made available. After finishing the FCC Form 175 programs, you should disconnect from the FCC Network by clicking on Disconnect. For applications with an associated access charge, the charging continues until the disconnect has been completed.

DETAILED INSTRUCTIONS FOR USING ALL FCC REMOTE ELECTRONIC AUCTION SYSTEM SOFTWARE CAN BE FOUND IN THE README FILE ASSOCIATED WITH THE RESPECTIVE SOFTWARE MODULE AS WELL AS IN THE CONTEXT SENSITIVE HELP FUNCTION ASSOCIATED WITH EACH MODULE.

BILLING CODE 6712–01–M

ATTACHMENT B

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
	M001 - New York			
B321	New York, NY	PBB321C	18,050,615	$8,122,776.75
B184	Hartford, CT	PBB184C	1,123,678	$505,655.10
B007	Albany-Schenectady, NY	PBB007C	1,028,615	$462,876.75
B318	New Haven-Waterbury-Meriden, CT	PBB318C	978,311	$440,239.95
B438	Syracuse, NY	PBB438C	791,140	$356,013.00
B010	Allentown-Bethlehem-Easton, PA	PBB010C	686,688	$309,009.60
B412	Scranton-Wilkes Barre-Hazleton, PA	PBB412C	678,410	$305,284.50
B361	Poughkeepsie-Kingston, NY	PBB361C	424,766	$191,144.70
B063	Burlington, VT	PBB063C	369,128	$166,107.60
B319	New London-Norwich, CT	PBB319C	357,482	$160,866.90
B043	Binghamton, NY	PBB043C	356,645	$160,490.25
B453	Utica-Rome, NY	PBB453C	316,633	$142,484.85
B127	Elmira-Corning-Hornell, NY	PBB127C	315,038	$141,767.10
B463	Watertown, NY	PBB463C	296,253	$133,313.85
B352	Plattsburgh, NY	PBB352C	123,121	$55,404.45
B164	Glens Falls, NY	PBB164C	118,539	$53,342.55
B333	Oneonta, NY	PBB333C	107,742	$48,483.90
B388	Rutland-Bennington, VT	PBB388C	97,987	$44,094.15
B435	Stroudsburg, PA	PBB435C	95,709	$43,069.05
B208	Ithaca, NY	PBB208C	94,097	$42,343.65
	M002 - Los Angeles-San Diego			
B262	Los Angeles, CA	PBB262C	14,549,810	$6,547,414.50
B402	San Diego, CA	PBB402C	2,498,016	$1,124,107.20
B245	Las Vegas, NV	PBB245C	857,856	$386,035.20
B028	Bakersfield, CA	PBB028C	543,477	$244,564.65
B406	Santa Barbara-Santa Maria, CA	PBB406C	369,608	$166,323.60
B405	San Luis Obispo, CA	PBB405C	217,162	$97,722.90
B124	El Centro-Calexico, CA	PBB124C	109,303	$49,186.35
	M003 - Chicago			
B078	Chicago, IL	PBB078C	8,182,076	$3,681,934.20
B155	Ft. Wayne, IN	PBB155C	646,736	$291,031.20
B344	Peoria, IL	PBB344C	455,643	$205,039.35
B380	Rockford, IL	PBB380C	412,120	$185,454.00
B424	South Bend-Mishawaka, IN	PBB424C	330,821	$148,869.45
B426	Springfield, IL	PBB426C	254,696	$114,613.20
B109	Decatur-Effingham, IL	PBB109C	247,608	$111,423.60
B126	Elkhart, IN	PBB126C	235,152	$105,818.40
B071	Champaign-Urbana, IL	PBB071C	222,312	$100,040.40
B046	Bloomington, IL	PBB046C	215,795	$97,107.75
B039	Benton Harbor, MI	PBB039C	161,378	$72,620.10
B243	La Salle-Peru-Ottawa-Streator, IL	PBB243C	148,331	$66,748.95
B225	Kankakee, IL	PBB225C	127,042	$57,168.90
B103	Danville, IL	PBB103C	114,241	$51,408.45
B294	Michigan City-La Porte, IN	PBB294C	107,066	$48,179.70
B161	Galesburg, IL	PBB161C	75,574	$34,008.30
B213	Jacksonville, IL	PBB213C	70,795	$31,857.75
B286	Mattoon, IL	PBB286C	62,314	$28,041.30
	M004 - San Francisco-Oakland-San Jose			
B404	San Francisco-Oakland-San Jose, CA	PBB404C	6,420,984	$2,889,442.80
B389	Sacramento, CA	PBB389C	1,656,581	$745,461.45
B157	Fresno, CA	PBB157C	755,580	$340,011.00
B434	Stockton, CA	PBB434C	512,626	$230,681.70
B372	Reno, NV	PBB372C	439,279	$197,675.55
B303	Modesto, CA	PBB303C	418,978	$188,540.10
B458	Visalia-Porterville-Hanford, CA	PBB458C	413,390	$186,025.50
B397	Salinas-Monterey, CA	PBB397C	355,660	$160,047.00
B371	Redding, CA	PBB371C	253,255	$113,964.75

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B079	Chico-Oroville, CA	PBB079C	206,918	$93,113.10
B291	Merced, CA	PBB291C	192,705	$86,717.25
B134	Eureka, CA	PBB134C	142,578	$64,160.10
B485	Yuba City-Marysville, CA	PBB485C	122,643	$55,189.35
	M005 - Detroit			
B112	Detroit, MI	PBB112C	4,705,164	$2,117,323.80
B169	Grand Rapids, MI	PBB169C	916,060	$412,227.00
B444	Toledo, OH	PBB444C	782,184	$351,982.80
B390	Saginaw-Bay City, MI	PBB390C	615,364	$276,913.80
B145	Flint, MI	PBB145C	500,229	$225,103.05
B241	Lansing, MI	PBB241C	489,698	$220,364.10
B223	Kalamazoo, MI	PBB223C	352,384	$158,572.80
B255	Lima, OH	PBB255C	249,734	$112,380.30
B033	Battle Creek, MI	PBB033C	227,541	$102,393.45
B310	Muskegon, MI	PBB310C	206,974	$93,138.30
B446	Traverse City, MI	PBB446C	204,600	$92,070.00
B209	Jackson, MI	PBB209C	193,187	$86,934.15
B143	Findlay-Tiffin, OH	PBB143C	147,523	$66,385.35
B307	Mt. Pleasant, MI	PBB307C	118,558	$53,351.10
B005	Adrian, MI	PBB005C	91,476	$41,164.20
B345	Petoskey, MI	PBB345C	85,863	$38,638.35
B011	Alpena, MI	PBB011C	63,429	$28,543.05
B409	Sault Ste. Marie, MI	PBB409C	51,041	$22,968.45
	M006 - Charlotte-Greensboro-Greenville-Raleigh			
B074	Charlotte-Gastonia, NC	PBB074C	1,671,037	$751,966.65
B174	Greensboro-Winston-Salem-High Point, NC	PBB174C	1,241,349	$558,607.05
B368	Raleigh-Durham, NC	PBB368C	1,089,423	$490,240.35
B177	Greenville-Spartanburg, SC	PBB177C	788,212	$354,695.40
B072	Charleston, SC	PBB072C	624,369	$280,966.05
B141	Fayetteville-Lumberton, NC	PBB141C	571,328	$257,097.60
B091	Columbia, SC	PBB091C	568,754	$255,939.30
B020	Asheville-Hendersonville, NC	PBB020C	510,055	$229,524.75
B016	Anderson, SC	PBB016C	305,120	$137,304.00
B189	Hickory-Lenoir-Morganton, NC	PBB189C	292,409	$131,584.05
B478	Wilmington, NC	PBB478C	249,711	$112,369.95
B147	Florence, SC	PBB147C	239,208	$107,643.60
B176	Greenville-Washington, NC	PBB176C	218,937	$98,521.65
B165	Goldsboro-Kinston, NC	PBB165C	217,319	$97,793.55
B382	Rocky Mount-Wilson, NC	PBB382C	199,296	$89,683.20
B316	New Bern, NC	PBB316C	154,955	$69,729.75
B214	Jacksonville, NC	PBB214C	149,838	$67,427.10
B436	Sumter, SC	PBB436C	149,524	$67,285.80
B312	Myrtle Beach, SC	PBB312C	144,053	$64,823.85
B335	Orangeburg, SC	PBB335C	114,458	$51,506.10
B062	Burlington, NC	PBB062C	108,213	$48,695.85
B377	Roanoke Rapids, NC	PBB377C	76,314	$34,341.30
B178	Greenwood, SC	PBB178C	68,435	$30,795.75
	M007 - Dallas-Ft. Worth			
B101	Dallas-Ft. Worth, TX	PBB101C	4,329,924	$1,948,465.80
B027	Austin, TX	PBB027C	899,361	$404,712.45
B419	Shreveport, LA	PBB419C	583,266	$262,469.70
B264	Lubbock, TX	PBB264C	392,901	$176,805.45
B013	Amarillo, TX	PBB013C	380,341	$171,153.45
B304	Monroe, LA	PBB304C	324,397	$145,978.65
B260	Longview-Marshall, TX	PBB260C	292,659	$131,696.55
B441	Temple-Killeen, TX	PBB441C	291,768	$131,295.60
B459	Waco, TX	PBB459C	270,052	$121,523.40
B452	Tyler, TX	PBB452C	269,762	$121,392.90
B443	Texarkana, TX/AR	PBB443C	255,983	$115,192.35
B003	Abilene, TX	PBB003C	253,174	$113,928.30
B327	Odessa, TX	PBB327C	213,420	$96,039.00

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B473	Wichita Falls, TX	PBB473C	209,339	$94,202.55
B400	San Angelo, TX	PBB400C	155,845	$70,130.25
B418	Sherman-Denison, TX	PBB418C	151,914	$68,361.30
B296	Midland, TX	PBB296C	111,567	$50,205.15
B341	Paris, TX	PBB341C	89,422	$40,239.90
B087	Clovis, NM	PBB087C	71,024	$31,960.80
B057	Brownwood, TX	PBB057C	57,684	$25,957.80
B191	Hobbs, NM	PBB191C	55,765	$25,094.25
B040	Big Spring, TX	PBB040C	34,589	$15,565.05
	M008 - Boston-Providence			
B051	Boston, MA	PBB051C	4,133,895	$1,860,252.75
B364	Providence-Pawtucket, RI-New Bedford-Fall River, MA	PBB364C	1,509,789	$679,405.05
B480	Worcester-Fitchburg-Leominster, MA	PBB480C	709,705	$319,367.25
B427	Springfield-Holyoke, MA	PBB427C	672,970	$302,836.50
B274	Manchester-Nashua-Concord, NH	PBB274C	540,704	$243,316.80
B357	Portland-Brunswick, ME	PBB357C	471,614	$212,226.30
B030	Bangor, ME	PBB030C	316,838	$142,577.10
B251	Lewiston-Auburn, ME	PBB251C	221,697	$99,763.65
B201	Hyannis, MA	PBB201C	204,256	$91,915.20
B249	Lebanon-Claremont, NH	PBB249C	167,576	$75,409.20
B465	Waterville-Augusta, ME	PBB465C	165,671	$74,551.95
B351	Pittsfield, MA	PBB351C	139,352	$62,708.40
B227	Keene, NH	PBB227C	111,709	$50,269.05
B363	Presque Isle, ME	PBB363C	86,936	$39,121.20
	M009 - Philadelphia			
B346	Philadelphia, PA-Wilmington, DE-Trenton, NJ	PBB346C	5,899,345	$2,654,705.25
B181	Harrisburg, PA	PBB181C	654,808	$294,663.60
B240	Lancaster, PA	PBB240C	422,822	$190,269.90
B483	York-Hanover, PA	PBB483C	417,848	$188,031.60
B370	Reading, PA	PBB370C	336,523	$151,435.35
B025	Atlantic City, NJ	PBB025C	319,416	$143,737.20
B116	Dover, DE	PBB116C	251,257	$113,065.65
B437	Sunbury-Shamokin, PA	PBB437C	187,362	$84,312.90
B475	Williamsport, PA	PBB475C	161,996	$72,898.20
B360	Pottsville, PA	PBB360C	152,585	$68,663.25
B429	State College, PA	PBB429C	123,786	$55,703.70
	M010 - Washington-Baltimore			
B461	Washington, DC	PBB461C	4,118,628	$1,853,382.60
B029	Baltimore, MD	PBB029C	2,430,563	$1,093,753.35
B179	Hagerstown, MD-Chambersburg, PA-Martinsburg, WV	PBB179C	327,693	$147,461.85
B075	Charlottesville, VA	PBB075C	190,128	$85,557.60
B398	Salisbury, MD	PBB398C	163,043	$73,369.35
B100	Cumberland, MD	PBB100C	156,707	$70,518.15
B479	Winchester, VA	PBB479C	137,549	$61,897.05
B183	Harrisonburg, VA	PBB183C	128,910	$58,009.50
B156	Fredericksburg, VA	PBB156C	124,654	$56,094.30
	M011 - Atlanta			
B024	Atlanta, GA	PBB024C	3,197,171	$1,438,726.95
B410	Savannah, GA	PBB410C	630,180	$283,581.00
B271	Macon-Warner Robins, GA	PBB271C	589,208	$265,143.60
B026	Augusta, GA	PBB026C	521,822	$234,819.90
B076	Chattanooga, TN	PBB076C	510,860	$229,887.00
B092	Columbus, GA	PBB092C	342,333	$154,049.85
B006	Albany-Tifton, GA	PBB006C	324,899	$146,204.55
B160	Gainesville, GA	PBB160C	170,365	$76,664.25
B022	Athens, GA	PBB022C	166,030	$74,713.50
B334	Opelika-Auburn, AL	PBB334C	124,022	$55,809.90
B384	Rome, GA	PBB384C	115,066	$51,779.70
B102	Dalton, GA	PBB102C	98,609	$44,374.05
B085	Cleveland, TN	PBB085C	87,355	$39,309.75

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B237	La Grange, GA	PBB237C	64,164	$28,873.80
	M012 - Minneapolis-St. Paul			
B298	Minneapolis-St. Paul, MN	PBB298C	2,840,561	$1,278,252.45
B119	Duluth, MN	PBB119C	400,771	$180,346.95
B138	Fargo, ND	PBB138C	298,015	$134,106.75
B277	Mankato-Fairmont, MN	PBB277C	245,144	$110,314.80
B391	St. Cloud, MN	PBB391C	243,888	$109,749.60
B378	Rochester-Austin-Albert Lea, MN	PBB378C	233,167	$104,925.15
B166	Grand Forks, ND	PBB166C	213,932	$96,269.40
B422	Sioux Falls, SD	PBB422C	207,716	$93,472.20
B123	Eau Claire, WI	PBB123C	180,559	$81,251.55
B477	Willmar-Marshall, MN	PBB477C	123,749	$55,687.05
B045	Bismarck, ND	PBB045C	123,682	$55,656.90
B299	Minot, ND	PBB299C	122,687	$55,209.15
B142	Fergus Falls, MN	PBB142C	120,167	$54,075.15
B481	Worthington, MN	PBB481C	96,602	$43,470.90
B001	Aberdeen, SD	PBB001C	88,891	$40,000.95
B301	Mitchell, SD	PBB301C	84,095	$37,842.75
B054	Brainerd, MN	PBB054C	78,465	$35,309.25
B464	Watertown, SD	PBB464C	74,555	$33,549.75
B037	Bemidji, MN	PBB037C	57,632	$25,934.40
B199	Huron, SD	PBB199C	53,189	$23,935.05
B113	Dickinson, ND	PBB113C	38,001	$17,100.45
B207	Ironwood, MI	PBB207C	33,059	$14,876.55
B476	Williston, ND	PBB476C	27,512	$12,380.40
	M013 - Tampa-St. Petersburg-Orlando			
B440	Tampa-St. Petersburg-Clearwater, FL	PBB440C	2,249,405	$1,012,232.25
B336	Orlando, FL	PBB336C	1,256,429	$565,393.05
B408	Sarasota-Bradenton, FL	PBB408C	513,348	$231,006.60
B239	Lakeland-Winter Haven, FL	PBB239C	405,382	$182,421.90
B107	Daytona Beach, FL	PBB107C	399,413	$179,735.85
B289	Melbourne-Titusville, FL	PBB289C	398,978	$179,540.10
B326	Ocala, FL	PBB326C	194,833	$87,674.85
	M014 - Houston			
B196	Houston, TX	PBB196C	4,054,253	$1,824,413.85
B034	Beaumont-Port Arthur, TX	PBB034C	432,129	$194,458.05
B238	Lake Charles, LA	PBB238C	259,425	$116,741.25
B059	Bryan-College Station, TX	PBB059C	150,998	$67,949.10
B456	Victoria, TX	PBB456C	149,963	$67,483.35
B265	Lufkin-Nacogdoches, TX	PBB265C	144,081	$64,836.45
	M015 - Miami- Ft. Lauderdale			
B293	Miami-Ft. Lauderdale, FL	PBB293C	3,270,606	$1,471,772.70
B469	West Palm Beach-Boca Raton, FL	PBB469C	893,145	$401,915.25
B151	Ft. Myers, FL	PBB151C	479,452	$215,753.40
B152	Ft. Pierce-Vero Beach-Stuart, FL	PBB152C	341,279	$153,575.55
B313	Naples, FL	PBB313C	152,099	$68,444.55
	M016 - Cleveland			
B084	Cleveland-Akron, OH	PBB084C	2,894,133	$1,302,359.85
B065	Canton-New Philadelphia, OH	PBB065C	513,623	$231,130.35
B484	Youngstown-Warren, OH	PBB484C	492,619	$221,678.55
B131	Erie, PA	PBB131C	275,572	$124,007.40
B278	Mansfield, OH	PBB278C	221,514	$99,681.30
B403	Sandusky, OH	PBB403C	133,019	$59,858.55
B416	Sharon, PA	PBB416C	121,003	$54,451.35
B122	East Liverpool-Salem, OH	PBB122C	108,276	$48,724.20
B021	Ashtabula, OH	PBB021C	99,821	$44,919.45
B287	Meadville, PA	PBB287C	86,169	$38,776.05

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
	M017 - New Orleans-Baton Rouge			
B320	New Orleans, LA	PBB320C	1,367,169	$615,226.05
B032	Baton Rouge, LA	PBB032C	623,657	$280,645.65
B302	Mobile, AL	PBB302C	594,397	$267,478.65
B236	Lafayette-New Iberia, LA	PBB236C	496,579	$223,460.55
B343	Pensacola, FL	PBB343C	344,406	$154,982.70
B042	Biloxi-Gulfport-Pascagoula, MS	PBB042C	339,791	$152,905.95
B009	Alexandria, LA	PBB009C	280,133	$126,059.85
B195	Houma-Thibodaux, LA	PBB195C	263,681	$118,656.45
B154	Ft. Walton Beach, FL	PBB154C	171,536	$77,191.20
B186	Hattiesburg, MS	PBB186C	161,894	$72,852.30
B269	McComb-Brookhaven, MS	PBB269C	107,298	$48,284.10
B180	Hammond, LA	PBB180C	95,583	$43,012.35
B246	Laurel, MS	PBB246C	79,145	$35,615.25
	M018 - Cincinnati-Dayton			
B081	Cincinnati, OH	PBB081C	1,990,451	$895,702.95
B106	Dayton-Springfield, OH	PBB106C	1,207,689	$543,460.05
B073	Charleston, WV	PBB073C	481,387	$216,624.15
B197	Huntington, WV-Ashland, KY	PBB197C	363,936	$163,771.20
B474	Williamson, WV-Pikeville, KY	PBB474C	185,682	$83,556.90
B048	Bluefield, WV	PBB048C	184,020	$82,809.00
B035	Beckley, WV	PBB035C	167,112	$75,200.40
B359	Portsmouth, OH	PBB359C	93,356	$42,010.20
B259	Logan, WV	PBB259C	43,032	$19,364.40
	M019 - St. Louis			
B394	St. Louis, MO	PBB394C	2,742,114	$1,233,951.30
B428	Springfield, MO	PBB428C	532,880	$239,796.00
B067	Carbondale-Marion, IL	PBB067C	209,497	$94,273.65
B090	Columbia, MO	PBB090C	190,536	$85,741.20
B066	Cape Girardeau-Sikeston, MO	PBB066C	181,795	$81,807.75
B367	Quincy, IL-Hannibal, MO	PBB367C	177,213	$79,745.85
B355	Poplar Bluff, MO	PBB355C	148,240	$66,708.00
B217	Jefferson City, MO	PBB217C	141,404	$63,631.80
B308	Mt. Vernon-Centralia, IL	PBB308C	119,286	$53,678.70
B383	Rolla, MO	PBB383C	98,233	$44,204.85
B470	West Plains, MO	PBB470C	67,165	$30,224.25
B230	Kirksville, MO	PBB230C	55,563	$25,003.35
	M020 - Milwaukee			
B297	Milwaukee, WI	PBB297C	1,751,525	$788,186.25
B272	Madison, WI	PBB272C	593,145	$266,915.25
B018	Appleton-Oshkosh, WI	PBB018C	399,261	$179,667.45
B173	Green Bay, WI	PBB173C	310,435	$139,695.75
B234	La Crosse, WI-Winona, MN	PBB234C	295,769	$133,096.05
B466	Wausau-Rhinelander, WI	PBB466C	220,060	$99,027.00
B216	Janesville-Beloit, WI	PBB216C	214,510	$96,529.50
B432	Stevens Point-Marshfield-Wisconsin Rapids, WI	PBB432C	201,240	$90,558.00
B417	Sheboygan, WI	PBB417C	103,877	$46,744.65
B148	Fond du Lac, WI	PBB148C	90,083	$40,537.35
B276	Manitowoc, WI	PBB276C	80,421	$36,189.45
B282	Marquette, MI	PBB282C	79,859	$35,936.55
B279	Marinette, WI-Menominee, MI	PBB279C	65,468	$29,460.60
B132	Escanaba, MI	PBB132C	46,082	$20,736.90
B194	Houghton, MI	PBB194C	45,101	$20,295.45
B206	Iron Mountain, MI	PBB206C	44,596	$20,068.20
	M021 - Pittsburgh			
B350	Pittsburgh, PA	PBB350C	2,507,839	$1,128,527.55
B218	Johnstown, PA	PBB218C	241,247	$108,561.15
B012	Altoona, PA	PBB012C	222,625	$100,181.25
B471	Wheeling, WV	PBB471C	219,937	$98,971.65
B082	Clarksburg-Elkins, WV	PBB082C	190,498	$85,724.10

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B431	Steubenville, OH-Weirton, WV	PBB431C	142,523	$64,135.35
B117	Du Bois-Clearfield, PA	PBB117C	124,180	$55,881.00
B328	Oil City-Franklin, PA	PBB328C	105,882	$47,646.90
B306	Morgantown, WV	PBB306C	104,546	$47,045.70
B317	New Castle, PA	PBB317C	96,246	$43,310.70
B203	Indiana, PA	PBB203C	89,994	$40,497.30
B137	Fairmont, WV	PBB137C	57,249	$25,762.05
	M022 - Denver			
B110	Denver, CO	PBB110C	2,073,952	$933,278.40
B089	Colorado Springs, CO	PBB089C	409,482	$184,266.90
B366	Pueblo, CO	PBB366C	266,001	$119,700.45
B168	Grand Junction, CO	PBB168C	187,062	$84,177.90
B149	Ft. Collins-Loveland, CO	PBB149C	186,136	$83,761.20
B369	Rapid City, SD	PBB369C	181,278	$81,575.10
B069	Casper-Gillette, WY	PBB069C	135,172	$60,827.40
B172	Greeley, CO	PBB172C	131,821	$59,319.45
B077	Cheyenne, WY	PBB077C	103,939	$46,772.55
B411	Scottsbluff, NE	PBB411C	101,954	$45,879.30
B381	Rock Springs, WY	PBB381C	56,981	$25,641.45
B375	Riverton, WY	PBB375C	46,859	$21,086.55
	M023 - Richmond-Norfolk			
B324	Norfolk-Virginia Beach-Newport News-Hampton, VA	PBB324C	1,635,296	$735,883.20
B374	Richmond-Petersburg, VA	PBB374C	1,090,869	$490,891.05
B376	Roanoke, VA	PBB376C	609,215	$274,146.75
B104	Danville, VA	PBB104C	165,434	$74,445.30
B266	Lynchburg, VA	PBB266C	154,497	$69,523.65
B430	Staunton-Waynesboro, VA	PBB430C	100,322	$45,144.90
B284	Martinsville, VA	PBB284C	90,577	$40,759.65
	M024 - Seattle (Excluding Alaska)			
B413	Seattle-Tacoma, WA	PBB413C	2,708,949	$1,219,027.05
B331	Olympia-Centralia, WA	PBB331C	258,937	$116,521.65
B482	Yakima, WA	PBB482C	215,548	$96,996.60
B055	Bremerton, WA	PBB055C	189,731	$85,378.95
B468	Wenatchee, WA	PBB468C	166,563	$74,953.35
B036	Bellingham, WA	PBB036C	127,780	$57,501.00
B002	Aberdeen, WA	PBB002C	83,057	$37,375.65
B356	Port Angeles, WA	PBB356C	76,610	$34,474.50
	M025 - Puerto Rico-U.S. Virgin Islands			
B488	San Juan, PR	PBB488C	2,170,246	$976,610.70
B489	Mayaguez-Aguadilla-Ponce, PR	PBB489C	1,351,600	$608,220.00
B491	US Virgin Islands	PBB491C	102,000	$45,900.00
	M026 - Louisville-Lexington-Evansville			
B263	Louisville, KY	PBB263C	1,352,955	$608,829.75
B252	Lexington, KY	PBB252C	816,101	$367,245.45
B135	Evansville, IN	PBB135C	504,859	$227,186.55
B052	Bowling Green-Glasgow, KY	PBB052C	222,748	$100,236.60
B339	Paducah-Murray-Mayfield, KY	PBB339C	217,082	$97,686.90
B338	Owensboro, KY	PBB338C	157,104	$70,696.80
B098	Corbin, KY	PBB098C	128,186	$57,683.70
B423	Somerset, KY	PBB423C	111,487	$50,169.15
B275	Madisonville, KY	PBB275C	48,126	$21,656.70
	M027 - Phoenix			
B347	Phoenix, AZ	PBB347C	2,404,760	$1,082,142.00
B447	Tucson, AZ	PBB447C	666,880	$300,096.00
B362	Prescott, AZ	PBB362C	107,714	$48,471.30
B486	Yuma, AZ	PBB486C	106,895	$48,102.75
B420	Sierra Vista-Douglas, AZ	PBB420C	97,624	$43,930.80
B144	Flagstaff, AZ	PBB144C	96,591	$43,465.95

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B322	Nogales, AZ	PBB322C	29,676	$13,354.20
	M028 - Memphis-Jackson			
B290	Memphis, TN	PBB290C	1,396,390	$628,375.50
B210	Jackson, MS	PBB210C	615,521	$276,984.45
B449	Tupelo-Corinth, MS	PBB449C	291,701	$131,265.45
B211	Jackson, TN	PBB211C	255,379	$114,920.55
B175	Greenville-Greenwood, MS	PBB175C	213,943	$96,274.35
B292	Meridian, MS	PBB292C	200,024	$90,010.80
B094	Columbus-Starkville, MS	PBB094C	166,415	$74,886.75
B120	Dyersburg-Union City, TN	PBB120C	113,943	$51,274.35
B049	Blytheville, AR	PBB049C	79,446	$35,750.70
B315	Natchez, MS	PBB315C	73,214	$32,946.30
B455	Vicksburg, MS	PBB455C	59,250	$26,662.50
	M029 - Birmingham			
B044	Birmingham, AL	PBB044C	1,200,336	$540,151.20
B305	Montgomery, LA	PBB305C	440,745	$198,335.25
B198	Huntsville, AL	PBB198C	439,832	$197,924.40
B450	Tuscaloosa, AL	PBB450C	237,918	$107,063.10
B115	Dothan-Enterprise, AL	PBB115C	210,225	$94,601.25
B158	Gadsden, AL	PBB158C	174,034	$78,315.30
B146	Florence, AL	PBB146C	173,076	$77,884.20
B017	Anniston, AL	PBB017C	161,897	$72,853.65
B108	Decatur, AL	PBB108C	131,556	$59,200.20
B415	Selma, AL	PBB415C	74,457	$33,505.65
	M030 - Portland			
B358	Portland, OR	PBB358C	1,690,930	$760,918.50
B395	Salem-Albany-Corvallis, OR	PBB395C	440,062	$198,027.90
B133	Eugene-Springfield, OR	PBB133C	282,912	$127,310.40
B288	Medford-Grants Pass, OR	PBB288C	209,038	$94,067.10
B038	Bend, OR	PBB038C	102,745	$46,235.25
B385	Roseburg, OR	PBB385C	94,649	$42,592.05
B261	Longview, WA	PBB261C	85,446	$38,450.70
B097	Coos Bay-North Bend, OR	PBB097C	79,600	$35,820.00
B231	Klamath Falls, OR	PBB231C	74,566	$33,554.70
	M031 - Indianapolis			
B204	Indianapolis, IN	PBB204C	1,321,911	$594,859.95
B235	Lafayette, IN	PBB235C	247,523	$111,385.35
B442	Terre Haute, IN	PBB442C	236,968	$106,635.60
B047	Bloomington-Bedford, IN	PBB047C	217,914	$98,061.30
B233	Kokomo-Logansport, IN	PBB233C	184,899	$83,204.55
B309	Muncie, IN	PBB309C	182,386	$82,073.70
B015	Anderson, IN	PBB015C	178,808	$80,463.60
B093	Columbus, IN	PBB093C	139,128	$62,607.60
B280	Marion, IN	PBB280C	109,238	$49,157.10
B373	Richmond, IN	PBB373C	104,942	$47,223.90
B457	Vincennes-Washington, IN	PBB457C	93,758	$42,191.10
	M032 - Des Moines- Quad Cities			
B111	Des Moines, IA	PBB111C	728,830	$327,973.50
B105	Davenport, IA-Moline, IL	PBB105C	419,650	$188,842.50
B421	Sioux City, IA	PBB421C	328,919	$148,013.55
B462	Waterloo-Cedar Falls, IA	PBB462C	261,009	$117,454.05
B070	Cedar Rapids, IA	PBB070C	260,686	$117,308.70
B118	Dubuque, IA	PBB118C	176,542	$79,443.90
B086	Clinton, IA-Sterling, IL	PBB086C	147,981	$66,591.45
B061	Burlington, IA	PBB061C	137,543	$61,894.35
B150	Ft. Dodge, IA	PBB150C	131,731	$59,278.95
B337	Ottumwa, IA	PBB337C	122,988	$55,344.60
B285	Mason City, IA	PBB285C	118,834	$53,475.30
B205	Iowa City, IA	PBB205C	115,731	$52,078.95

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
B283	Marshalltown, IA	PBB283C	55,695	$25,062.75
	M033 - San Antonio			
B401	San Antonio, TX	PBB401C	1,530,954	$688,929.30
B099	Corpus Christi, TX	PBB099C	499,988	$224,994.60
B268	McAllen, TX	PBB268C	424,063	$190,828.35
B056	Brownsville-Harlingen, TX	PBB056C	277,825	$125,021.25
B242	Laredo, TX	PBB242C	152,881	$68,796.45
B121	Eagle Pass-Del Rio, TX	PBB121C	100,813	$45,365.85
	M034 - Kansas City			
B226	Kansas City, MO	PBB226C	1,839,569	$827,806.05
B445	Topeka, KS	PBB445C	245,679	$110,555.55
B220	Joplin, MO-Miami, OK	PBB220C	215,095	$96,792.75
B393	St. Joseph, MO	PBB393C	191,489	$86,170.05
B275	Manhattan-Junction City, KS	PBB275C	122,878	$55,295.10
B349	Pittsburg-Parsons, KS	PBB349C	90,934	$40,920.30
B247	Lawrence, KS	PBB247C	81,798	$36,809.10
B414	Sedalia, MO	PBB414C	79,705	$35,867.25
B129	Emporia, KS	PBB129C	46,157	$20,770.65
	M035 - Buffalo- Rochester			
B060	Buffalo-Niagara Falls, NY	PBB060C	1,231,795	$554,307.75
B379	Rochester, NY	PBB379C	1,118,963	$503,533.35
B330	Olean, NY-Bradford, PA	PBB330C	239,343	$107,704.35
B215	Jamestown-Dunkirk, NY-Warren, PA	PBB215C	186,945	$84,125.25
	M036 - Salt Lake City			
B399	Salt Lake City-Ogden, UT	PBB399C	1,308,035	$588,615.75
B050	Boise-Nampa, ID	PBB050C	416,503	$187,426.35
B365	Provo-Orem, UT	PBB365C	269,407	$121,233.15
B202	Idaho Falls, ID	PBB202C	190,267	$85,620.15
B451	Twin Falls, ID	PBB451C	136,831	$61,573.95
B353	Pocatello, ID	PBB353C	89,651	$40,342.95
B392	St. George, UT	PBB392C	83,263	$37,468.35
B258	Logan, UT	PBB258C	79,415	$35,736.75
	M037 - Jacksonville			
B212	Jacksonville, FL	PBB212C	1,114,847	$501,681.15
B439	Tallahassee, FL	PBB439C	418,963	$188,533.35
B159	Gainesville, FL	PBB159C	260,538	$117,242.10
B340	Panama City, FL	PBB340C	171,195	$77,037.75
B454	Valdosta, GA	PBB454C	139,226	$62,651.70
B467	Waycross, GA	PBB467C	99,034	$44,565.30
B058	Brunswick, GA	PBB058C	71,130	$32,008.50
	M038 - Columbus			
B095	Columbus, OH	PBB095C	1,477,891	$665,050.95
B342	Parkersburg, WV-Marietta, OH	PBB342C	180,025	$81,011.25
B487	Zanesville-Cambridge, OH	PBB487C	178,179	$80,180.55
B023	Athens, OH	PBB023C	123,864	$55,738.80
B080	Chillicothe, OH	PBB080C	93,579	$42,110.55
B281	Marion, OH	PBB281C	92,023	$41,410.35
	M039 - El Paso-Albuquerque			
B008	Albuquerque, NM	PBB008C	688,612	$309,875.40
B128	El Paso, TX	PBB128C	649,860	$292,437.00
B244	Las Cruces, NM	PBB244C	197,166	$88,724.70
B407	Santa Fe, NM	PBB407C	174,526	$78,536.70
B139	Farmington, NM-Durango, CO	PBB139C	162,776	$73,249.20
B162	Gallup, NM	PBB162C	122,277	$55,024.65
B386	Roswell, NM	PBB386C	70,068	$31,530.60
B068	Carlsbad, NM	RBB068C	48,605	$21,872.25

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
	M040 - Little Rock			
B257	Little Rock, AR	PBB257C	852,026	$383,411.70
B153	Ft. Smith, AR	PBB153C	282,187	$126,984.15
B140	Fayetteville-Springdale-Rogers, AR	PBB140C	222,526	$100,136.70
B219	Jonesboro-Paragould, AR	PBB219C	159,439	$71,747.55
B348	Pine Bluff, AR	PBB348C	152,918	$68,813.10
B193	Hot Springs, AR	PBB193C	117,439	$52,847.55
B125	El Dorado-Magnolia-Camden, AR	PBB125C	108,810	$48,964.50
B387	Russellville, AR	PBB387C	81,863	$36,838.35
B182	Harrison, AR	PBB182C	74,459	$33,506.55
	M041 - Oklahoma City			
B329	Oklahoma City, OK	PBB329C	1,305,472	$587,462.40
B248	Lawton-Duncan, OK	PBB248C	177,830	$80,023.50
B130	Enid, OK	PBB130C	85,998	$38,699.10
B019	Ardmore, OK	PBB019C	83,979	$37,790.55
B433	Stillwater, OK	PBB433C	72,552	$32,648.40
B004	Ada, OK	PBB004C	52,677	$23,704.65
B267	McAlester, OK	PBB267C	50,914	$22,911.30
B354	Ponca City, OK	PBB354C	48,056	$21,625.20
	M042 - Spokane-Billings			
B425	Spokane, WA	PBB425C	612,862	$275,787.90
B041	Billings, MT	PBB041C	290,242	$130,608.90
B171	Great Falls, MT	PBB171C	161,038	$72,467.10
B460	Walla Walla, WA-Pendelton, OR	PBB460C	151,563	$68,203.35
B228	Kennewick-Pasco-Richland, WA	PBB228C	150,033	$67,514.85
B300	Missoula, MT	PBB300C	139,270	$62,671.50
B250	Lewiston-Moscow, ID	PBB250C	110,028	$49,512.60
B064	Butte, MT	PBB064C	65,252	$29,363.40
B053	Bozeman, MT	PBB053C	65,077	$29,284.65
B224	Kalispell, MT	PBB224C	59,218	$26,648.10
B188	Helena, MT	PBB188C	58,752	$26,438.40
	M043 - Nashville			
B314	Nashville, TN	PBB314C	1,429,309	$643,189.05
B083	Clarksville, TN-Hopkinsville, KY	PBB083C	220,469	$99,211.05
B096	Cookeville, TN	PBB096C	117,613	$52,925.85
	M044 - Knoxville			
B232	Knoxville, TN	PBB232C	948,055	$426,624.75
B229	Kingsport-Johnston City, TN-Bristol, VA/TN	PBB229C	652,639	$293,687.55
B295	Middlesboro-Harlan, KY	PBB295C	121,217	$54,547.65
	M045 - Omaha			
B332	Omaha, NE	PBB332C	905,991	$407,695.95
B256	Lincoln, NE	PBB256C	309,515	$139,281.75
B167	Grand Island-Kearney, NE	PBB167C	141,541	$63,693.45
B323	Norfolk, NE	PBB323C	112,526	$50,636.70
B325	North Platte, NE	PBB325C	80,249	$36,112.05
B185	Hastings, NE	PBB185C	72,833	$32,774.85
B270	McCook, NE	PBB270C	36,618	$16,478.10
	M046 - Wichita			
B472	Wichita, KS	PBB472C	597,494	$268,872.30
B396	Salina, KS	PBB396C	143,408	$64,533.60
B200	Hutchinson, KS	PBB200C	125,094	$56,292.30
B163	Garden City, KS	PBB163C	65,059	$29,276.55
B187	Hays, KS	PBB187C	60,926	$27,416.70
B253	Liberal, KS	PBB253C	53,960	$24,282.00
B170	Great Bend, KS	PBB170C	40,779	$18,350.55
B114	Dodge City, KS	PBB114C	37,454	$16,854.30

SUMMARY OF LICENSES TO BE AUCTIONED
BLOCK C

Market No.	Basic Trading Area	License No.*	Population**	Upfront Payment***
	M047 - Honolulu			
B192	Honolulu, HI	PBB192C	836,231	$376,303.95
B190	Hilo, HI	PBB190C	120,317	$54,142.65
B222	Kahului-Wailuku-Lahaina, HI	PBB222C	100,504	$45,226.80
B254	Lihue, HI	PBB254C	51,177	$23,029.65
	M048 - Tulsa			
B448	Tulsa, OK	PBB448C	836,559	$376,451.55
B311	Muskogee, OK	PBB311C	148,267	$66,720.15
B088	Coffeyville, KS	PBB088C	63,504	$28,576.80
B031	Bartlesville, OK	PBB031C	48,066	$21,629.70
	M049 - Alaska			
B014	Anchorage, AK	PBB014C	388,943	$175,024.35
B136	Fairbanks, AK	PBB136C	92,111	$41,449.95
B221	Juneau-Ketchikan, AK	PBB221C	68,989	$31,045.05
	M050 - Guam-Northern Mariana Islands			
B490	Guam	PBB490C	133,000	$59,850.00
B493	Northern Mariana Islands	PBB493C	43,000	$19,350.00
	M051 - American Samoa			
B492	American Samoa	PBB492C	47,000	$21,150.00
	Totals		**252,556,719**	**$113,650,523.55**

Notes:
* This license number must be used on the FCC Form 159 in FCC Code 2 block when making down payments, final payments, or installment payments.
Do not specify individual licenses on the FCC Form 159 accompanying an upfront payment.
** All population figures are 4/1/90 U.S. Census, U.S. Department of Commerce, Bureau of the Census
*** Upfront Payment = Population x Block Size in MHz x $.015

[FR Doc. 95–26–82 Filed 10–20–95; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL RESERVE SYSTEM

Barclays, PLC; Acquisition of Company Engaged in Permissible Nonbanking Activities

Barclays, PLC and Barclays Bank, PLC, both of London, England (Notificants), have provided notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to acquire the following organizations: Wells Fargo Investment Advisors, The Nikko Building U.S.A., Inc., Wells Fargo Nikko Investment Advisors, Wells Fargo Foreign Funds Advisors, Wells Fargo Institutional Trust Company, N.A., and Wells Fargo Nikko Investment Advisors International, all of San Francisco, California. Notificants also have applied to acquire certain assets and assume certain liabilities of the 401(k) MasterWorks Division of Wells Fargo Bank, N.A., San Francisco, California. Upon consummation of this proposal, Notificants would engage in the following activities:

(1) performing functions or activities that may be performed by a trust company pursuant to 12 CFR 225.25(b)(3);

(2) engaging in investment advisory services pursuant to 12 CFR 225.25(b)(4);

(3) providing securities brokerage services pursuant to 12 CFR 225.25(b)(15);

(4) providing investment advisory services with respect to futures and options on futures on financial commodities, including discretionary portfolio management services;

(5) providing administrative and certain other services to investment companies; and

(6) providing employee benefits consulting services.The Board previously has determined that these activities are closely related to banking. See 12 CFR 225.25(b)(3), (4), (15), & (19); *Banque Nationale de Paris*, 81 Federal Reserve Bulletin 386 (1995) and *CS Holding*, 81 Federal Reserve Bulletin 803 (1995) (providing futures-related discretionary portfolio management services); *Mellon Bank Corporation*, 79 Federal Reserve Bulletin 626 (1993) (providing administrative and other services to investment companies); and *Centerre Bancorporation*, 73 Federal Reserve Bulletin 365 (1987) and *Norstar Bancorp, Inc.*, 72 Federal Reserve Bulletin 729 (1986) (employee benefits consulting services). Notificants have stated that they would engage in the proposed activities in accordance with Board orders and regulations.

In order to approve the proposal, the Board must determine that 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.'' 12 U.S.C. 1843(c)(8). Notificants believe that the proposal would produce public benefits that outweigh any potential adverse effects. In particular, Notificants maintain that the proposal would enhance competition and enable Notificants to offer their customers a broader range of products. Notificants also maintain that its proposal would not result in any adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act. Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 8, 1995. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, October 17, 1995

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–26099 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

Chemical Banking 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 the Board has determined to be 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 November 13, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Chemical Banking Corporation, New York, New York (Chemical), to

merge with The Chase Manhattan Corporation, New York, New York (CMC), and thereby indirectly acquire The Chase Manhattan Bank (National Association), New York, New York (Chase Bank); The Chase Manhattan Bank (USA), Wilmington, Delaware; and Chase Manhattan National Holding Corporation, Wilmington, Delaware, and thereby indirectly acquire The Chase Manhattan Private Bank (Florida), National Association, Tampa, Florida; The Chase Manhattan Bank of Maryland, Baltimore, Maryland; and The Chase Manhattan Bank of New Jersey, National Association, Oradell, New Jersey. Chemical also has applied to exercise an option to acquire up to 19.9 percent of the voting shares of CMC.

In connection with the proposed merger, Chemical also has provided notice to acquire the voting shares of the nonbank subsidiaries of CMC, and thereby engage in a variety of nonbanking activities pursuant to section 4(c)(8) of the BHC Act. These activities and subsidiaries include: Chase Securities, Inc., New York, New York, which is engaged in underwriting and dealing in debt securities, equity securities and bank-eligible instruments, acting as agent in the private placement of securities, buying and selling securities on the order of investors as riskless principal, providing certain advisory and securities brokerage services pursuant to Board Order dated August 15, 1988, and providing management consulting advice to unaffiliated bank and nonbank depository institutions and certain other advisory services pursuant to approval received from the Federal Reserve Bank of New York acting under delegated authority dated April 6, 1990; Chase Commercial Corporation, New York, New York, Chase Third Century Leasing Co., Rochester, New York, Chase Manhattan Leasing Corporation, New York, New York, and Clark Rental Corporation, New York, New York, and thereby engage in equipment leasing and lending, pursuant to 12 CFR 225.25(b)(5) and 12 CFR 225.25(b)(1); Chase Manhattan Realty Leasing Corporation, New York, New York, and thereby engage in real estate leasing, pursuant to 12 CFR 225.25(b)(5); Chase Community Development Corporation, New York, New York, and thereby engage in community development activities, pursuant to 12 CFR 225.25(b)(6); Chase Home Mortgage Corporation of the Southeast and Chase Mortgage Finance Corporation, both of Tampa, Florida, and thereby engage in mortgage banking activities, pursuant to 12 CFR 225.25(b)(1); and The Chase Manhattan Trust Company of California, National Association, San Francisco, California, and thereby engage in trust company activities, pursuant to 12 CFR 225.25(b)(3). Chemical also proposes to acquire shares of the following company, which are presently owned by CMC: 12.54 percent of the outstanding voting shares of InfiNet Payment Services, Inc., Hackensack, New Jersey (InfiNet), and thereby own a total of 23.07 percent of the outstanding voting shares of InfiNet, and thereby engage in operating retail electronic funds transfer networks and data processing and related activities pursuant to 12 CFR 225.25(b)(7). In addition, as a result of the proposal, Chemical would acquire a number of other CMC nonbank subsidiaries that hold loans or leases pursuant to authority granted in a letter from the Federal Reserve Bank of New York dated April 5, 1985.

CMC has applied to exercise an option to acquire up to 19.9 percent of voting shares of Chemical, and thereby acquire an indirect interest in the bank and nonbank subsidiaries of Chemical. Chemical's subsidiary banks include Chemical Bank, New York, New York; Chemical Bank Delaware, Wilmington, Delaware; Chemical Bank, National Association, Jericho, New York; Chemical Bank New Jersey, National Association, Morristown, New Jersey; Princeton Bank and Trust Company, N.A., Morristown, New Jersey; Texas Commerce Bank National Association, Houston, Texas; Chemical Bank, FSB, Palm Beach, Florida; and Texas Commerce Bank - San Angelo, N.A., San Angelo, Texas.

Board of Governors of the Federal Reserve System, October 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26121 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

First Citizens BancShares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 16, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Citizens BancShares, Inc., Raleigh, North Carolina; to merge with Allied Bank Capital, Inc., Sanford, North Carolina, and thereby indirectly acquire Summit Savings Bank, SSB, Sanford, North Carolina, and Peoples Savings Bank, Inc., SSB, Wilmington, North Carolina.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First National Security Company, DeQueen, Arkansas; to acquire at least 95 percent of the voting shares of First National Bank of Lewisville, Lewisville, Arkansas.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. MidAmerica Bank, Newport, Minnesota; to merge with Minnesota State Bancshares, Inc., St. Paul, Minnesota, and thereby indirectly acquire Minnesota State Bank, St. Paul, Minnesota.

In connection with this application, MidAmerica Bancshares', subsidiary, the MidAmerican Bank will become a bank holding company to facilitate the merger of MidAmerican Bancshares and Minnesota State Bancshares.

2. Parkers Prairie Bancshares, Inc., Parkers Prairie, Minnesota; to acquire 100 percent of the voting shares of Waubun Bancshares, Inc., Waubun, Minnesota, and thereby indirectly acquire Farmers State Bank of Waubun, Incorporated, Waubun, Minnesota.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Cullen/Frost Bankers, Inc., San Antonio, Texas, and The New Galveston Company, Wilmington, Delaware to

acquire and merge with S.B.T. Bancshares, Inc., San Marcos, Texas, and thereby indirectly acquire State Bank & Trust Company, San Marcos, Texas.

2. Chaparral Bancshares, Inc., Richardson, Texas, and Chaparral Delaware Bancshares, Inc., Dover, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of Canyon Creek National Bank, Richardson, Texas.

Board of Governors of the Federal Reserve System, October 17, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–26100 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

First Sleepy Eye Bancorporation, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) 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. 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 November 7, 1995.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Sleepy Eye Bancorporation, Inc., Sleepy Eye, Minnesota; to acquire Meadowview Townhomes Limited Partnership, Sleepy Eye, Minnesota, and thereby engage in community development activities, pursuant to § 225.25(b)(6) of the Board's Regulation Y. The activity will be conducted in Sleepy Eye, Minnesota.

Board of Governors of the Federal Reserve System, October 17, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–26101 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

Grinnell Bancshares, Inc.; Notice of Application To Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 2, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Grinnell Bancshares, Inc., Grinnell, Iowa; to engage *de novo* directly in making and servicing loans, permissible under § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26122 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

Independence Community Bank Corp., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) 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. Unless otherwise noted, such activities will be conducted throughout the United States.

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 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.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than November 2, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Independence Community Bank Corp., Brooklyn, New York; to acquire Bay Ridge Bancorp, Inc., Brooklyn, New York, and thereby indirectly acquire Bay Ridge Federal Savings Bank, a federally chartered savings bank, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Community First Bankshares, Inc., Fargo, North Dakota; to acquire Boelke Insurance Agency, Hankinson, North Dakota, and thereby engage in general insurance activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26123 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

Peoples Holding Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 13, 1995.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Peoples Holding Corporation, Minden, Louisiana; to acquire 100 percent of the voting shares of First State Bank & Trust Company, Plain Dealing, Louisiana.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Valley Bancorp, Inc., Phoenix, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of Valley Bank of Arizona, Pheonix, Arizona a *de novo* bank.

Board of Governors of the Federal Reserve System, October 13, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–26124 Filed 10–20–95; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Notice and Request for Comment on Federal-State Cooperation in Merger Enforcement

AGENCY: Federal Trade Commission.

ACTION: Notice, with request for public comment, of modification to program for Federal-State cooperation in merger enforcement, and of Commission policy respecting sharing of additional information with the states in merger investigations.

SUMMARY: The Commission is announcing a policy respecting information-sharing in merger investigations, under which states will be able to obtain information pursuant to both a 1992 program for Federal-state cooperation in merger enforcement and the Commission's general rule governing access requests from state law enforcement agencies. The Commission is also revising the waiver that merging parties submit in order to trigger information-sharing under the 1992 program. The Commission is seeking public comment on these changes, which are intended to facilitate Federal-state cooperation in merger enforcement.

DATES: The policy is effective on October 23, 1995. Comments will be received until November 22, 1995.

ADDRESSES: Comments should be addressed to the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue NW., Washington, DC 20580. Comments will be entered on the public record of the Commission and will be available for public inspection in Room 130 during the hours of 9 a.m. until 5 p.m.

FOR FURTHER INFORMATION CONTACT: Marc Winerman, Office of the General Counsel, (202) 326–2451.

SUPPLEMENTARY INFORMATION:

Background on Former Policy

In 1992, the Commission adopted a program for Federal-state cooperation in merger enforcement, applicable to transactions reported under Section 7A of the Clayton Act, 15 U.S.C. § 18a. *See* 57 FR 21795. Under that program, the Commission provides participating states with certain information when the requisite conditions, including consent from the merging parties, are met.[1] In particular, Commission staff provides participating states with copies of second requests; with third party subpoenas from which the recipients' identities were redacted (so long as redaction is sufficient to protect the confidentiality of subpoena recipients); and with limited assistance in analyzing the merger. (The states also receive copies of the HSR filings, but those materials are provided to the states by the submitters rather than the Commission). *See* 57 FR 21796.

New Policy on Information Sharing

Under the Commission's new policy, states may receive information previously unavailable in merger investigations, including: (1) Information obtained from third parties

[1] The 1992 program operates in conjunction with the National Association of Attorneys General Voluntary Pre-Merger Disclosure Compact (''Compact''). The program is triggered when the merging parties: (1) Cooperate with state participants in the Compact by providing their HSR filings and other specified information to a designated ''liaison state''; and (2) provide letters waiving confidentiality protections under Federal law to the Assistant Director for Premerger Notification in the FTC's Bureau of Competition. (Without such waivers, the Commission cannot disclose HSR filings to states. *See* 15 U.S.C. § 18a(h); *Lieberman* v. *FTC*, 771 F.2d 32 (2d Cir. 1985); *Mattox* v. *FTC*, 752 F.2d 116 (5th Cir. 1985)). When these conditions are met, the Commission will share information with Compact participants who certify that information obtained under the program will be maintained in confidence and used only for official law enforcement purposes.

(although the identity of the submitter will continue to be protected unless the submitter consents to disclosure);[2] (2) information obtained from merging parties who have not consented to disclosure, to the extent that such information is not protected by the HSR Act;[3] and (3) staff analytic memoranda, once the Commission has determined whether or not to challenge the merger, to assist the states in developing their own analyses of the merger.

In order to invoke this new policy, states may request information respecting merger investigations under Commission Rule 4.11(c), 16 CFR § 4.11(c). Under that rule, the Commission's General Counsel has been delegated authority to grant state access requests if the request certifies that responsive materials will be maintained in confidence and used only for official law enforcement purposes, and describes the nature of the law enforcement activity and the anticipated relevance of the materials to that activity.[4] The General Counsel will consider Rule 4.11(c) requests on a case-by-case basis, and grant access to the extent that disclosure is permitted by law and not inconsistent with the Commission's enforcement mission.[5]

Modification of Waiver Form

Rule 4.11(c) procedures are available whether or not the 1992 program is available (i.e., without regard to whether the merging parties have provided HSR filings to the liaison state and submitted waivers required under the program). In circumstances where both Rule 4.11(c) and the 1992 program are available, sharing would be facilitated by a modification to the form waiver used in the program. The Commission is therefore revising the form so that it waives HSR protections insofar as those protections ''in any way'' limit communications between the Commission and NAAG Compact members. This clarifies that the waiver extends to Rule 4.11(c) disclosures as well as to communications under the program, and thus makes clear that the Commission need not redact HSR information from internal memoranda shared under Rule 4.11(c). The revised waiver form appears as an appendix.

These policies were effective as of June 16, 1995. The Commission will, however, consider public comments and, after reviewing such comments, may take such further action as appropriate.

Appendix—Model Waiver for Submitters

To: Assistant Director for Premerger Notification, Bureau of Competition, Federal Trade Commission, Washington, DC 20580

With respect to [the proposed acquisition of X Corp. by Y Corp.], the undersigned attorney or corporate officer, acting on behalf of [indicate entity], hereby waivers confidentiality protections under the Hart-Scott-Rodino Act, 15 U.S.C. § 18a(h), insofar as these protections in any way limit confidential communications between the Federal Trade Commission and members of the NAAG Voluntary Pre-merger Compact.

Signed: _____

Position: _____

Telephone: _____

(Authority: 15 U.S.C. § 46).

By direction of the Commission, Commissioner Starek dissenting.

Donald S. Clark,

Secretary.

Dissenting Statement of Commissioner Roscoe B. Starek, III

Federal-State Cooperation in Merger Enforcement

Following extensive deliberation and evaluation of public comments, in 1992 the Commission entered into its Program for Federal-State Cooperation in Merger Enforcement (''the 1992 program''). The information that the Commission makes available pursuant to the 1992 program reflects a prudent balancing of the Commission's interest in conducting efficient and expeditious Hart-Scott-Rodino (''HSR'') merger investigations with its interest in promoting federal-state cooperation in merger law enforcement. The Commission at that time considered the materials to be made available to the states—copies of HSR second requests, redacted versions of third-party subpoenas, and assistance in analyzing the transaction—sufficient to furnish substantial aid to requesting states while avoiding the risk that merging firms and third parties might simply cease to cooperate with FTC investigations.

Today, however, the Commission announces a new policy that will supplant the 1992 program, even though no change of law or fact has diminished the Commission's interest in keeping its merger investigations efficient and expeditious. As a consequence of this policy change, we can surely expect state attorneys general to seek access to HSR investigation materials under the broader disclosure provisions of Commission Rule 4.11(c), obviating the 1992 Program (except, perhaps, as a preliminary step to a Rule 4.11(c) access request). Given that merging firms and third parties might well balk at submitting information to the Commission that we could turn over to the states despite the submitters' objections, there is reason to doubt that the new policy will improve the speed or efficiency with which this agency conducts merger investigations. Moreover, some firms might even forgo efficient—or at worst legally unobjectionable—transactions because of apprehension that the Commission will release sensitive information to the states.

One can hardly quibble with the general proposition that the Commission should cooperate with state attorneys general to advance the public interest in avoiding wasteful duplication of effort in antitrust enforcement. The Commission's new policy, however, seems only to advance cooperation as an end in itself, without any apparent link to the achievement of a more tangible public benefit. In my view, the new policy is fated to result only in increasing the costs of HSR merger enforcement—costs that will fall both on the Commission and on the parties subject to enforcement.

[FR Doc. 95–26191 Filed 10–20–95; 8:45 am]

BILLING CODE 6750–01–M

[2] The provision for consent is intended to encourage cooperation from third parties in merger investigations, which are often time-sensitive. Absent consent, third party submissions may be disclosed only if redactions can be made sufficient to protect the submitter's identity. When it is impractical for Commission staff to redact all third party materials obtained from submitters who have not consented to disclosure of their identities, the staff will attempt to prepare redacted versions of particularly significant materials.

[3] This category includes, for example, submissions from the merging parties pertaining to a transaction that is not reported under the HSR Act.

[4] Under the Rule, if the General Counsel and the Bureau of Competition disagree about the proper disposition of a request for records in a merger investigation, the General Counsel must refer the request to the Commission.

[5] Additionally, if either the General Counsel or the Director of the Bureau of Competition recommend disclosure of internal memoranda before the Commission determines whether to challenge a merger, the General Counsel will forward the matter to the Commission for resolution.

GENERAL SERVICES ADMINISTRATION

Notice of Intent To Prepare an Environmental Impact Statement for the Construction of the Headquarters for the Food and Drug Administration

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and the General Services Administration (GSA) guidelines PBS1095.4B, GSA and the Food and Drug Administration (FDA) announce their intent to prepare an Environmental Impact Statement (EIS) to determine the feasibility of consolidating the FDA on the site of the Naval Surface Warface Center in White Oak, Maryland. The consolidation would consist of the construction of approximately 2 million square feet of office and laboratory space to house approximately 5,900 FDA employees.

GSA will open a formal scoping period for this project from October 20 to November 20, 1995. This scoping period will be used to identify the issues to be addressed in the EIS. A

public scoping meeting will be held at 7:30 p.m. on November 7, 1995 at the Naval Surface Warfare Center at White Oak, 10901 New Hampshire Avenue, in Silver Spring, Maryland. A short formal presentation will precede the request for public comments.

GSA and FDA representatives will be available at this meeting to receive comments from the public regarding issues of concern. It is important that Federal, State, and County Agencies, interested individuals and groups take this opportunity to identify environmental concerns and significant issues that should be addressed in the EIS. In the interest of available time each speaker will be asked to limit oral comments to five minutes.

Agencies and general public are also invited and encouraged to provide written comments in addition to, or in lieu of comments at the public scoping meeting. Scoping comments should clearly describe specific issues or topics regarding the FDA Headquarters development, which the commentator believes the EIS should address. Written statements concerning the alternatives should be post-marked no later than November 20, 1995, to Ms. Eva Hegedus, Portfolio Management (WPTP), National Capital Region, General Services Administration, 7th and D streets SW, Washington, DC 20407, Telephone (202) 708–8591; Fax (202) 708–7671.

Dated: October 16, 1995.

Jack Finberg,

Branch Chief, Portfolio Management (WPT).

[FR Doc. 95–26264 Filed 10–20–95; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Proposed Data Collections Available for Public Comment and Recommendations

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports clearance Officer on (202) 619–1053.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Projects: Application for Correction of Public Health Service Commissioned Corps Records—0937–0095—Extension No Change—An application is submitted by present and former PHS Commissioned Corps officers to request correction of an error or alleged injustice in their personnel records. The information submitted is used by the Board for Correction to determine if an error or injustice has occurred and to rectify such error or injustice.

Annual Number of Respondents: 25; *Average Burden per Response:* four hours; *Total Burden:* 100 hours.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 60 days of this notice.

Dated: October 16, 1995.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 95–26180 Filed 10–20–95; 8:45 am]

BILLING CODE 4150–04–M

Notice of the Final Meeting of the Commission on Research Integrity

Pursuant to P.L. 92–463, notice is hereby given of the final meeting of the Commission on Research Integrity. The proceeding is open to the public.

The meeting will be on Tuesday and Wednesday, October 24 and 25, 1995, at the Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Room 17–94. The Commission will meet from 8:30 a.m. until 5 p.m. on both days.

Space is very limited in this location. Therefore, interested parties are advised to call the Executive Secretary before the meeting to verify the date, place, and agenda, and, if they want to attend, place their name on a first-come, first-served list.

The mandate of the Commission is to develop recommendations for the Secretary of Health and Human Services and the Congress on the administration of Section 493 of the Public Health Service Act, as amended by and added to by Section 161 of the NIH Revitalization Act of 1993.

The Commission will finalize its recommendations on a number of issues on research misconduct and integrity including a new definition of research misconduct, a research integrity assurance for institutions, a processes by which to respond to and monitor related administrative processes and investigations, and development of a regulation to protect whistleblowers. Recommendations will be directed at research institutions, professional societies, Federal agencies, whistleblowers, respondents to allegations of research misconduct, research scientists, and the scientific community in general.

Because of time constraints, individuals wishing to make a presentation are urged to do so in writing and send their statement to Henrietta D. Hyatt-Knorr, Executive Secretary, Commission on Research Integrity, Suite 700, 5515 Security Lane, Rockville MD 20852, (301) 443–3400 (phone), (301) 443–5351 (fax), or hhyatt@oash.ssw.dhhs.gov (internet). Persons wishing to make an oral presentation must contact the Executive Secretary prior to the meeting. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a timeframe for speakers.

Henrietta D. Hyatt-Knorr,

Executive Secretary, Commission on Research Integrity.

[FR Doc. 95–26094 Filed 10–20–95; 8:45 am]

BILLING CODE 4160–17–P

Centers for Disease Control and Prevention

Hospital Infection Control Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Hospital Infection Control Practices Advisory Committee.

Times and Dates: 8:30 a.m.–5 p.m., November 13, 1995; 8:30 a.m.–3 p.m., November 14, 1995.

Place: CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance,

prevention, and control of nosocomial infections in U.S. hospitals and updating of guidelines and other policy statements regarding prevention of nosocomial infections.

Matters To Be Discussed: The agenda will include review and discussion of public comments regarding the draft Guideline for the Prevention of Nosocomial Intravascular Device-Related Infections, review of the first draft of the Guideline for Infection Control in Hospital Personnel, and an update on CDC activities of interest to the Committee. Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Julia S. Garner, Nurse Consultant, Hospital Infections Program, NCID, CDC, 1600 Clifton Road, NE, Mailstop A–07, Atlanta, Georgia 30333, telephone 404/639–6408.

Dated: October 17, 1995.

Julia M. Fuller,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–26146 Filed 10–20–95; 8:45 am]

BILLING CODE 4163–18–M

Advisory Committee for Injury Prevention and Control (ACIPC) and the Science and Program Review Work Group; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meetings.

Name: Science and Program Review Work Group.

Time and Date: 1 p.m.–4 p.m., November 13, 1995.

Place: National Center for Injury Prevention and Control (NCIPC), Vanderbilt Building, Conference Room 1004, 2939 Flowers Road, South, Chamblee, Georgia 30341.

Status: Open to the public, limited only by the space available.

Purpose: The purpose of this work is to advise NCIPC on program and scientific activities.

Matters To Be Discussed: The Work Group will discuss future grant program announcements and Ad Hoc committee reports.

Agenda items are subject to change as priorities dictate.

Name: Advisory Committee for Injury Prevention and Control (ACIPC).

Time and Date: 9 a.m.–3:30 p.m., November 14, 1995.

Place: Holiday Inn at Lenox, 3377 Peachtree Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available.

Purpose: The Committee will continue to make recommendations on policy, strategy, objectives, and priorities including the balance and mix of intramural and extramural research; advise on the implementation of a national plan for injury prevention and control, the development of new technologies and their application; and review progress toward injury prevention and control.

Matters To Be Discussed: The Committee will meet to discuss (1) current and future issues in violence prevention, (2) reports from other agencies on violence prevention activities, (3) an update from the Director, NCIPC, and (4) a report of the Science and Program Review Work Group and the Family and Intimate Violence Prevention Subcommittee meeting, held in Des Moines, Iowa.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Mr. Thomas A. Bartenfeld, Acting Executive Secretary, ACIPC, NCIPC, Mailstop K–60, CDC, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724, telephone 770/488–4230.

Dated: October 17, 1995.

Julia M. Fuller,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–26145 Filed 10–20–95; 8:45 am]

BILLING CODE 4163–18–M

CDC Advisory Committee on the Prevention of HIV Infection; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: CDC Advisory Committee on the Prevention of HIV Infection.

Times and Dates: 8:30 a.m.–5 p.m., November 13, 1995; 8:30 a.m.–3 p.m., November 14, 1995.

Place: Corporate Square Office Park, Corporate Square Boulevard, Building 11, Room 1413, Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV prevention efforts including maintaining surveillance of HIV infection and AIDS, the epidemiologic and laboratory study of HIV and AIDS, information/education and risk reduction activities designed to prevent the spread of HIV infection, and other preventive measures that become available.

Matters To Be Discussed: The Committee will be updated on the ongoing reorganization of CDC's HIV/AIDS prevention programs. Other discussions will center around current HIV prevention activities. Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Connie Granoff, Committee Management Specialist, National Center for HIV, STD, and TB Prevention (proposed), 1600 Clifton Road, NE, Mailstop E–07, Atlanta, Georgia 30333, telephone (404) 639–8029.

Dated: October 17, 1995.

Julia M. Fuller,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–26147 Filed 10–20–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 95C–0399]

United States Surgical Corp.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that United States Surgical Corp. has filed a petition proposing that the color additive regulations be amended to provide for the safe use of D&C Violet No. 2 as a color additive in glycolide/dioxanone/trimethylene carbonate tripolymer absorbable sutures for general surgery.

DATES: Written comments on the petitioner's environmental assessment by November 22, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–606–0202.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 721(d)(1) (21 U.S.C. 379e(d)(1)), notice is given that a color additive petition (CAP 5C0248) has been filed by United States Surgical Corp., 150 Glover Ave., Norwalk, CT 06856. The petition proposes to amend the color additive regulations in § 74.3602 *D&C Violet No. 2* (21 CFR 74.3602) to provide for the safe use of D&C Violet No. 2 as a color additive in glycolide/dioxanone/trimethylene carbonate tripolymer absorbable sutures for general surgery.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4 (b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for

public review and comment. Interested persons may, on or before November 22, 1995, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: October 10, 1995.

Alan M. Rulis,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–26153 Filed 10–20–95; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

Prospective Grant of Exclusive License: Melanoma Antigens and Their Use in Diagnostic and Therapeutic Methods

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied in U.S. Patent Application Serial Number 08/231,565, entitled ''Melanoma Antigens and Their Use in Diagnostic and Therapeutic Methods'' and related foreign patent applications to Therion Biologics Corporation, of Cambridge, Massachusetts. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. This license will be limited to the field of treatment and/or prevention of cancer in humans using recombinant poxviruses comprising melanoma antigens. The melanoma antigens may be limited to MART–1 and gp100, encoded by Sequence ID Nos. 1 and 26 (described in patent application 08/231,565), respectively, and fragments thereof. This prospective exclusive license may be granted unless within 60 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The patent application describes nucleic acid sequences that encode novel melanoma antigens MART–1 and gp100, recombinant protein MART–1 and gp100, peptides from MART–1 and gp100 which react with tumor infiltrating lymphocytes (TIL cells), and recombinant expression vectors comprising nucleic acids that encode MART–1 or gp100, and fragments thereof.

ADDRESSES: Requests for a copy of this patent application (which require a signed confidential disclosure agreement), inquiries, comments and other materials relating to the contemplated license should be directed to: Raphe Kantor, Ph.D., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852; Telephone: 301/496–7735, ext 247; Facsimile: 301/402–0220. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NIH on or before December 22, 1995 will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 11, 1995.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 95–26189 Filed 10–20–95; 8:45 am]

BILLING CODE 4140–01–P

Public Health Service

National Center for Health Statistics; the ICD–9–CM Coordination and Maintenance Committee; Notice

AGENCY: National Center for Health Statistics, DHHS.

ACTION: Notice of meeting.

SUMMARY: The ICD–9–CM Coordination and Maintenance Committee (C&M) will be holding its final meeting of the year on Thursday, November 30, 1995. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, ninth-revision, clinical modification.

DATES: The meeting will be held on November 30, 1995 from 9 a.m.–5 p.m.

ADDRESS: The Hubert H. Humphrey building, rm. 703A, 200 Independence Ave. Washington, D.C.

NOTICE: In the interest of security, the Humphrey building has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D., sign-in, and be escorted up to the meeting room. Please arrive prior to the 9 a.m. start time of the meeting to assure an escort will be available. Entrance to the meeting after 9 a.m. cannot be assured.

FOR FURTHER INFORMATION CONTACT: Amy Blum 301–436–4216.

SUPPLEMENTARY INFORMATION:

Tentative Agenda

Child/Adult Abuse
Factitious Disorder by Proxy
Mental Health Disorders
Immunization V codes
External Cause of Injury
Development of ICD–10 Procedure Classification
Noncoronary stents
Endometrial ablation
Pancreatic islet cell transplant
Laparoscopic/thoracoscopic procedures
Addenda

Sue Meads,

R.R.A., Co-chair, ICD–9–CM Coordination and Maintenance Committee.

[FR Doc. 95–26093 Filed 10–20–95; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. FR–3926–D–01]

Designating Attesting Officers

AGENCY: Office of the Secretary, HUD.

ACTION: Delegation of authority to cause department seal to be affixed and to authenticate copies of documents.

SUMMARY: This delegation of authority revises and updates the designation of attesting officers to authenticate documents.

EFFECTIVE DATE: October 12, 1995.

FOR FURTHER INFORMATION CONTACT: Angelo Aiosa, Managing Attorney, Office of Human Resources, Office of General Counsel, Room 10258, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 708–3891 (This is not a toll-free number.) A telecommunications device for hearing-impaired persons (TDD) is available at 202–708–9300. [These are not toll-free numbers.]

Section A. Authority Delegated

Each of the following employees of the Department of Housing and Urban Development is designated as Attesting Officer and is authorized to cause the seal of the Department of Housing and Urban Development to be affixed to such documents as may require its application and to certify that a copy of any book, paper, microfilm or other document is a true copy of that in the files of the Department:

1. Assistant Secretary for Housing-Federal Housing Commissioner;
2. Assistant Secretary for Congressional and Intergovernmental Relations;
3. Assistant Secretary for Administration;
4. Assistant Secretary for Public and Indian Housing;
5. Assistant Secretary for Policy Development and Research;
6. Assistant Secretary for Community Planning and Development;
7. Assistant Secretary for Fair Housing and Equal Opportunity;
8. Assistant Secretary for Public Affairs;
9. President, Government National Mortgage Association;
10. Chief Financial Officer;
11. Inspector General;
12. General Counsel;
13. Each Secretary's Representative;
14. Each State Coordinator;
15. Each Area Coordinator;
16. Each Deputy General Counsel;
17. The Staff Assistant or Secretary to each position listed above;
18. Each Associate General Counsel;
19. Each Staff Assistant, Legal Technician and Paralegal Specialist assigned to the Offices of each Associate General Counsel;
20. Each Assistant General Counsel;
21. In each Field Office, each Legal Clerk, Legal Technician and Paralegal Specialist;
22. The Rules Docket Clerk, Regulations Division, Office of General Counsel;
23. Director, Office of Lead-Based Paint Abatement and Poisoning Prevention;
24. Director, Mortgage Insurance Accounting and Servicing, Office of Housing.

Section B. Authority To Redelegate

The authority delegated in Section A may be redelegated to employees of the Department.

Section C. Supersedure

This delegation revokes and supersedes the delegation of authority published at 52 FR 12259 (April 15, 1987) [Docket No. D–87–836; FR–2341] and the amendment thereto published at 58 FR 63385 (December 1, 1993) [Docket No. D–93–1041; FR–3609–D–01].

Authority: Sec. 7(d) and (g), Department of Housing and Urban Development Act [42 U.S.C. 3535(d) and (g)].

Dated: October 12, 1995.

Henry G. Cisneros,

Secretary of Housing and Urban Development.

[FR Doc. 95–26098 Filed 10–20–95; 8:45 am]

BILLING CODE 4210–32–P

Office of the Assistant Secretary for Policy Development and Research

[Docket No. FR–3917–N–26]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: December 22, 1995.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: David Chase, Economist, Office of Policy Development and Research—telephone (202) 708–4504 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Assessing Service Quality: Section 203(k) Loan Program.

OMB Control Number, if applicable: 2528– .

Description of the need for the information and proposed use: The information is being collected to determine the level of customer service satisfaction with the Federal Housing Administration (FHA) Section 203(k) rehabilitation loan program—an important vehicle for community revitalization and for expanding homeownership opportunities, both important goals of HUD. The information collected will be used by HUD's Office of Housing and the FHA to gain insight into why FHA-approved mortgage lenders, and real estate brokers, use or do not use the Section 203(k) program, as well as assessing service quality issues related to the program. This is being done to increase the use of Section 203(k) program in order to provide community and neighborhood revitalization and to expand homeownership opportunities.

Agency form numbers, if applicable: None.

Members of affected public: Customers and potential customers of the FHA Section 203(k) program including: 500 mortgage lenders; 200 real estate brokers; and 100 nonprofit community development corporation office managers.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information will be collected by one-time telephone interviews with 800 customers or

potential customers of the FHA Section 203(k) program. These interviews will last an average of fifteen minutes. This means a total of 200 hours of response for the information collection.

Status of the proposed information collection: Pending OMB clearance.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: October 5, 1995.

Michael A. Stegman,

Assistant Secretary, Office of Policy Development and Research.

[FR Doc. 95–26097 Filed 10–20–95; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–094–05–6310–04: G6–009]

Amendment to Emergency Closure of Public Lands; Douglas County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency closure of public lands and access roads in Douglas County, OR

SUMMARY: Notice is given that Emergency Closure Notice published in Federal Register, Volume 60, No. 189, Friday, September 29, 1995, page 50638 is hereby amended. Notice is given that certain public lands and access roads in Douglas County, Oregon are temporarily closed to all public use, including vehicle operation, camping, shooting, hiking and sightseeing, from September 26, 1995 through May 31, 1996. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this emergency closure are specifically identified as follows:

Willamette Meridian, Oregon

T. 19 S., R. 8 W.

Sec. 7: All that portion of Section 7 lying North and West of Dunn Ridge Road (BLM Road No. 18–8–28.1) and lying North and East of BLM Road No. 19–8–7

All roads on the public lands listed above are closed as specified above, including specifically BLM Roads Nos 19–8–7, 19–8–7.2, 19–8–7.3 and 19–8–7.4.

Through traffic only will be permitted on Dunn Ridge Road (BLM Road No. 18–8–28.1). No loitering, stopping, parking or pedestrian traffic will be allowed within 100 feet of that portion of Section 7 lying south and east of Dunn Ridge Road (BLM Road No. 18–8–28.1).

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: Bureau employees; state, local and federal law enforcement and fire protection personnel; the holders of BLM road use permits that include roads within the closure area; the purchaser of BLM timber within the closure area and its employees and subcontractors. Access by additional parties may be allowed, but must be approved in advance in writing by the Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000.00 and/or imprisonment not to exceed 12 months, as well as the penalties provided under Oregon State law.

The public lands and roads temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this emergency temporary closure is to protect persons from potential harm from logging operations, protect valuable public timber resources from unauthorized damage, and to facilitate authorized timber harvest operations.

DATES: This closure is effective from October 18, 1995 through May 31, 1996.

ADDRESSES: Copies of the closure order and maps showing the location of the closed lands and roads are available from the Eugene District Office, P. O. Box 10226 (2890 Chad Drive), Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Terry Hueth, Coast Range Area Manager, Eugene District Office, at (503) 683–6600.

Dated: October 17, 1995.

Terry Hueth,

Coast Range Area Manager.

[FR Doc. 95–26160 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–33–P

[UT–912–06–0777–52]

Utah Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management, Utah.

ACTION: Notice of meeting of the Utah Resource Advisory Council.

SUMMARY: The Utah Resource Advisory Council will conduct a training and field orientation session on November 17–18, 1995. Council members will meet on November 17 at 8:00 a.m. at Southern Utah State University, Hunter Conference Center, 351 Center Street, Cedar City, Utah. That afternoon the council will leave for public lands in the Beaver Dam Slope region where they will tour various areas within the Mojave and Great Basin Deserts. The session will conclude at approximately 2 p.m. on the following day, November 18. The session is open to the public. Any public attending the field sessions must provide their own transportation, meals and overnight accommodations. The primary topic of the session will be how to determine functionality of rangeland systems. Members of the public wishing to take part in this session should notify the Utah State Office no later than November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Don Banks, Utah State Office, Bureau of Land Management, 324 S. State St., Salt Lake City 84111; phone (801) 539–4021.

Dated: October 13, 1995.

David E. Little,

Associate State Director.

[FR Doc. 95–26135 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–DO–M

Bureau of Reclamation

Environmental Impact Statement, Clark County, NV, and Mohave County, AZ

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation of a notice of intent to prepare a draft environmental impact statement and notice of scoping meetings.

SUMMARY: The Bureau of Reclamation is cancelling plans to prepare a draft environmental impact statement (EIS) for a Colorado River Crossing near Hoover Dam, Arizona, Nevada.

FOR FURTHER INFORMATION CONTACT: Michael T. Walker, Environmental Protection Specialist, Environmental Compliance Group, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, Nevada 89006–1470, Telephone: (702) 293–8526.

SUPPLEMENTARY INFORMATION: Reclamation published a notice of intent (NOI) to prepare a draft EIS for Clark County, Nevada, and Mohave County, Arizona, for a Colorado River Crossing near Hoover Dam, Arizona, Nevada, in the Federal Register, NOI Citation: 55 FR 19364, May 9, 1990. Public meetings were held in the cities of Kingman, Arizona, on June 6, 1990, and in the cities of Boulder City and Las Vegas, Nevada on June 7, 1990, respectively. Upper management in the Department of the Interior has recently reviewed and reprioritized the need for this project. Due to limited construction funding,

Reclamation is not considering participation in a Colorado River crossing near Hoover Dam in the states of Arizona and Nevada at this time. Comments or questions concerning this action should be directed to the contact provided above.

Dated: October 17, 1995.

William E. Rinne,

Director, Resource Management and Technical Services.

[FR Doc. 95–26172 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–94–P

Fish and Wildlife Service

Sport Fishing and Boating Partnership Council Workshop

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: As provided in Section 10(a)(2) of the Federal Advisory Committee Act, the Service announces a conference designed to resolve conflicts over recreational fisheries management. This conference sponsored by the Sport Fishing and Boating Partnership Council, is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration. Summary minutes of the conference will be maintained by the Coordinator for the Sport Fishing and Boating Partnership Council at 4040 North Fairfax Drive, Arlington, VA 22203, and will be available for public inspection during regular business hours within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

DATES: November 16–17, 1995, beginning at 9 a.m. each day.

ADDRESSES: The meeting will be held at the Cliff Lodge of the Snowbird Resort in Snowbird, Utah. The Snowbird Resort is located 29 miles from Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Doug Alcorn, Council Coordinator, at 703/358–1777.

Dated: October 17, 1995.

John G. Rogers,

Acting Director.

[FR Doc. 95–26149 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Outer Continental Shelf (OCS) Policy Committee of the Minerals Management Advisory Board; Notice and Agenda for Meeting

AGENCY: Minerals Management Service, Interior.

SUMMARY: The OCS Policy Committee of the Minerals Management Advisory Board will meet at the Fess Parker's Red Lion Resort in Santa Barbara, California on November 7–8, 1995.

The agenda will cover the following principal subjects:

—The California Experience:

- Social and Economic Insights for the Tri-County Area
- Cooperative Problem Solving Panel

—Draft Proposed 5-Year Program, 1992–2002

—Offshore Playing a Bigger Role in Domestic Production/National Assessment

—Sand and Gravel Program Status and Hard Minerals Subcommittee Update

—Law of the Sea

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the OCS Policy Committee. Such requests should be made no later than October 26, 1995, to the Office of Advisory Board Support, Minerals Management Service, 381 Elden Street, MS–4110, Herndon, Virginia, 22070, Attention: Terry Holman.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information, call Terry Holman at (703) 787–1211.

Minutes of the OCS Policy Committee meeting will be available for public inspection and copying at the Minerals Management Service in Herndon, Virginia.

DATES: Tuesday, November 7 and Wednesday, November 8, 1995.

ADDRESSES: The Fess Parker's Red Lion Resort, 633 East Cabrillo Boulevard, Santa Barbara, California 93103—(805) 564–4333.

FOR FURTHER INFORMATION CONTACT: Terry Holman at the address and phone number listed above.

Authority: Federal Advisory Committee Act, P.L. No. 92–463, 5 U.S.C. Appendix 1, and the Office of Management and Budget's Circular No. A–63, Revised.

Dated: October 13, 1995.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 95–26092 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Acadia National Park, Bar Harbor, ME; Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770, 5 U.S.C. Ap. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, November 13, 1995.

The Commission was established pursuant to Public Law 99–420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene park headquarters, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held May 15, 1995.
2. Report of the Conservation Easement Subcommittee.
3. Report of the Acquisition Subcommittee.
4. Report of the GMP Subcommittee.
5. Superintendent's report.
6. Public comments.
7. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: October 16, 1995.

Chyrsandra L. Walter,

Deputy Field Director, Northeast Area.

[FR Doc. 95–26207 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–70–P

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 Wednesday, November 8, 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. Adoption of Agenda
2. Approval of Minutes of Previous Meeting—September 22, 1995
3. Reports of Officers
4. Report of Superintendent
   How NBS position is being used
   Update cranberry bog restoration
   Update General Management Plan
5. Old Business
6. Use & Occupancy Issues—Michael Brennan
7. Report Shank Painter Pond—Alix Ritchie
8. Role of Advisory Commission for public review of General Management Plan
9. Suggestions for addressing Superintendent's request for improved dune shack policy.
10. New Business
11. Agenda for Next Meeting
12. Date for Next Meeting
13. Public Comment
14. 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.

Dated: October 16, 1995.

Chrysandra L. Walter,

Deputy Field Director, Northeast Field Area.

[FR Doc. 95–26206 Filed 10–20–95; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32760]

Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 6; Notice of Issuance of Procedural Schedule.

SUMMARY: The Commission is issuing a procedural schedule, following the receipt of comments from the public on applicants' proposed procedural schedule and applicants' reply to those comments. This schedule will provide for issuance of a final decision no later than 255 days after applicants file the primary application, which is 60 days beyond the time proposed by applicants.

EFFECTIVE DATE: The effective date of this decision is October 24, 1995. Notices of intent to participate in this proceeding will be due 45 days after the primary application is filed. All comments, protests, requests for conditions, inconsistent and responsive applications, and any other opposition evidence and argument will be due 120 days after the filing of the primary application. For further information, see the procedural schedule set forth below.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32760 and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32760, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be sent to Administrative Law Judge Jerome Nelson, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 and to each of applicants' representatives: (1) Arvid E. Roach II, Esq., Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, DC 20044; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, 1300 Nineteenth Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: On August 4, 1995, Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR), Southern Pacific Rail Corporation (SPR), Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), and The Denver and Rio Grande Western Railroad Company (DRGW) (collectively, applicants)[1] notified the Commission of their intent to file an application seeking authority under 49 U.S.C. 11343–45 for: (1) the acquisition of control of SPR by UP Acquisition Corporation (Acquisition), an indirect wholly owned subsidiary of UPC; (2) the merger of SPR into UPRR; and (3) the resulting common control of UP and SP by UPC. Applicants stated that they will file their application by December 1, 1995, and proposed a procedural schedule for use in the resulting proceeding. Under that schedule, a final decision would be issued 195 days after the filing of the application.

In Decision No. 1, served and published in the Federal Register on September 1, 1995, 60 FR 45737, the Commission gave notice of the prefiling notification and asked for comments on applicants' proposed procedural schedule. The Commission also asked for comments on a variation of the applicants' proposed procedural schedule, wherein parties filing inconsistent or responsive applications, comments, protests, requests for conditions, or any other opposition evidence and arguments would submit their pleadings to the Commission 60 days after the filing of the primary application (in applicants' proposed schedule, these parties would submit their pleadings 90 days after the filing of the primary application). Comments were due on September 18, 1995; most were received on or before that date. Applicants replied to the comments on September 28, 1995.[2]

Approximately 35 public comments were received in response to Decision

[1] UPC, UPRR, and MPRR are referred to collectively as Union Pacific. UPRR and MPRR are referred to collectively as UP.

SPR, SPT, SSW, SPCSL, and DRGW are referred to collectively as Southern Pacific. SPT, SSW, SPCSL, and DRGW are referred to collectively as SP.

[2] We have received petitions for leave to file additional comments on the procedural schedule by the United States Department of Justice (DOJ–2) and The Kansas City Southern Railway Company (KCS–4), and their respective additional comments (DOJ–3 and KCS–5). Applicants replied. We will accept all of these pleadings into the record.

No. 1. Comments were filed by shippers, government parties, railroads, electric utility interests, and rail labor unions. Most of the commenters opposed the Commission's suggested variation on applicants' proposed procedural schedule. Several commenters supported the applicants' proposed 195-day schedule or stated that the proposed schedule offered them the minimum amount of time in which they could prepare their submissions. Several commenters opposed the proposed 195-day schedule as being too short, and suggested alternative procedural schedules extending from 9 months to the full 2½ years allotted under the statute. After reviewing all of the comments we received on the proposed procedural schedule, we have determined that a 255-day procedural schedule (which is 60 days more than applicants have proposed) will ensure that all parties are accorded due process and allow us time to consider fully all of the issues in this proceeding.

We believe that applicants have demonstrated reasons for, and that circumstances justify, a departure from standard procedures and deadlines in merger proceedings. We have established that it is possible to review major merger proceedings in less time than that allowed by the Interstate Commerce Act and by our regulations, while still considering all parties' concerns. If we set a procedural schedule that is longer than is necessary for all parties to present concerns and for us to carefully consider those concerns and the effects of the proposed transaction on the public interest, it would be a step backward in our effort to process applications fairly but efficiently.

Within this expedited schedule, we will consider all issues affecting the public interest, and will also address cumulative impacts and crossover effects of prior mergers as appropriate. Further, we will consider the transaction in light of any settlement agreements the applicants have reached or may reach with any parties, regardless of the complexity of the agreements.

We issued an expedited schedule in *Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company,* Finance Docket No. 32549, Decision No. 10 (ICC served Mar. 7, 1995). We do not believe that the fact that the *BN/Santa Fe* application had been filed several months before we adopted the expedited procedural schedule justifies an additional 5 months to prepare opposition evidence in this proceeding, as some parties suggest. In that case, we responded to parties' requests (arguing that they did not want to expend resources to analyze an application when they were not sure who would be the applicants) by suspending the procedural schedule pending Santa Fe Pacific Corp.'s shareholders' vote. Subsequently, the feedback we received at the time we sought comments on expediting the schedule in *BN/Santa Fe* indicated that many parties had not begun to prepare their submissions in earnest until issuance of the procedural schedule. Those parties had ample time to prepare their submissions, and their submissions were given serious and substantial consideration. The same will be true in this proceeding.

We also do not believe that the uncertainty of the Commission's future justifies a longer procedural schedule; the Commission continues to be responsible for performing its functions efficiently and effectively. The issue of the agency's future and any effect that it might have on the UP/SP proceeding can be addressed if necessary as circumstances evolve.

We are not unmindful of the concerns parties raise regarding the amount of time necessary to prepare their cases, and have crafted the attached procedural schedule with fairness to all parties in mind. We have adjusted applicants' proposed procedural schedule to give more time for the filing of comments, protests, requested conditions, and inconsistent and responsive applications; for the filing of rebuttals in support of inconsistent and responsive applications; for the filing of briefs; and for the preparation for oral argument.

All interested parties, including the United States Department of Justice (DOJ) and the United States Department of Transportation (USDOT), may file written comments, protests, requests for conditions, and inconsistent and responsive applications 120 days (rather than 90 days) after the filing of the primary application. All descriptions of inconsistent and responsive applications, as well as petitions for waiver or clarification, will be due 60 days after the filing of the primary application.

We will not allow parties filing comments, protests, and requests for conditions to file rebuttal in support of those pleadings. As we have mentioned previously, we believe that parties filing inconsistent and/or responsive applications have a right to file rebuttal evidence, while parties simply commenting, protesting, or requesting conditions do not. In the BN/Santa Fe proceeding we stated:

> The relief responsive applicants seek is different from the relief that parties simply requesting conditions seek. Traditionally, applicants, whether they are primary or responsive applicants, have the right to close the evidentiary record on their case. Therefore, responsive applicants can answer arguments made in opposition to their application in rebuttal filings. Parties seeking conditions, on the other hand, come to the Commission as part of and in opposition to the primary application, and the primary applicants respond to those parties in their rebuttal in support of the primary application. Allowing * * * rebuttal evidence would deprive the primary applicants of their right to close the evidentiary record on their case. We see no necessity for such filings, and believe the current procedural schedule will allow the Commission to fully comprehend and evaluate all issues that the parties seeking conditions will raise in this proceeding.

BN/Santa Fe, Decision No. 16 at 11. Rebuttals in support of inconsistent and responsive applications are due 15 days (rather than 10 days) after the filing of responses to those applications are due.

In pursuing discovery and in preparing pleadings, we encourage the parties (and will instruct the Administrative Law Judge) to focus strictly on relevant issues, as identified by the applicable statutory standards and our control regulations, including our merger policy statement (49 CFR 1180.1). For example, arguments that the transaction will cause competitive harm should be accompanied by a clear statement of how rates will be raised, service degraded, or both, in some identifiable market. Responses countering such competitive arguments should explain clearly why those adverse impacts will not occur.

Briefs are due 20 days (rather than 10 days) after the close of the evidentiary record. In spite of arguments that we should not limit briefs to 50 pages, we believe that past experience demonstrates that it is appropriate to do so. We will impose no page limitations on evidentiary submissions. Briefs must be filed in accordance with the requirements at 49 CFR 1104.2 (8½ by 11; double-spaced). Because reply briefs appear to be unnecessary to complete our review of a merger, we do not anticipate granting any requests to file reply briefs. Further, we do not see a necessity at this time to schedule an oral hearing to resolve issues of disputed fact. We can schedule such a hearing if and when it becomes necessary to do so.

Oral argument will be scheduled no earlier than 30 days (rather than 15 days) after briefs are due. The scheduling of an oral argument and a

voting conference is at the Commission's discretion. Although we have found from our experience in *BN/Santa Fe* that we had adequate time to fully digest and consider the parties' arguments and responses to questions at oral argument, and to weigh these arguments in our decisionmaking process at a voting conference held the following day, we are planning to allow an extra day between an oral argument and a voting conference in this proceeding.

A few other matters require our attention. USDOT raises an issue regarding the service list in this proceeding. USDOT contends that accelerated review of the merger only can take place if the Commission issues a definitive service list early in the case to ensure timely receipt of the evolving record. Because in *BN/Santa Fe* the Commission issued its service list after all opposition evidence was filed, USDOT argues that it lost time trying to secure copies of evidentiary filings from participants, and in turn had trouble meeting subsequent deadlines.

We agree that issuing an accurate service list at an earlier stage in this proceeding would help to facilitate parties' participation under an accelerated procedural schedule. Therefore, rather than adhering to the practice of compiling and issuing a service list after parties file comments, we will issue the definitive service list before the filing of comments, requests for conditions, inconsistent and responsive applications, and other opposition evidence are due in this proceeding. To compile and issue timely an accurate service list, we are requiring persons to notify the Commission in writing, within 45 days after the primary application is filed, of their intent to participate in this proceeding.

Another party, Gulf Rice Arkansas (GRA), seeks clarification of whether the investigation of abandonment protests will be accomplished through an oral hearing. Under 49 U.S.C 10904, which outlines the procedures for applications to abandon lines or discontinue service on lines, there is no specific provision for an oral hearing to investigate protests. The statute states that, if the Commission determines that an investigation is necessary, it must be completed within 135 days after the date the abandonment application is filed. At this time it is not possible to determine whether an oral hearing will be necessary, although unlikely, in order to investigate a particular proposed abandonment.

In order for us to fulfill our responsibilities under the National Environmental Policy Act and other environmental laws, inconsistent applications and responsive applications must contain certain environmental information. Anyone desiring to file an inconsistent or a responsive application involving significant operational changes or an action such as a rail line abandonment or construction under 49 CFR 1105.6(b)(4) of our environmental rules must include, with its application, a preliminary draft environmental assessment (PDEA). Generally, these types of actions require an environmental report under 49 CFR 1105.6(b)(4) which would form the basis of a subsequent environmental assessment (or environmental impact statement, if warranted). Here, because of the accelerated time frames, a PDEA is necessary at the outset.

The preparation of a PDEA should not be burdensome. Although the information would be presented in a somewhat different format, the PDEA should address essentially the same environmental issues that would have been covered by an environmental report. The PDEA, like the environmental report, should be based on consultations with the Section of Environmental Analysis (SEA) and the various agencies set forth in 49 CFR 1105.7(b). SEA will be available to provide assistance as needed. SEA will use the PDEA to expedite the environmental review process. If a PDEA is not submitted or is insufficient, we will not process the inconsistent or responsive application.

If an inconsistent or responsive application does not involve significant operational changes or an action such as an abandonment or construction, it generally is exempt from environmental review. The applicant must certify, however, that the proposal meets the exemption criteria under 49 CFR 1105.6(c)(2). Anyone desiring to file an inconsistent application or responsive application should consult with SEA as early as possible regarding the appropriate environmental documentation.

If the parties wish to engage in any discovery or establish any discovery guidelines (see, e.g., the proposed discovery guidelines in UP/SP–4), they are directed to consult with Administrative Law Judge Jerome Nelson. Judge Nelson is authorized to convene a discovery conference, if necessary and as appropriate, in Washington, DC, and to establish such discovery guidelines, if any, as he deems appropriate. However, Judge Nelson is not authorized to make adjustments to, or to modify, the dates in the procedural schedule. We believe the schedule as adopted allows sufficient time for meaningful discovery. Any interlocutory appeal to a decision issued by Judge Nelson will be governed by the stringent standard of 49 CFR 1115.1(c): ''Such appeals are not favored; they will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice.'' *See Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Chicago and North Western Transportation Company and Chicago and North Western Railway Company,* Finance Docket No. 32133, Decision No. 17, at 9 (ICC served July 11, 1994) (applying the ''stringent standard'' of 49 CFR 1115.1(c) to an appeal of an interlocutory decision issued by former Chief Administrative Law Judge Paul S. Cross).[3]

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: October 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,

Secretary.

Final Procedural Schedule

F—Primary application and related applications filed.

F+30—Commission notice of acceptance of primary application and related applications published in the Federal Register.

F+45—Notification of intent to participate in proceeding due.

F+60—Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due.

F+120—Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. DOJ and USDOT comments due.

F+135—Notice of acceptance (if required) of inconsistent and responsive applications published in the Federal Register.

[3] For the purposes of the present proceeding, we think it appropriate to tighten the deadlines provided by 49 CFR 1115.1(c). Accordingly, the provisions of the second sentence of 49 CFR 1115.1(c) to the contrary notwithstanding, an appeal to a decision issued by Judge Nelson must be filed within 3 working days of the date of his decision, and any response to any such appeal must be filed within 3 working days thereafter. Likewise, any reply to any procedural motion filed with the Commission itself in the first instance must also be filed within 3 working days.

F+150—Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition due. Rebuttal in support of primary application and related applications due.
F+165—Rebuttal in support of inconsistent and responsive applications due.
F+185—Briefs due, all parties (not to exceed 50 pages).
F+215—Oral argument (at Commission's discretion).
F+217—Voting Conference (at Commission's discretion).
F+255—Date of service of final decision.

Notes: Immediately upon each evidentiary filing, the filing party will place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a depository open to all parties, and will make its witnesses available for discovery depositions. Access to documents subject to protective order will be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Relevant excerpts of transcripts will be received in lieu of cross-examination, unless cross-examination is needed to resolve material issues of disputed fact. Discovery on responsive and inconsistent applications will begin immediately upon their filing. The Administrative Law Judge assigned to this proceeding will have the authority initially to resolve any discovery disputes.

[FR Doc. 95–26271 Filed 10–20–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32787]

West Michigan Railroad Co.—Acquisition and Operation Exemption—Line of Southwestern Michigan Railroad Company, Inc., d/b/a the Kalamazoo, Lakeshore & Chicago Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts West Michigan Railroad Co. from the prior approval requirements of 49 U.S.C. 11343–45, to acquire and operate 14.88 miles of rail line owned by Southwestern Michigan Railroad Company, Inc. d/b/a the Kalamazoo, Lakeshore & Chicago Railway Co., between milepost 15.67 in Hartford and milepost 30.55 in Paw Paw, in Van Buren County, MI.

DATES: This exemption is effective on October 18, 1995. Petitions to reopen must be filed by November 17, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32787 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Daniel A. LaKemper, West Michigan Railroad Co., 1318 South Johanson Road, Peoria, IL 61607; Donald G. Avery, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036; and R. Franklin Unger, Trustee, Kalamazoo, Lake Shore & Chicago Railway Co., 1143 Audubon, Grosse Pointe Park, MI 48230.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, 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 at (202) 927–5721.)

Decided: October 12, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–26166 Filed 10–20–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 19, 1995, Norac Company, Inc., 405 S. Motor Avenue, Azusa, California 91702, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance Tetrahydrocannabinols (7370).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

The firm plans to manufacture medication for the treatment of AIDS wasting syndrome and as an antiemetic.

Any such comments or objections may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 22, 1995.

Dated: October 16, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–26089 Filed 10–20–95; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Notice of Registration

By Notice dated August 10, 1995, and published in the Federal Register on August 17, 1995 (60 FR 42905), Wildlife Laboratories, Inc., 1401 Duff Drive, Suite 600, Ft. Collins, Colorado 80524, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Etorphine Hydrochloride (9059) ...	II
Carfentanil (9743)	II

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 16, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–26088 Filed 10–20–95; 8:45 am]

BILLING CODE 4410–09–M

Foreign Claims Settlement Commission

Claims Against Albania; Notice of Extension of Deadline for Filing of Claims

AGENCY: Foreign Claims Settlement Commission of the United States; Justice.

ACTION: Notice.

SUMMARY: The Foreign Claims Settlement Commission announces the extension of the deadline for the filing of claims against the Government of Albania for the nationalization, expropriation, confiscation, or other taking of property of United States nationals by the former Albanian

Communist regime. The original notice was published in the Federal Register on June 27, 1995. 60 FR 33234. In addition, potential claimants are advised to submit their claims to the Commission for consideration even if they do not meet the U.S. residency requirement or otherwise have doubt as to whether their claims are compensable.

DATES: The new deadline for filing of claims against the Government of Albania with the Foreign Claims Settlement Commission shall be December 29, 1995.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission of the United States, U.S. Department of Justice, 600 E Street NW., Room 6002, Washington, DC 20579, Tel. (202) 616–6975, FAX (202) 616–6993.

SUPPLEMENTARY INFORMATION: Pursuant to sec. 4(b) of Title I of the International Claims Settlement Act of 1949, as amended (22 U.S.C. 1623(b)), the Foreign Claims Settlement Commission hereby gives notice that the period for the filing of claims against the Government of Albania for the nationalization, expropriation, confiscation, or other taking of property of United States nationals by the former Albanian Communist regime has been extended. The new filing deadline shall be December 29, 1995.

Potential claimants are advised that, even if they have doubt as to whether their claims are compensable, they should nevertheless submit them. Specifically, the Commission has not yet decided how to apply the U.S. residency requirement stated in Paragraph 1 of the Agreed Minute to the U.S.-Albania Settlement Agreement. Potential claimants are therefore encouraged to submit their claims to the Commission for consideration, even if they do not meet the U.S. residency requirement.

Failure to submit a claim by December 29, 1995, will foreclose any opportunity to pursue a claim through the United States Government in the future.

Claims forms and other information concerning the Albanian Claims Program may be obtained by mail from the Foreign Claims Settlement Commission, Washington, DC 20579. Claims forms also may be requested by telephone (202–616–6975) or by fax (202–616–6993).

Delissa A. Ridgway,

Chair.

[FR Doc. 95–26175 Filed 10–20–95; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the administrators for coal mine safety and health and metal and nonmetal mine safety and health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the Federal Register. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: October 13, 1995.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M–85–127–C.

FR Notice: 50 FR 48281.

Petitioner: Utah Power & Light Company.

Reg Affected: 30 CFR 75.326 (now 30 CFR 75.350).

Summary of Findings: This petition was originally filed by Emery Mining Corporation, a lessee of Utah Power & Light Company. Petitioner's proposal to install a low-level carbon monoxide detection system as an early warning fire detection system in all entries used as intake or return air courses and at each belt drive and tailpiece located in intake air courses except in specified situations during development of a two-entry mining system for a longwall panel where the belt haulage entry would serve (act) as a return air course and for longwall panel retreat mining where the belt haulage entry would act as intake air course for longwall face ventilation. Granted with conditions for the Deer Creek and Cottonwood Mines.

Docket No.: M–85–184–C.

FR Notice: 51 FR 1586 (amendment 52 FR 46134).

Petitioner: Clinchfield Coal Company.

Reg Affected: 30 CFR 75.1105 (now 30 CFR 75.340).

Summary of Findings: Petitioner's proposal to locate transformers and high voltage vacuum circuit breakers in the belt entry splits of air and to use dry-type transformers containing no flammable liquid or hydraulic oil except for capacitors in power centers which may contain up to a total of three gallons of flammable liquid; to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entry splits of air; to have the velocity of air in the belt conveyor at 50 feet a minute or greater and have a definite and distinct movement in the designated direction; and to have the velocity of air current in the belt conveyor entry to not exceed that which is established in the approved Ventilation System and Methane and Dust Control Plan considered acceptable alternative method. Granted with conditions.

Docket No.: M–86–167–C.

FR Notice: 51 FR 42663 (amendment 52 FR 46133).

Petitioner: Clinchfield Coal Company.

Reg Affected: 30 CFR 75.326 (now 75.350).

Summary of Findings: Petitioner's proposal to install a carbon monoxide detection system as an early warning fire detection system in all belt entries used as intake air courses considered acceptable alternative method. Granted with conditions.

Docket No.: M–89–117–C.

FR Notice: 54 FR 37844.

Petitioner: Westmoreland Coal Company.

Reg Affected: 30 CFR 75.326 (now 75.350).

Summary of Findings: On August 2, 1988, petitioner was granted a petition for modification, docket number M–85–57–C, to use intake air coursed through belt haulage and/or track entries to

ventilate active working places and to install an early warning fire detection system to monitor the air with a carbon monoxide detection system. Petitioner's request of August 1, 1989, to amend MSHA's Proposed Decision and Order (PDO) for the previously granted petition to allow the use of air velocity in the belt conveyor entry to be in excess of 300 feet per minute (fpm) subject to conditions outlined in the PDO considered acceptable alternative method. Granted with conditions.

Docket No.: M–90–14–C.
FR Notice: 55 FR 5087.
Petitioner: Island Creek Coal Company.
Reg Affected: 30 CFR 75.326 (now 75.350).
Summary of Findings: Petitioner's proposal to install a low-level carbon monoxide monitoring system as an early warning fire detection system in all belt entries used as intake air courses considered acceptable alternative method. Granted with conditions.

Docket No.: M–90–78–C.
FR Notice: 55 FR 28111.
Petitioner: Tanoma Mining Company.
Reg Affected: 30 CFR 75.326 (now 75.350).
Summary of Findings: Petitioner's proposal to install a low-level carbon monoxide monitoring system as an early warning fire detection system in all belt entries in which air coursed through the belt entry is used to ventilate active working places conditioned upon the terms of consent agreement considered acceptable alternative method. Granted with conditions.

Docket No.: M–92–49–C.
FR Notice: 57 FR 22493.
Petitioner: Clinchfield Coal Company.
Reg Affected: 30 CFR 75.1710–1(a).
Summary of Findings: Petitioner's proposal to operate its Joy 21 SC center-driven shuttle cars and 482 and 488 scoops without canopies due to the undulating conditions of the mine floor resulting roof supports dislodging, poor visibility to the equipment operator, and assertion that application of the standard would result in and a diminution of safety to the miners considered acceptable. Granted with conditions.

Docket No.: M–93–29–C.
FR Notice: 58 FR 16553.
Petitioner: Consolidation Coal Company.
Summary of Findings: On February 22, 1993, petitioner filed a petition for modification of the application of 30 CFR 75.364(b)(2), and on November 22, 1993, petitioner filed an amended petition deleting an air course and revising the petition of the application of 30 CFR 75.364(b)(1) for the remaining air courses. Petitioner's proposal to establish monitoring stations in the intake air course and to evaluate these stations weekly rather than daily due to deteriorating roof conditions and assertion that application of the standard would result in a diminution of safety to the miners considered acceptable. Granted with conditions for the intake air course on the south side of Main West and for the intake air course at the Sugar Run Portal Motor Barn at the Loveridge No. 22 Mine.

Docket No.: M–93–35–C.
FR Notice: 58 FR 16554.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.364(b)(1).
Summary of Findings: Petitioner's proposal to establish check points in the South side of the Main West entries from the Dolls Portal to the No. 1 Check point and to have a certified person test for methane and the quantity of air at check points and take pressure readings at check point 7 at a track overcast along the mainline haulage due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for the Main West intake air courses at the Osage No. 3 Mine.

Docket No.: M–93–81–C.
FR Notice: 58 FR 39235.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.364(b)(2).
Summary of Findings: Petitioner's proposal to establish evaluation check points to monitor certain areas of the return air course and to have a certified person test for methane and the quantity of air in the affected area on a weekly basis due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for three separate return air courses and one intake air course in the vicinity of the Statler Airshaft at the Osage No. 3 Mine.

Docket No.: M–93–137–C.
FR Notice: 58 FR 39241.
Petitioner: M & S Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps annually and to update maps daily by hand notations considered acceptable alternative method. Granted with conditions for annual revisions and supplements of the mine map.

Docket No.: M–93–166–C.
FR Notice: 58 FR 41295.
Petitioner: Tito Coal Company.
Reg Affected: 30 CFR 75.335(a)(1).
Summary of Findings: Petitioner's proposal to use an alternative method of construction by using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs considered acceptable alternative method. Granted with conditions for seals installed at the Whites Vein Slope Mine.

Docket No.: M–93–187–C.
FR Notice: 58 FR 41298.
Petitioner: Primrose Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps annually and to update maps daily by hand notations considered acceptable alternative method. Granted with conditions for annual revisions and supplements of the mine map.

Docket No.: M–93–207–C.
FR Notice: 58 FR 44701.
Petitioner: Ashland Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps annually and to update maps daily by hand notations considered acceptable alternative method. Granted with conditions for annual revisions and supplements of the mine map.

Docket No.: M–93–222–C.
FR Notice: 58 FR 46220.
Petitioner: Rhen Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps annually and to update maps daily by hand notations considered acceptable alternative method. Granted with conditions for annual revisions and supplements of the mine map.

Docket No.: M–93–281–C.
FR Notice: 58 FR 58566.
Petitioner: Old Ben Coal Company.
Reg Affected: 30 CFR 75.364.
Summary of Findings: Petitioner's proposal to establish evaluation check points in certain areas of the return air course, one at each end of the areas affected, to monitor for methane and the quantity and quality of air entering and leaving the affected areas due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for the #1 Main South return air course between 10th West South and the ''D'' Fan Shaft at the No. 26 Mine.

Docket No.: M–93–320–C.
FR Notice: 58 FR 68671.
Petitioner: Consol Pennsylvania Coal Company.
Reg Affected: 30 CFR 75.364(b)(1).

Summary of Findings: Petitioner's proposal to establish check points in certain areas of the intake air course and have a certified person test these check points for methane and the quantity of air on a weekly basis and record the results in a book kept on the surface available for inspection to interested persons due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for each of the two areas where roof falls exist at either end of the petitioned air course (the first located immediately inby the shop regulator and other near Spad No. 052) at the Bailey Mine.

Docket No.: M–94–29–C.
FR Notice: 59 FR 15238.
Petitioner: New Warwick Mining Company.
Reg Affected: 30 CFR 75.364(b)(1).
Summary of Findings: Petitioner's proposal to establish evaluation check points to monitor the quantity and quality of air entering and leaving certain areas of the intake air course due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for the Mains Right side intake air course between track markers 90 and 102 at the Warwick Mine.

Docket No.: M–94–59–C.
FR Notice: 59 FR 26816.
Petitioner: Black Dog Coal Corporation.
Reg Affected: 30 CFR 75.364(b)(1).
Summary of Findings: Petitioner's proposal to establish evaluation check points to monitor the quantity and quality of air entering and leaving certain areas of the intake air course due to deteriorating roof conditions considered acceptable alternative method. Granted with conditions for the intake air course left of the belt entry in the Jaw Bone Mains extending from survey stations No. 1116 and 1117 to survey stations No. 1211 and 1229 at the No. 1 Mine.

Docket No.: M–94–61–C.
FR Notice: 59 FR 29305.
Petitioner: Cyprus Emerald Resources Corporation.
Reg Affected: 30 CFR 75.507.
Summary of Findings: Petitioner's proposal to use a nonpermissible submersible pump in the longwall bleeder sump near the No. 2 bleeder shaft for dewatering the sump and to provide unrestricted airflow into the return shaft; to provide training for all selected mine electricians performing electrical work on the pumps; and to examine the surface pump control and power circuits monthly considered acceptable alternative method. Granted with conditions for the submersible pump located in the No. 2 bleeder sump borehole near the No. 2 bleeder shaft at the Emerald No. 1 Mine.

Docket No.: M–94–85–C.
FR Notice: 59 FR 35148.
Petitioner: K & S Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps annually and to update maps daily by hand notations considered acceptable alternative method. Granted with conditions for annual revisions and supplements of the mine map.

Docket No.: M–94–87–C.
FR Notice: 59 FR 38202.
Petitioner: Consolidation Coal Company.
Reg Affected: 30 CFR 75.364(b)(2).
Summary of Findings: The petitioner filed a petition for modification of 30 CFR 75.364(b)(2). MSHA's investigation of the petition revealed that the air flowing in the petitioned air course had not ventilated any working faces or passed through a worked out area. Therefore, the petition is treated as requesting modification of 30 CFR 75.364(b)(1). In its investigation of the petition, the Agency finds that application of the standard would result in a diminution of safety to the miners. As set out in the special terms and conditions to at all times provide a safe work environment for the miners, the petitioner would perform weekly evaluations at the monitoring stations, weekly examination of the ventilation controls, and daily examination of the roof above the overcast because of the 400-foot length of the single entry air course and the ability to safely examine and maintain all ventilation controls creating the air course (eight stoppings and one overcast) from outside the air course. This is considered an acceptable alternative method. Granted with conditions for approximately 400 feet of intake air course crossing the Main North overcast to Carpenter Shaft between Spad Nos. 2809 and 2830 at the Blacksville No. 2 Mine.

Docket No.: M–94–123–C.
FR Notice: 59 FR 43869.
Petitioner: B & M Coal Company.
Reg Affected: 30 CFR 75.326.
Summary of Findings: Petitioner's request that Item 15 of its petition for modification be amended to include language requiring intake escapeways to be maintained in accordance with mandatory standard 30 CFR 75.380(f)(1) (Ventilation Final Rule of November 15, 1992) considered acceptable. Granted with conditions at the B & M No. 2 Mine.

Docket No.: M–94–149–C.
FR Notice: 59 FR 52840.
Petitioner: Genwal Coal Company.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to use high-voltage (4,160 volts) operated equipment inby the last open crosscut at the longwall section, assertion that application of the standard would result in a diminution of safety to the miners considered acceptable alternative method. Granted with conditions at the Crandall Canyon Mine. Application for Relief to Give Effect to the Proposed Decision and Order granted.

Docket No.: M–94–159–C.
FR Notice: 59 FR 59434.
Petitioner: Clark Elkhorn Coal Company, Inc.
Reg Affected: 30 CFR 75.900.
Summary of Findings: Petitioner's proposal to use contractors to provide undervoltage, grounded phase, and overload protection and to monitor the grounding conductors for 480-volt belt conveyor drive motors and water pump motors greater than 5 horsepower considered acceptable alternative method. Granted with conditions in the Sunset Mine No. 1.

Docket No.: M–94–182–C.
FR Notice: 60 FR 3436.
Petitioner: D.G. W Coal Company.
Reg Affected: 30 CFR 75.1400.
Summary of Findings: Petitioner's proposal to use the gunboat without safety catches with an increased rope strength safety factor and secondary safety connections which are securely fastened around the gunboat and to the hoisting rope above the main connecting device in transporting persons due to steep, frequently changing pitch and numerous curves and knuckles in the main haulage slope considered acceptable alternative method. Granted with conditions for the use of the gunboat without safety catches at the Buck Mt. Slope.

Docket No.: M–95–04–C.
FR Notice: 60 FR 9867.
Petitioner: R & R Anthracite Coal Company.
Reg Affected: 30 CFR 75.1400.
Summary of Findings: Petitioner's proposal to use the gunboat without safety catches with an increased rope strength safety factor and secondary safety connections which are securely fastened around the gunboat and to the hoisting rope above the main connecting device in transporting persons due to steep, frequently changing pitch and numerous curves and knuckles in the main haulage slope considered acceptable alternative method. Granted with conditions for the use of the gunboat without safety catches at the Buck Mt. Slope.

Docket No.: M–95–20–C.
FR Notice: 59 FR 11682.
Petitioner: Eighty-Four Mining Company.
Reg Affected: 30 CFR 75.1002.
Summary of Findings: Petitioner's proposal to use high-voltage (4,160 volts) cables inby the last open crosscut to supply power to longwall face equipment considered acceptable alternative method. Granted with conditions at the Mine No. 84. Petitioner's Application for Relief to Give Effect to the Proposal Decision and Order granted.

Docket No.: M–94–01–M.
FR Notice: 59 FR 24730.
Petitioner: Cyprus Sierrita Corporation.
Reg Affected: 30 CFR 56.6309.
Summary of Findings: Petitioner's proposal to blend recycled oil with fuel oil to create a blasting agent considered acceptable alternative method. Granted with conditions.

Docket No.: M–94–04–M.
FR Notice: 59 FR 4114.
Petitioner: Magna Copper Company.
Reg Affected: 30 CFR 57.9360(a)(2).
Summary of Findings: Petitioner's proposal to use two alternative sets of stipulations specified in its petition for modification for spacing shelter holes along its haulage roads for miners on the 2675 and 2950 levels considered acceptable alternative method. Granted with conditions at the San Manuel Mine.

Docket No.: M–95–02–M.
FR Notice: 60 FR 9867.
Petitioner: Aluminum Company of America.
Reg Affected: 30 CFR 56.9300.
Summary of Findings: Petitioner's proposal to restrict access to its mud lake impoundment lake roadway(s) by using specific procedures outlined in its petition for modification considered acceptable alternative method. Granted with conditions.

Docket No.: M–78–26–M.
FR Notice: 43 FR 59926.
Petitioner: Anthony Dally & Sons.
Reg Affected: 30 CFR 57.19–7 (now 57.19007).
Summary of Findings: Petitioner's granted petition for 30 CFR 57.19007 an underground mandatory standard, was reviewed and changes were noted. It was that the petitioner should have petitioned for 30 CFR 56.19007, applicable for surface mining operations, and that three of the mines had been permanently closed. The modifications to the Diamond Slate Quarry, Quarry No. 6, and the Stephens-Jackson Slate Quarry is no longer applicable. Modification to the Doney Slate Company Pit as it pertains to operating man hoists without overspeed or overtravel controls installed considered acceptable. Granted with conditions.

Docket No.: M–87–09–M.
FR Notice: 52 FR 34437.
Petitioner: Ziegler Chemical and Mineral Corporation.
Reg Affected: 30 CFR 57.4760(a).
Summary of Findings: On January 25, 1990, MSHA issued a Proposed Decision and Order (PDO) granting this petition for modification conditioned upon circumstances existing at the Bonanza No. 3, Little Emma No. 7, Bonanza No. 11 and 12, Independent No. 4 and 5, and the Cottonwood No. 1 mines for the elimination of shaft station ventilation control doors. On December 7, 1993, MSHA's Rocky Mountain District Manager submitted a review of conditions relevant to the granted petition. In the review it was noted that conditions at the mines remained unchanged and that the petition should continue in effect, and that the Little Emma No. 7 and Cottonwood No. 1 mines had ceased mining operations. On August 16, 1993, a PDO was issued revoking the granted petition of the two non-operating mines. On April 21 and May 23, 1995, the District Manager submitted another review of the conditions of the granted petition noting that one mine name and mine ID number, Bonanza Mill and Mines—(ID No. 42–00876) was used to identify all gilsonite mines owned and operated by the petitioner. Based on this review it was noted that the petition should be revoked at the Bonanza No. 11 & 12, Independent No. 4 & 5, and Bonanza No. 3 mines, and that the petition should be amended to include only one mine, Bonanza Mill and Mines (ID No. 42–00876). The amended petition granted with conditions as it pertains to operating without shaft ventilation control doors installed in the Bonanza Mill and Mines.

[FR Doc. 95–26137 Filed 10–20–95; 8:45 am]
BILLING CODE 4510–43–P–M

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. McElroy Coal Company

[Docket No. M–95–138–C]

McElroy Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its McElroy Mine (I.D. No. 46–01437) located in Marshall County, West Virginia. The petitioner proposes to use high-voltage (4,160 volts) cables inby the last open crosscut to supply power to longwall mining equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. Megan, Inc.

[Docket No. M–95–139–C]

Megan, Inc., HC 83, Box 121B, Cannon, Kentucky 40923 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its No. 2 Mine (I.D. No. 15–17568) located in Whitley County, Kentucky. The petitioner proposes to use hand-held continuous-duty methane and oxygen indicators instead of machine-mounted methane monitors on three-wheel tractors with drag bottom buckets. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Peabody Coal Company

[Docket No. M–95–140–C]

Peabody Coal Company, 1951 Barrett Court, P.O. Box 1990, Henderson, Kentucky 42420–1990 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Camp No. 11 Mine (I.D. No. 15–08357) located in Union County, Kentucky. Due to hazardous roof conditions in certain areas of the return air course, the area cannot be traveled in its entirety. The petitioner proposes to have a certified person examine for methane, oxygen, and the quantity of air in the No. 8 (outside) intake entry inby and outby the roof fall on a weekly basis and record the results in a book kept on the surface at the mine and available to interested parties. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Three Way Coal Company

[Docket No. M–95–141–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to use a slope conveyance (gunboat) in transporting

persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. Three Way Coal Company

[Docket No. M–95–142–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.332 (b)(1) & (b)(2) (working sections and working places) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to use air passing through inaccessible abandoned workings and additional areas not examined and which is currently mixing with the air in the intake haulage slope to ventilate the active working section, and to ensure the maintenance of air quality through the sampling of section intake air at the gangway level during the preshift and on-shift examinations of carbon dioxide, methane, and oxygen deficiency. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. Three Way Coal Company

[Docket No. M–95–143–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criteria in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

7. Three Way Coal Company

[Docket No. M–95–144–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.360 (preshift examination) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to visually examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken inby the intake portal and to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the working section. The petitioner proposes to physically examine the entire length of the slope once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Three Way Coal Company

[Docket No. M–95–145–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.364(b)(1), (4) and (5) (weekly examination) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. Due to hazardous conditions and roof falls, certain areas of the intake haulage slope and primary escapeway cannot be traveled safely. The petitioner proposes to examine these areas from the gunboat/slope car with an alternative air quality evaluation at the section's intake level, and to travel and thoroughly examine these areas for hazardous conditions once a month. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

9. Three Way Coal Company

[Docket No. M–95–146–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.1002–1 (location of other electric equipment; requirements for permissibility) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime the methane concentration at the equipment reaches 0.5 percent, either during operation or during a preshift examination. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

10. Three Way Coal Company

[Docket No. M–95–147–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.1100–2 (quantity and location of firefighting equipment) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

11. Three Way Coal Company

[Docket No. M–95–148–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17923 has filed a petition to modify the application of 30 CFR 75.1200(d) & (i) (mine map) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000-foot intervals of advance from the intake slope and to limit the required mapping of the mine workings above and below to those present within 100 feet of the veins being mined except when veins are interconnected to other veins beyond the 100-foot limit through rock tunnel. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

12. Three Way Coal Company

[Docket No. M–95–149–C]

Three Way Coal Company, 117 School Rowe, Branchdale, Pennsylvania 17932 has filed a petition to modify the application of 30 CFR 75.1202–1(a) (temporary notations, revisions, and supplements) to its Little Vein Slope (I.D. No. 36–08332) located in Schuylkill County, Pennsylvania. The petitioner proposes to revise and supplement mine maps annually instead of every 6 months, as required, and to update maps daily by hand notations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

13. Keystone Coal Mining Corporation

[Docket No. M–95–150–C]

Keystone Coal Mining Corporation, 655 Church Street, Indiana, Pennsylvania 15701 has filed a petition to modify the application of 30 CFR 75.1103–4(a) (automatic fire sensor and warning device systems; installations; minimum requirements) to its Emilie No. 1 Mine (I.D. No. 36–00821) located in Armstrong County, Pennsylvania. The petitioner proposes to install a low-level carbon monoxide detection system in all belt entries where a monitoring system identifies a sensor location instead of each belt flight. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

14. Heatherly Mining, Inc.

[Docket No. M–95–151–C]

Heatherly Mining, Inc., P.O. Box 550, Henryetta, Oklahoma 74437 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Pollyanna No. 8 Mine (I.D. No. 34–01787) located in Le Flore County, Oklahoma. The petitioner proposes to plug and mine through certain abandoned wells which lie in the path of engineered mine workings. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 22, 1995. Copies of these petitions are available for inspection at that address.

Dated: October 13, 1995.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 95–26136 Filed 10–20–95; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95–095]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee. Dates: Monday, November 13, 8:30 a.m. to 5 p.m.; Tuesday, November 14, 1995, 8:30 a.m. to 5:00 p.m.; Wednesday, November 15, 1995, 8:30 a.m. to 5:00 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC 7–A&B–West, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Lawrence J. Caroff, Code SZ, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0372.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meting is as follows:

—Status of FY96 budget and implications for NASA and OSS
—Update of status of OSS missions and programs
—Status of OSS reorganization and science advisory structure
—Update on ELV status
—Report from subgroup NASA peer review practices
—Status report on suborbital program
—Progress report on OSS education initiative
—Discussion of science metrics for NASA
—Progress report on study of NASA science institutes
—Report from NAS-sponsored Future of Space Science Study

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: October 17, 1995.

Philip I. Chait,

GAO/OIC Audit Team Leader Management Controls Office.

[FR Doc. 95–26152 Filed 10–20–95; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Operator Licensing Examination Question Bank; Notice of Public Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

SUMMARY: The U.S. Nuclear Regulatory Commission has developed the NRC Operator Licensing Examination Question Bank (EQB) to be used by examiners for the construction and storage of operator examination questions for Reactor Operators (ROs) and Senior Reactor Operators (SROs). The data base and the mainframe computer on which it resides is located at the Idaho National Engineering Laboratory (INEL) in Idaho Falls, Idaho, and is maintained under contract to the NRC by INEL.

The EQB data is in the form of questions, answers, and references and is being made available on request. All information requested can be transferred in magnetic tape, diskette, or paper computer printout. Personal computer software and a user's manual for active on-line access may also be provided. Procedures to request specific information from the EQB and to obtain on-line access are enclosed. Costs in providing this information and EQB access are normally charged to the requestor by the INEL unless provisions of the Freedom of Information Act that provide for public access to information are invoked.

Requestors of information should be aware that the information, software, or user documentation provided will be current only at the time it is requested, since updates and changes occur frequently. INEL, under the terms of its contract with NRC, is not required to provide training or technical assistance software support for requestors.

ADDRESSES: To request information from the EQB, the requestor should submit a written request to Mr. Frank S. Jaggar, EQB Program Manager, Lockheed Martin Idaho Technologies Company, P. O. Box 1625, Idaho Falls, ID 83415 with a copy to Mr. Frank Collins, Operator Licensing Branch, U.S. Nuclear Regulatory Commission, O10–D22, Washington, D.C. 20555

State the following information in the letter: (1) requestor's name and address, (2) Reason for the request, (3) details of request (data required and format or on-line access)

State the method of reimbursement for the cost of providing requested

information or access, plus a cost ceiling, if any.

To request EQB information from the main or local Public Document Reading Rooms, follow the normal procedures for information requests described in 10 CFR Part 9. Be aware that the information at the Reading Rooms are many pages in length and in computer printout only.

FOR FURTHER INFORMATION CONTACT: Frank Collins, M/S O10–D22, U. S. Nuclear Regulatory Commission, Washington D.C. 20555, Telephone (301) 415–3173.

Dated at Rockville, Maryland, this 13th day of October, 1995.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Chief, Operator Licensing Branch, Division of Reactor Controls and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 95–26143 Filed 10–20–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–245–OLA; ASLBP No. 96–711–011–OLA]

Northeast Nuclear Energy Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 F.R. 28710 (1972), and Section 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Northeast Nuclear Energy Company

Millstone Nuclear Power Station, Unit 1

This Board is being established pursuant to a notice published by the Commission on August 30, 1995, in the Federal Register (60 F.R. 45180). The notice issued by the NRC staff was a no significant hazards determination with respect to a proposed license amendment request by Northeast Nuclear Energy Company that would change the Technical Specifications on refueling operation for Unit 1 of the Millstone plant. The petitioners, We The People, the Seacoast Anti-Pollution League, the New England Coalition on Nuclear Pollution and Donald Delcore, seek to intervene and request a hearing on the grounds that the change would present a significant increase in the risk probability of an accident.

The Board is comprised of the following administrative judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Bethesda, Maryland, this 16th day of October 1995.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 95–26144 Filed 10–20–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Circulars, etc.; A–76

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of request for comments on the proposed revision to the OMB Circular No. A–76 ''Performance of Commercial Activities,'' *Revised Supplemental Handbook.*

SUMMARY: The Office of Management and Budget (OMB) is seeking agency and public comments on its proposed revision to the Supplemental Handbook issued as a part of its August 1983 OMB Circular No. A–76, ''Performance of Commercial Activities.'' Circular No. A–76 was originally published in the August 16, 1983, Federal Register, at pages 37110–37116.

The proposed revision seeks the most cost-effective means of obtaining commercial support services and provides new administrative flexibility in the Government's make or buy decision process. The revision modifies and, in some cases, eliminates cost comparison requirements; reduces reporting and other administrative burdens; provides for enhanced employee participation and reviews; eases transition requirements to facilitate employee placement; maintains the level playing field for cost comparisons between Federal and private sector offers; and seeks to improve oversight to ensure that the most cost effective decision is implemented. The proposed revision improves upon existing guidance by clarifying provisions that may have made the cost comparison process unnecessarily difficult or lead to less than optimal outcomes.

DATES: To ensure consideration of all comments on the proposal set forth by this notice, comments must be in writing and received not later than December 15, 1995.

ADDRESSES: Comments should be addressed to: Mr. David C. Childs, Program Examiner, NEOB Room 6104, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503.

AVAILABILITY: Copies of the proposed Revised Supplemental Handbook may be obtained by contacting the Office of Administration, Publications Office, Washington, D.C. 20503, at (202) 395–7332, or FAX (202) 395–6137. This document is also accessible on the U.S. Department of Commerce's FedWorld network under the ''OMB Library of Files.'' The Telnet address for FedWorld via the Internet is *fedworld.gov.* The address (URL) for the World Wide Web is *http://www.fedworld.gov/ftp.ht#omb.* For ftp access, *ftp://fwux.fedworld.gov/pub/omb/omb.htm.* The telephone number for the FedWorld help desk is (703) 487–4608.

FOR FURTHER INFORMATION CONTACT: Mr. David C. Childs, Program Examiner, NEOB Room 6104, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, Telephone Number: (202) 395–6104, FAX Number (202) 395–7230.

John Koskinen,

Deputy Director for Management.

[FR Doc. 95–26174 Filed 10–20–95; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36375; File No. SR–CHX–95–22]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Related to a Technical Correction to Rule 16 of Article XXXIV

October 16, 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 September 28, 1995, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Securities'')

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. On October 10, 1995 the Exchange submitted Amendment No. 1 to the proposed rule change.[1] 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 Exchange, pursuant to Rule 19b–4 of the Act, proposes to make a technical correction to Rule 16 of Article XXXIV of the CHX's rules relating to the utilization of exempt credit by market makers.

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 self-regulatory organization 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed change is to make a technical change to Interpretations and Policies .02, Rule 16, Article XXXIV. Presently, Interpretations and Policies .02 to Rule 16 of Article XXXIV incorrectly indicates that the Best System is described in Rule 34 of Article XX.[2] The Best System is actually described in Rule 37 of Article XX. This proposed rule change corrects the incorrect cross-reference.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act[3] in that it is designed to promote just and equitable principles of trade, 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and subparagraph (e) of Rule 29b–4 thereunder.[5] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington 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 Exchange. All submissions should refer to file No. SR–CHX–95–22 and should be submitted by November 13, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 95–26183 Filed 10–20–95; 8:45 am]

BILLING CODE 8010–01–M

[1] *See letter from David Rusoff, Foley & Lardner, to Glen Barrentine, Senior Counsel, SEC, dated October 3, 1995. Amendment No. 1 corrects the original filing by referencing Rule 16 of Article XXXIV as the rule being amended in the filing.*

[2] The BEST System specifies certain conditions under which Exchange specialists are required to accept and guarantee executions of market and limit orders.

[3] 15 U.S.C. 78f(b)(5).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(e).

[Release No. 34–36381; File No. SR–CBOE–95–38]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Listing and Trading of Warrants on the CBOE Technology 50 Index

October 17, 1995.

On August 1, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade warrants based on the CBOE Technology 50 Index (''Tech 50 Index'' or ''Index''). The Exchange subsequently filed Amendment No. 1 to the proposal on August 2, 1995,[3] Amendment No. 2 on August 3, 1995,[4] and Amendment No. 3 on August 29, 1995.[5]

Notice of the proposed rule change and Amendment Nos. 1, 2, and 3 thereto were published for comment and appeared in the Federal Register on

[1] 15 U.S.C. § 78s(b)(1) (1988 & Supp. V 1993).

[2] 17 CFR 240.19b–4 (1994).

[3] As a result of the Commission's approval of the Exchange's Generic Warrant Listing Standards (as defined herein), Amendment No. 1 has been rendered moot.

[4] In Amendment No. 2, as discussed herein, the CBOE amended certain of the objective standards set forth in the section of its proposal entitled ''Classification of the Index as Broad-Based.'' *See* Letter from Timothy Thompson, CBOE, to Michael Walinskas, SEC, dated August 3, 1995 (''Amendment No. 2'').

[5] In Amendment No. 3, as discussed herein, the Exchange amended the composition of the Index to, in the Exchange's opinion, provide better balance between the technology industry subsectors represented in the Index. *See* Letter from William Speth, Jr., Senior Research Analyst, Research Department, CBOE, to Brad Ritter, Senior Counsel, SEC, dated August 29, 1995 (''Amendment No. 3'').

September 15, 1995.[6] No comments were received on the proposal. This order approves the proposal, as amended.

I. Description of the Proposal

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled index warrants based on the Tech 50 Index (''Index Warrants''). On August 29, 1995, the Commission approved an Exchange proposal that established uniform listing and trading guidelines for stock index, currency and currency index warrants (''Generic Warrant Listing Standards Approval Order'').[7] The Exchange states that the listing and trading of warrants based on the Tech 50 Index will comply in all respects with the Generic Warrant Listing Standards Approval Order.

Index Design

The Exchange represents that the Tech 50 Index is a broad-based index comprised of stocks of 50 of the largest domestic technology companies, representing various industry groups. The Index was designed by and will be maintained by the CBOE. The Index is price-weighted and reflects changes in the prices of the component stocks relative to the Index base date, January 3, 1995, when the Index was set to an initial level of 200.00.

On August 15, 1995, the 50 stocks in the Index ranged in market capitalization from a low of approximately $829.28 million to a high of approximately $82.47 billion. Total market capitalization for the Index on August 15, 1995, was approximately $578.53 billion. The highest weighted stock in the Index on that date accounted for 5.62% of the weight of the Index and the lowest weighted security in the Index accounted for 0.68% of the weight of the Index. In aggregate, the five highest weighted components on that date accounted for 21.45% of the weight of the Index. Currently, the Exchange represents that all of the component stocks are eligible for the listing of standardized options on the Exchange pursuant to CBOE Rule 5.3.

As of August 15, 1995, the Exchange represents that the industry breakdown for the Index, by weight, was as follows: (1) Computer hardware—8.20%; (2) computer software—14.63%; (3) computers systems and services—11.12%; (4) integrated circuit components—10.43%; (5) semiconductors—12.66%; (6) precision instrumentation—3.15%; (7) medical technology—8.74%; (8) network and server systems—10.14%; (9) telecommunication components—12.62%; and (10) telecommunications—8.31%.[8]

Warrant Terms

Index Warrants will be direct obligations of their issuer, subject to cash-settlement in U.S. dollars and either exercisable throughout their life (*i.e.*, American-style) or exercisable only immediately prior to their expiration date (*i.e.*, European-style). Upon exercise (or at the warrant expiration date in the case of warrants with European-style exercise), the holder of an Index Warrant structured as a ''put'' will receive payment in U.S. dollars to the extent that the value of the Index has declined below a pre-stated cash settlement value. Conversely, upon exercise (or at the warrant expiration date in the case of warrants with European-style exercise), the holder of an Index Warrant structured as a ''call'' will receive payment in U.S. dollars to the extent that the Index value has increased above a pre-stated cash settlement value. Index Warrants that are out-of-the-money at the time of expiration will expire worthless.

Maintenance of the Index

The Index will be maintained by the Exchange and will be reviewed monthly.[9] The CBOE may change the composition of the Index at any time to reflect changes affecting the components of the Index or the various technology industry subsectors represented in the Index. If it becomes necessary to remove a stock from the Index (*e.g.*, because of a takeover or merger), the CBOE will take into account the capitalization, liquidity, volatility, and name recognition of any proposed replacement security.[10]

The Exchange intends to maintain the Index with 50 components, however, the Exchange may increase the number of components in the Index by up to 33%, *i.e.*, 66 stocks.[11]

Calculation and Dissemination of the Value of the Index

The Index value will be calculated by the CBOE or its designee on a real-time base using last-sale prices, and will be publicly disseminated every 15 seconds. If a component stock is not currently being traded, the most recent price at which the stock traded will be used in the Index value calculation. The value of the Index as of the close of trading on September 29, 1995, was 335.22.

The Index is price-weighted and reflects changes in the prices of the component stocks relative to the base date of January 3, 1995, when the Index was set to an initial value of 200.00. Specifically, the Index value is calculated by adding the prices of the component stocks and then dividing this sum by the Index divisor.[12] The Index divisor is adjusted to reflect non-market changes in the prices of the component securities as well as changes in the composition of the Index. Changes that may result in divisor changes include, but are not limited to, stock splits and dividends (other than ordinary cash dividends), spin-offs, certain issuances, and mergers and acquisitions.

Classification of the Index as Broad-Based

The CBOE has designed the Index to meet certain objective criteria which it believes are appropriate to classify the Index as broad-based for warrant trading.[13] To ensure that the Index remains representative of a broad spectrum of the various high technology industries and is comprised of relatively actively-traded stocks, the Exchange will maintain the Index according to the following guidelines: (1) Each underlying security selected for inclusion in the Index must have an average daily trading volume of at least 75,000 shares during the preceding six months; (2) each underlying security included in the Index must thereafter maintain an average daily trading volume of at least 50,000 shares during

[6] *See* Securities Exchange Act Release No. 36207 (Sept. 8, 1995), 60 FR 47970.

[7] *See* Securities Exchange Act Release No. 36169 (August 29, 1995).

[8] *Id.*

[9] These reviews are mainly for the purpose of determining whether to make composition changes to the Index and generally are not for the purpose of applying the proposed objective standards for ensuring that the Index remains broad-based (*see* ''Classification of the Index as Broad-Based,'' *infra*). Telephone conversation among Timothy Thompson, CBOE, Eileen Smith, CBOE, and Brad Ritter, SEC, on August 3, 1995.

[10] Whenever a new component is added to the Index, the CBOE will apply those objective standards proposed for ensuring that the Index remains broad-based (*see* ''Classification of the Index as Broad-Based,'' *infra*) that could be affected by the addition of a new component security to the Index. Telephone conversation between Timothy Thompson, CBOE, and Brad Ritter, SEC, on August 4, 1995.

[11] The Commission notes that the Exchange will be required to distribute a circular to members notifying them of any change in the components of the Index. Further, if the Exchange determines to maintain the Index with some number of components other than 50, the Exchange will be required to change the name of the Index. In such an event, the Exchange should immediately notify the Commission to determine whether a rule filing pursuant to Section 19(b) of the Act will be required.

[12] As of August 15, 1995, the share prices of the Index components ranged from a high of $158.13 to a low of $19.00. *See* Amendment No. 3.

[13] *See* Amendment No. 2.

the preceding six months; (3) no underlying security will represent more than 15% of the total weight of the Index; (4) the five most heavily weighted securities in the Index will not represent more than 40% of the total weight of the Index; (5) the Index will be comprised of at least ten technology industry subsectors (*i.e.*, Standard Industry Classification (''SIC'') codes) representing a total of no less than 50 underlying securities; and (6) at least 75% of the total weight of the Index will be represented by underlying securities that are eligible for the listing of standardized options pursuant to CBOE Rule 5.3. The Exchange will conduct semi-annual reviews of the underlying securities included in the Index to assure that the Index continues to meet the standards set forth above. The Exchange represents that the above guidelines are similar to the requirements set forth in Interpretation .01 to Rule 7.3 of the Pacific Stock Exchange (''PSE'') regarding the designation of the PSE's High Technology Index as a broad-based index for purposes of the trading of standardized options.[14]

Warrant Listing Standards and Customer Safeguards

As discussed earlier, the Exchange has established Generic Warrant Listing Standards.[15] The Exchange represents that the Generic Warrant Listing Standards will be applicable to the listing and trading of index warrants generally, including Tech 50 Index warrants. These standards will govern all aspects of the listing and trading of index warrants, including, issuer eligibility,[16] position and exercise limits,[17] reportable positions,[18] automatic exercise,[19] settlement,[20] margin,[21] and trading halts and suspensions.[22]

Additionally, these warrants will be sold only to accounts approved for the trading of standardized options[23] and, the Exchange's options suitability standards will apply to recommendations in Index warrants.[24] The Exchange's rules regarding discretionary orders will also apply to transactions in Index warrants.[25] Finally, prior to the commencement of trading, the Exchange will distribute a circular to its membership calling attention to certain compliance responsibilities when handling transactions in Tech 50 Index warrants.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) of the Act.[26] Specifically, the Commission finds that the trading of warrants based on the Tech 50 Index will serve to protect investors, promote the public interest, and help to remove impediments to a free and open securities market by providing investors holding positions in some or all of the securities underlying the Index with a means to hedge exposure to market risk associated with their portfolios.[27] The trading of warrants based on the Tech 50 Index should provide investors with a valuable hedging vehicle that should reflect accurately the overall movement of technology industry securities.

Nevertheless, the trading of warrants on the Tech 50 Index raises several concerns related to index design, customer protection, surveillance, and market impact. The Commission believes, however, for the reasons discussed below, that the CBOE has adequately addressed these concerns.

A. Index Design and Structure

The Commission finds that it is appropriate and consistent with the Act for the CBOE to designate the Index as a broad-based index for warrant trading. First, the high-technology sector is a substantial segment of the U.S. equities market, and the Index reflects that segment. Second, the Index includes multiple industries within the high-tech sector, such as medical technology, telecommunications and telecommunication components, and does not rely solely on computer-related companies. Third, the Index consists of 50 actively traded stock (all options eligible), of which 25 trade on Nasdaq and 25 trade on the NYSE. Fourth, the market capitalization of the stocks comprising the Index are very large. Specifically, the total capitalization of the Index, as of August 15, 1995, was approximately $578.5 billion, with the market capitalization of the individual stocks in the Index ranging from a high of $82.47 billion to a low of $829.28 million, with a mean value of $11.57 billion. Fifth, no one particular stock or group of stocks dominates the weight of the Index. Specifically, as of August 15, 1995, no single stock accounted for more than 5.62% of the Index's total value, and the percentage weighting of the five largest issues in the Index accounted for 21.45% of the Index's value. Additionally, the lowest weighted stock in the Index accounted for 0.68% of the Index's value. Accordingly, the Commission believes it is appropriate to classify the Index as broad-based so that the CBOE may list

[14] Securities Exchange Act Release No. 29994, 56 FR 63536 (Dec. 4, 1991).

[15] *See supra* note 7 and accompanying text.

[16] *See* CBOE Rule 31.5E (1) and (4). Issuers are required to have a minimum tangible net worth in excess of $250 million or, in the alternative, have a minimum tangible net worth in excess of $150 million, provided that the issuer does not have (including as a result of the proposed issuance) issued and outstanding warrants where the aggregate original issue price of all such warrant offerings (combined with offerings by its affiliates) listed on a national securities exchange or securities association exceeds 25% of the issuer's net worth.

[17] *See* CBOE Rule 30.35. In particular, under CBOE Rule 30.35, no member can control an aggregate position in a stock index warrant issue, or in all warrants issued on the same stock index, on the same side of the market, in excess of 15,000,000 warrants (12,500,000 warrants with respect to warrants on the Russell 2000 Index) with an original issue price of ten dollars or less. Stock index warrants with an original issue price greater than ten dollars will be weighted more heavily in calculating position limits.

CBOE Rule 30.35 also establishes exercise limits on stock index warrants which are analogous to those found in stock index options. The rule prohibits holders from exercising, within any five consecutive business days, long positions in warrants in excess of the base position limit set forth above.

[18] *See* CBOE Rules 30.50(d) and 4.13.

[19] *See* CBOE Rule 31.5E(6).

[20] *See* CBOE Rule 31.5E(5).

[21] *See* CBOE Rule 30.53. In general, the margin requirements for long and short positions in stock index warrants are the same as margin requirements for long and short positions in stock index options. Accordingly, all purchases of warrants will require payment in full, an short sales of stock index warrants will require initial margin of: (i) 100 percent of the current value of the warrant plus (ii) 15 percent of the current value of the underlying broad stock index less the amount by which the warrant is out of the money, but with a minimum of ten percent of the index value.

[22] *See* CBOE Rules 30.36 and 24.7.

[23] *See* CBOE Rules 30.52(c) and 9.7.

[24] *See* CBOE Rules 30.52(d) and 9.9.

[25] *See* CBOE Rule 30.50, Interpretation .03 (requiring that the standards of Rule 9.10 be applied to index warrant transactions).

[26] 15 U.S.C. 78f(b) (5).

[27] Pursuant to Section 6(b) (5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such product is in the public interest. Such a finding would be difficult with respect to a warrant that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

warrants for trading pursuant to the Generic Warrant Listing Standards.[28]

B. Customer Protection

Special customer protection concerns are presented by Tech 50 Index warrants because they are leveraged derivative securities. The CBOE has addressed these concerns, however, by applying the special suitability, account approval, disclosure, and compliance requirements adopted in the Generic Warrant Listing Standards Approval Order. Moreover, the CBOE plans to distribute a circular to its membership identifying the specific risks associated with Tech 50 Index warrants. Finally, pursuant to the Exchange's listing guidelines, only substantial companies capable of meeting CBOE index warrant issuer standards will be eligible to issue Index warrants.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a security index derivative product and the exchange(s) trading the securities underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the security index product less readily susceptible to manipulation.[29] In this regard, the CBOE, NYSE, and NASD are all members of the Intermarket Surveillance Group, which provides for the exchange of all necessary surveillance information.[30]

D. Market Impact

The Commission believes that the listing and trading of Tech 50 Index warrants on the CBOE will not adversely impact the underlying securities. First, the existing index warrants surveillance procedures of the CBOE will apply to warrants on the Index. In addition, the Commission notes that the Index is broad-based and diversified and includes highly capitalized securities that are actively traded. Additionally, the CBOE has established reasonable position and exercise limits for stock index warrants, which will serve to minimize potential manipulation and other market impact concerns.

It Therefore is Ordered, pursuant to Section 19(b) (2) of the Act,[31] that the proposed rule change (SR–CBOE–95–38) is approved, as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[32]

[FR Doc. 95–26182 Filed 10–20–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36374; File No. SR–NASD–95–41]

Self-Regulatory Organizations; Notice of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to an Expansion of the NASD's Short-Sale Rule to Include Nasdaq SmallCap Market Securities

October 16, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 22, 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 is proposing to expand the scope of its short-sale rule to include Nasdaq SmallCap Market® (''SCM'') securities. Consistent with the current short-sale rule applicable to Nasdaq National Market® (''NNM'') securities, the NASD proposes to implement the short-sale rule for SCM securities on a pilot basis until June 3, 1996.

The text of the proposed rule change is available at the Office of the Secretary of the NASD 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 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

On June 29, 1994, the SEC approved a new short sale rule for NNM securities traded on The Nasdaq Stock Market℠ (''Nasdaq'').[2] The NASD's short sale rule, which became effective on September 6, 1994 for an eighteen-month pilot period,[3] prohibits member firms from effecting short sales [4] at or below the current inside bid as disseminated by the Nasdaq system whenever that bid is lower than the previous inside bid.

Nasdaq calculates the best bid from all market makers in the security (including bids on behalf of exchanges trading Nasdaq securities on an unlisted trading privileges basis), and disseminates symbols to denote whether the current inside bid is an ''up bid'' or a ''down bid.'' Specifically, and ''up bid'' is denoted by a green ''up'' arrow symbol and a ''down bid'' is denoted by a red ''down'' arrow. Accordingly, absent and exemption from the rule, a member can not effect a short sale of or below the inside bid in a security in its proprietary account or an account of a customer if there is a red arrow next to

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[28] *See supra* note 7 and accompanying text.

[29] Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[30] The Intermarket Surveillance Group (''ISG'') was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. *See* Intermarket Surveillance Group Agreement, July 14, 1983. The most recent amendment to the ISG Agreement, which incorporates the original agreement and all amendments made thereafter, was signed by ISG members on January 29, 1990. *See* Second Amendment to the Intermarket Surveillance Group Agreement, January 29, 1990. The members of the ISG are: the American Stock Exchange, Inc.; the Boston Stock Exchange, Inc.; CBOE; the Chicago Stock Exchange Inc.; the National Association of Securities Dealers, Inc. (''NASD''); the NYSE; the Pacific Stock Exchange, Inc.; and the Philadelphia Stock Exchange, Inc. Because of potential opportunities for trading abuses involving stock index futures, stock options, and the underlying stock and the need for greater sharing of surveillance information for these potential intermarket trading abuses, the major stock index futures exchanges (*e.g.*, the Chicago Mercantile Exchange and the Chicago Board of Trade) joined the ISG as affiliate members in 1990.

[31] 15 U.S.C. § 78s(b) (2) (1988).

[32] 17 CFR 200.30–3(a) (12) (1994)≤

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] *See* Securities Exchange Act Release No. 34277 (June 29, 1994), 59 FR 34885 (July 7, 1994).

[3] The Commission subsequently approved a NASD proposal extending the pilot period until June 3, 1996. Securities Exchange Act Release No. 36171 (Aug. 30, 1995), 60 FR 46651 (Sept. 7, 1995).

[4] A short sale is a sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. To determine whether a sale is a short sale members must adhere to the definition of a ''short sale'' contained in SEC Rule 3b–3, which rule is incorporated into Nasdaq's short sale rule by Article III, Section 48(l)(1) of the NASD Rules of Fair Practice.

the security's symbol on the screen. In order to effect a ''legal'' short sale on a down bid, the short sale must be executed at a price at least a 1/16th of a point above the current inside bid. Conversely, if the security's symbol has a green up arrow next to it, members can effect short sales in the security without any restrictions. The rule is in effect during normal domestic market hours (9:30 a.m. to 4:00 p.m., Eastern Standard Time).

In order to ensure that market maker activities that provide liquidity and continuity to the market are not adversely constrained when the short sale rule is invoked, the rule provides an exemption to ''qualified'' Nasdaq market makers. Even if a market maker is able to avail itself of the qualified market maker exemption, it can only utilize the exemption from the short sale rule for transactions that are made in connection with bona fide market making activity. If a market maker does not satisfy the requirements for a qualified market maker, it can remain a market maker in the Nasdaq system, however, it can not take advantage of the exemption from the rule.

Until December 1, 1995, a ''qualified'' Nasdaq market maker is defined to be a registered market maker that has entered quotations in the relevant security into the Nasdaq system on an uninterrupted basis for the preceding 20 business days (the ''20-day'' test). The ''20-day'' test is applied to initial public offerings, secondary offerings, and merger and acquisition situations in the following manner:

- for initial public offerings, a market maker may immediately become a qualified market maker in an IPO by immediately registering (by 9:30 of the business day after completion of the offering) and entering quotations in the issue. However, if the market maker withdraws from the security on an unexcused basis within the first 20 days after the offering, it will not be eligible for designation as a qualified market maker in any subsequent IPO for the next 10 business days following the unexcused withdrawal.
- For secondary offerings, unless a market maker was registered in a security prior to the time a secondary offering in that stock has been publicly announced or a registration statement has been filed, it cannot become a qualified market maker in the stock unless the secondary offering has become effective and the market maker has been registered in the security and maintained quotations without interruption for 40 calendar days.
- In merger and acquisition situations, after a merger or acquisition involving an exchange of stock has been publicly announced and not yet consummated or terminated, a market maker may register and begin entering quotations in either or both of the two affected securities and immediately become a qualified market maker in either or both of the issues. However, if the market maker withdraws on an unexcused basis from any stock in which it has so registered within 20 days of so registering, the market maker will not be eligible for immediate designation as a qualified market maker for any merger or acquisition announced within three months subsequent to such unexcused withdrawal.

From December 1, 1995 to June 3, 1996, a ''qualified'' market maker must satisfy the criteria for a ''Primary Nasdaq Market Maker'' (''PMM'') found in new Section 49 of the NASD Rules of Fair Practice.[5] After December 1, 1995, a ''P'' indicator will be displayed next to ever qualified market maker that is exempt from the rule according to the PMM standards. To qualify as a PMM, market makers must satisfy at least two of the following four criteria:

(1) The market maker must be at the best bid or best offer as shown on the Nasdaq system no less than 35 percent of the time;

(2) The market maker must maintain a spread no greater than 102 percent of the average dealer spread;

(3) No more than 50 percent of the market maker's quotation updates may occur without being accompanied by a trade execution of at least one unit of trading; or

(4) The market maker executes 1½ times its ''proportionate'' volume in the stock.[6]

The review period for satisfaction of the Primary Market Maker performance standards is one calendar month. If a Primary market maker has not satisfied the threshold standards after a particular review period, the Primary Market Maker designation will be removed commencing on the next business day following notice of failure to comply with the standards. Market makers may requalify for designation as a Primary Market Maker by satisfying the threshold standards for the next review period.

If a market maker is a PMM in 80 percent or more of the securities in which it has registered, it may immediately become a PMM (*i.e.*, a qualified market maker) in a NNM security by registering and entering quotations in that issue. If the market maker is not a PMM in at least 80 percent of its stocks, it may qualify as a PMM in that stock if the market maker registers in the stock but does not enter quotes for five days or the market maker registers in the stock as a regular Nasdaq market maker and satisfies the qualification criteria for the next review period. In addition, the PMM standards are applied to initial public offerings, secondary offerings, and merger and acquisition situations in the following manner:

- For initial public offerings, a market maker may immediately become a PMM in an IPO issue by immediately registering and entering quotations in the issue, provided it has obtained status in 80 percent or more of the stocks in which it has registered. However, if at the end of the first review period a market maker has failed to satisfy the qualification criteria or has withdrawn on an unexcused basis from the security, it is prohibited from becoming a PMM in any other IPO for the next 10 business days.
- For secondary offerings, unless market maker was registered in a security prior to the time a secondary offering in that stock has been publicly announced or a registration statement has been filed, it cannot become a PMM in the stock unless the secondary offering has become effective and the market maker has satisfied the PMM standards between the time the market maker registered in the security and the time the offering became effective or the market maker has satisfied the PMM standards for 40 calendar days.
- In merger and acquisition situations, after a merger or acquisition is announced, a market maker that is a PMM in one stock may immediately become a PMM in the other stock by registering and entering quotations in that issue. In addition, if a market maker is a PMM is 80 percent of the stocks it makes a market in, it may register and immediately become a PMM in both issues.

In order to reduce compliance burdens for members, the NASD's short sale rule also incorporates the exemptions in SEC Rule 10a–1 that are relevant to trading on Nasdaq. Specifically the rule exempts:

- Sales by a broker-dealer for an account in which it has no interest and that are marked long;

[5] The PMM standards were originally scheduled to go into effect on September 6, 1995; however, the implementation date for the standards was postponed to December 1, 1995. Securities Exchange Act Release No. 36171 (Aug. 30, 1995), 60 FR 46651 (Sept. 7, 1995).

[6] For example, if there are 10 market makers in a stock, each dealer's proportionate share volume would be 10 percent; therefore, 1½ times proportionate share volume would mean 15 percent of overall volume.

• Any sale by a market maker to offset odd-lot orders of customers;

• Any sale by any person, for an account in which he has an interest, if such person owns the security sold and intends to deliver such securities as soon as possible without undo inconvenience or expense;

• Sales by a member to liquidate a long position which is less than a round lot, provided the sale does not change the member's position by more than one unit of trading (100 shares);

• Short sales effected by a person in a special arbitrage account if the person effecting the short sale then owns another security by virtue of which the person is, or presently will be, entitled to acquire an equivalent number of securities of the same class of securities sold; provided such sale, or the purchase which such sale offsets, is effected for the bona fide purpose of profiting from a current difference between the price of the security sold and the security owned and that such right of acquisition was originally attached to or represented by another security or was issued to all the holders of any such class of securities of the issuer;

• Short sales effected by a person in a special international arbitrage account for the bona fide purpose of profiting from a current difference between the price of such security on a securities market not within or subject to the jurisdiction of the United States and on such a securities market subject to the jurisdiction of the United States; provided the person at the time of such sale knows or, by virtue of information currently received, has reasonable grounds to believe that an offering enabling a person to cover such sale is then available to the person in such foreign securities markets and intends to accept such offer immediately; and

• Short sales by an underwriter or any member of the distribution syndicate in connection with the over-allotment of securities, or any lay-off sale by such a person in connection with a distribution of securities rights pursuant to SEC Rule 10b–18 or a standby underwriting commitment.

The rule also provides that a member not currently registered as a Nasdaq market maker in a security that has acquired the security while acting in the capacity of a block positioner shall be deemed to own such security for the purposes of the rule notwithstanding that such member may not have a net long position in such security if and to the extent that such member's short position in such security is subject to one or more offsetting positions created in the course of bona fide arbitrage, risk arbitrage, or bona fide hedge activities.[7] The rule also contains certain limited exemptions for options market makers and warrant market makers.

As with the short-sale rule for NNM securities, which the Commission has approved on a pilot basis, the NASD believes imposing a short-sale rule on SCM securities will promote the maintenance of fair and orderly markets and the protection of investors. Specifically, by helping to prevent speculative short selling in SCM securities from rapidly accelerating a decline in the price of a security and a form of manipulation known as ''bear raiding'' or ''piling on,''[8] the NASD believes its proposal will enhance the market for SCM securities. The NASD also is concerned that in instances of extreme intra-day volatility in SCM securities that the ability of existing shareholders to sell their stock may be inhibited because professional short sellers are in the market before them, exacerbating downward pressure on stocks and reducing overall liquidity in the marketplace. The NASA believes that expanding the scope of its short-sale rule to include SCM securities will help to curb abusive short selling, reducing the exposure of the Nasdaq market to manipulation and excessive intra-day volatility. Without a short-sale rule for SCM securities, the NASD also believes issuers of SCM securities may be disadvantaged in offerings on Nasdaq because the increased potential for short selling may artificially affect the prices at which such offerings are conducted. In this regard, members report that their investment banking departments may recommend exchange listings for SCM securities because of the lack of adequate short sale regulation in the Nasdaq market. Accordingly, the NASD believes that the proposed modification to the NASD's short-sale rule will assure both issuers and investors in SCM securities that they are subject to at least equivalent protection from predatory short selling in the Nasdaq market as they are on an exchange.

In addition, because the short-sale rule applicable to SCM securities will be identical to the short-sale rule applicable to NNM securities, the NASD believes its proposal is structured in a manner to best prevent abusive short sales while also preserving the depth and liquidity of the markets for SCM securities. In this connection, the NASD notes that the Nasdaq Stock Market provides an efficient and liquid trading environment through quote competition among competing market makers. Crucial to the maintenance of this competitive market structure is the requirement for market makers to display firm two-sided quotations. Moreover, the very nature of the competitive market maker system requires dealers to take substantial inventory positions. Accordingly, the NASD believes application of a short-sale rule to SCM securities without an exemption for qualified market makers would result in degradation of the accuracy and reliability of quotations.

The NASD also believes qualified market makers in SCM securities must be permitted the flexibility to sell short when necessary so that they will be able to adjust quickly to market movements and control the risks associated with market making, while continuing to provide the maximum possible liquidity. The ability to manage risk with short positions is fundamental to market maker performance. Market makers need the constant ability to effect short sales to ''reliquefy'' their positions throughout the trading day. If a short-sale rule were to impact adversely their ability to manage risk, dealers may be forced to reduce their market making support for the SCM securities in which they currently make markets.[9]

Finally, the NASD believes that adoption of a short-sale rule for SCM securities will enhance the Nasdaq Stock Market's ability to compete with exchange primary markets for listings of SCM securities. From a competitive standpoint, the primary exchanges regularly use the lack of a short-sale rule for SCM securities as an argument to try to persuade companies to list on their exchange. Adoption of a short-sale rule for SCM securities will further emphasize to shareholders that Nasdaq provides equivalent short-sale protection to the investing public through rules that are fair, equitable, and consistent with the operation of a quality marketplace.

The NASD believes the proposed rule change is consistent with Sections 15A(b) (6) and (9), Section 11A(a)(1)(C)(i), and Section 11A(c)(1)(F)

[7] The NASD also has interpreted its short-sale rule to provide exemptions consistent with SEC staff interpretations of SEC Rule 10a–1 dealing with the liquidation of index arbitrage positions and trading in foreign securities (the so-called ''international equalizing exemption''). *See* Securities Exchange Act Release No. 30772 (June 3, 1992), 57 FR 26891 (June 16, 1992).

[8] ''Piling on'' occurs all when short sellers exert substantial selling pressure on a stock with the intent to dominate and demoralize the market for that sotck, forcing the price to drop precipitiously, frequently with a single trading day.

[9] Based on data for the month of August 1995, 73 percent of the market making positions in Nasdaq SmallCap securities would have satisfied the PMM standards.

of the Act. 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 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. The NASD believes that the proposed short-sale rule for SCM securities is consistent with each of these requirements. First, the NASD's proposal is premised on the same anti-manipulation concerns that were relied upon by the SEC to promulgate a short-sale rule for exchange-listed securities, SEC Rule 10a–1. Second, the short-sale rule for SCM securities will promote just and equitable principles of trade by permitting long sellers access to market prices at any time, while requiring short sellers in a declining market to execute their short sales above the bid or wait for an up bid, similar to the constraints placed upon short sellers of exchange-listed securities. Third, the proposal removes impediments to a free and open market for long sellers and ensures liquidity at bid prices that might otherwise be usurped by short sellers. Finally, since the immediate beneficiaries of a short-sale rule for SCM securities are the shareholders who own stock, the NASD believes its proposal is consistent with the protection of investors and the public interest.

Section 15A(b)(9) of the Act requires that the NASD's rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The NASD acknowledges that a short-sale rule applicable to SCM securities does impose burdens and restrictions on members and their customers where there were none before, but believes that these burdens and restrictions are appropriate and necessary to ensure the standing of long sellers in the marketplace and the integrity of the Nasdaq market. This concern with market integrity for existing shareholders has always been paramount in exchange markets and the NASD believes it is now appropriate to extend the same protections to shareholders in SCM securities as well.

Section 11A(a)(1)(C)(i) sets out the economically efficient execution of securities transactions as an objective of a national market system for securities. The NASD's proposed short-sale rule for SCM securities would operate to level the playing field between investors and short sellers by enabling those investors with long positions in a security to liquidate their positions at any time, at any price, while permitting short sellers access to bid prices when that access will not exacerbate downward pressure in the stock, thus promoting the efficiency of the Nasdaq market. Moreover, the NASD believes that the primary market maker qualifications are critical to ensuring that the proposed rule operates effectively and should have the additional benefit of providing incentives for improved market maker performance in SCM securities.

Section 11A(c)(1)(F) assures ''equal regulation of all markets for qualified securities and all exchange members, brokers, and dealers effecting transactions in such securities.'' [10] The NASD believes that approval of the proposed short-sale rule for SCM securities will result in equivalent short sale regulation for exchange-listed securities and SCM securities.

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 purposes of the Act. The NASD believes the PMM standards that would be applicable to market makers in Nasdaq SmallCap securities are designed in a manner to permit market makers of all sizes to meet the standards. Moreover, it is important to note that market makers in Nasdaq SmallCap securities that do not meet the standards will still be permitted to remain registered market makers in these securities. Finally, the NASD is hopeful that the proposed criteria will raise overall the quality of market maker participation in Nasdaq SmallCap securities, thereby promoting competition in the market for these securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The NASD has neither solicited nor received 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 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–95–41 and should be submitted by November 13, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26184 Filed 10–20–95; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. § 78k–1(c)(1)(F).

[11] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36378; International Series Release No. 869; File No. SR–NYSE–95–29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Specifications and Content Outline for the Canadian Module of the General Securities Registered Representative Examination (Series 37)

October 16, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 18, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

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 Exchange has filed with the Commission specifications and a content outline for a Canadian Module of the General Securities Registered Representative Examination (Series 37).

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 self-regulatory organization 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Presently, registered representatives who already are qualified to conduct business in Canada and who wish to sell securities in the United States must qualify as registered representatives in the U.S. by successfully completing the General Securities Registered Representative Examination (Series 7). Likewise, U.S. qualified registered representatives desiring to conduct securities business in Canada must satisfy Canadian requirements by passing the New Entrants Exam. The Canadian securities authorities and member organizations of the NYSE have expressed concern regarding the duplication of qualification examination requirements. To address this concern, the Canadian Securities Institute,[2] in conjunction with the Investment Dealers Association of Canada, has developed a shortened examination module for U.S. qualified registered representatives (*e.g.*, Series 7) seeking to conduct business with Canadian citizens. The module covers subject matter unique to the Canadian securities business. Correspondingly, the Exchange has developed the Canadian Module of the General Securities Registered Representative Examination (Series 37) as a subset of the General Securities Registered Representative Examination (Series 7) to test the Canadian registered representatives' knowledge of U.S. securities laws, markets, investment products, and sales practices.

To determine the applicable Series 7 content areas that should be covered in the qualification examinations for Canadian registered representatives, the Exchange's staff conducted a thorough review of *The Canadian Securities Course* textbook, the *Registered Representative Conduct and Practices Handbook,* and had discussions with the staff of the Canadian Securities Institute. Through this review, the Exchange's staff identified for inclusion in the Series 37 module those topics that are included in the Series 7 Examination but are not covered, or are not covered in sufficient detail, in the Canadian materials. As a result, the module consists of 90 questions covering subject matter that is unique to the U.S. The topics are weighted in the module to correspond to the relative emphasis given these topics in the Series 7 Examination. For Canadian registered representatives who hold the additional Canadian license to sell options, the U.S. module would not contain the 45 questions pertaining to options and thus, would consist of 45 questions.

Canadian qualified registered representatives in good standing applying to become registered with Exchange member organizations can satisfy the Exchange's examination requirements by obtaining a passing score on the Series 37 module. In addition, the Exchange represents that the National Association of Securities Dealers, Inc. (''NASD'') will submit a proposal to the Commission that would amend the NASD's rules such that the Series 37 would satisfy the NASD's qualification requirements. Canadian representatives seeking to sell municipal securities, however, will be required to pass the standard Series 7 or the Series 37 plus the Series 52 (Municipal Securities Representative Examination).

Since 1991, the Exchange has provided a similar, 90-question qualification vehicle for United Kingdom approved registered representatives wishing to sell securities in the United States, the Limited Registered Representative Examination (Series 17).[3] The Canadian module has been developed following procedures similar to those used for the Series 17 Examination.

2. Statutory Basis

The statutory basis for the Series 37 Examination is Section 6(c)(3)(B)[4] of the Act. Under this section, it is the Exchange's responsibility to prescribe standards of training, experience, and competence for persons associated with Exchange members and member organizations. Pursuant to this statutory obligation, the Exchange has developed examinations that are administered to establish that persons associated with Exchange members and member organizations have attained specified levels of competence and knowledge.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no 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

The Exchange has neither solicited nor received written comments.

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

[2] The Canadian Securities Institute is responsible for developing course materials, test materials, and qualification examinations for prospective Canadian registered representatives.

[3] Securities Exchange Act Release No. 27967 (May 1, 1990), 55 FR 19131 (approving File No. SR–NYSE–89–22).

[4] 15 U.S.C. 78f(c)(3)(B).

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 also will be available for inspection and copying at the principal office of the New York Stock Exchange. All submissions should refer to File No. SR–NYSE–95–29 and should be submitted by November 13, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–26185 Filed 10–20–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36380; File No. SR–PHLX–95–45]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Industry Index Option Hedge Exemption

October 17, 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 September 18, 1995, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') 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 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 PHLX proposes to amend PHLX Rule 1001A, ''Position Limits,'' to establish a hedge exemption from industry (narrow-based) index option position limits.[1] Specifically, the PHLX proposes to exempt from position limits any position in an industry index option that is hedged by share positions in at least 75% of the number of component stocks of that index or securities convertible into such stock. Under the proposal, no position in an industry index option may exceed three times the narrow-based index option position specified in PHLX Rule 1001A(b)(i)[2] and the value of the index option position may not exceed the value of the underlying hedging portfolio. Exercise limits[3] will continue to correspond to position limits, so that investors may exercise the number of contracts set forth as the position limit, as well as those contracts exempted by the proposal, during five consecutive business days. The proposed exemption will be available to firm and proprietary traders, as well as public customers.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, 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 self-regulatory organization 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.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed industry index option hedge exemption is to establish a provision parallel to the hedge exemptions for equity options and certain broad-based index options to permit certain hedged positions to exceed established position limit levels.[4] In 1989, the Commission approved a hedge exemption for Utility Index options (''UTY'') on a pilot basis.[5] At this time, the PHLX proposes to adopt an industry index hedge exemption applicable to all of the Exchange's industry index options.

Specifically, the PHLX proposes to adopt Commentary .02 to PHLX Rule 1001A to establish a narrow-based index option hedge exemption under which industry index option positions hedged in accordance with the proposal would be entitled to exceed existing narrow-based index option position limits by up to three times the limit.

In order to qualify for the exemption, the industry index option position must be ''hedged'' by share positions in at least 75% of the number of component stocks of the index, or securities convertible into such stock.[6] Under the proposed exemption, position limits for any hedged industry index option may not exceed three times the limits established under PHLX Rule 1001A(b)(i). In addition, the value of the index option position may not exceed the value of the underlying portfolio employed as the hedge. The value of the underlying portfolio is determined as follows: (1) The total market value of the net stock position, less (2) the value of: (a) the notional value[7] of any offsetting

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[5] 17 CFR 200.30–3(a)(12).

[1] Position limits impose a ceiling on the number of option contracts which an investor or group of investors acting in concert may hold or write in each class of options on the same side of the market (*i.e.*, aggregating long calls and short puts or long puts and short calls).

[2] PHLX Rule 1001A(b)(i) provides the following position limits for industry index options: 6,000 contracts if any single stock accounted, on average, for 30% or more of the index value during the 30-day period preceding the review; 9,000 contracts if any single stock accounted, on average, for 20% or more of the index value or any five stocks together accounted, on average, for more than 50% of the index value, but no single stock in the group accounted on average, for 30% or more of the index value during the 30-day period preceding the review; or 12,000 contracts if none of the above conditions apply. *See* Securities Exchange Act Release No. 36194 (September 6, 1995), 60 FR 47637 (order approving File No. SR–PHLX–95–16) (increasing position limits for industry index options to 6,000, 9,000, or 12,000 contracts).

[3] Exercise limits prohibit an investor or group of investors acting in concert from exercising more than a specified number of puts or calls in a particular class within five consecutive business days.

[4] *See* PHLX Rule 1001, Commentary .07. *See* Securities Exchange Act Release No. 35738 (May 18, 1995), 60 FR 27573 (May 24, 1995) (File Nos. SR–AMEX–95–13, SR–CBOE–95–13, SR–NYSE–95–04, SR–PSE–95–05, and SR–PHLX–95–10) (permanently approving hedge exemption pilot programs).

[5] *See* Securities Exchange Act Release No. 27486 (November 30, 1989), 54 FR 50675 (December 8, 1989) (order approving File No. SR–PHLX–89–27). The UTY hedge exemption was approved for a one-year pilot period, which ended on November 30, 1990.

[6] The PHLX permits the use of convertible securities in its equity option hedge exemption. *See* Securities Exchange Act Release No. 32174 (April 20, 1993), 58 FR 25687 (April 27, 1993) (order approving File No. SR–PHLX–92–22). Similarly, other options exchange permit the use of convertible securities in broad-based index hedge exemptions. *See* Securities Exchange Act Release No. 35738, *supra* note 4.

[7] Notional values are determined by adding the number of contracts and multiplying the total by the multiplier, expressing that number in dollar terms.

calls and puts in the respective index option class; and (b) the notional value of any offsetting positions in stock index futures.

The proposed exemption requires that both the options and stock positions be initiated and liquidated in an orderly manner. Specifically, a reduction of the options position must occur at or before the corresponding reduction in the stock portfolio position.

Under the proposal, exercise limits will continue to correspond to position limits; accordingly, investors may exercise during five consecutive business days the number of contracts set forth in the position limit as well as those contracts exempted by the proposal.

The PHLX notes that a broad-based (market) index option hedge exemption is in place on other options exchanges. The Commission recently granted permanent approval to several broad-based index option hedge exemptions.[8] Generally, the broad-based index option hedge exemptions allow public customers to apply for position limit exemptions in broad-based index options that are hedged with exchange-approved qualified stock portfolios. A qualified portfolio is comprised of net long or short positions in common stocks or securities readily convertible into common stocks in at least four industry groups and contains at least 20 stocks, none of which accounts for more than 15% of the value of the portfolio. To remain qualified, a portfolio must meet these standards at all times, regardless of trading activity in the stocks.

The PHLX notes that the Chicago Board Options Exchange's (''CBOE'') broad-based index option hedge exemption, contained in Interpretation and Policy .01 to CBOE Rule 24.4, ''Position Limits for Broad-Based Index Options.'' applies to public customers holding positions in broad-based index options other than a.m.-settled, European-style Standard & Poor's (''S&P'') 500 Index options and Quarterly Index Expirations (''QIXs'') and Capped-Style QIXs (''Q–CAPS'') on the S&P 500 Index. Under Interpretation and Policy .01, exempted positions may not exceed 75,000 same-side of the market options,[9] except as otherwise provided in CBOE Rule 24.4, Interpretation and Policies .02 and .03, and except that exempted combined positions in options on the S&P/Barra Value Index and S&P/Barra Growth Index may not exceed 225,000 same-side of the market option contracts.[10]

In addition, the PHLX notes that Commentary .01 to American Stock Exchange, Inc. (''Amex'') Rule 904C, ''Position Limits,'' provides a broad-based index option position limit exemption for public customers who satisfy the criteria established by the Amex.[11]

In light of the PHLX's experience with the equity option hedge exemption, as well as a review of the rules of the other options exchanges, the PHLX believes that the proposed hedge exemption for industry index options is appropriate. The PHLX also believes that the proposed conditions for granting such an exemption are reasonable and in line with prior Commission-approved provisions. With respect to choosing a minimum number of stocks from the index to qualify the portfolio for the hedge, the PHLX believes that a percentage, as opposed to a fixed number, is necessary in view of the varying numbers of stocks in PHLX-traded industry indexes.[12] Currently, the PHLX trades the following six industry index options:[13]

Index	Symbol	Number	Position limit[14]
KBW/Bank Index	BKX	20 stocks	12,000 contracts.
Gold/Silver Index	XAU	9 stocks	6,000 contracts.
Utility Index	UTY	20 stocks	12,000 contracts.
PNX Index	PNX	8 stocks	6,000 contracts.
Semiconductor	SOX	16 stocks	9,000 contracts.
Airplan Index	PLN	12 stocks	12,000 contracts.

The PHLX realizes that some of the narrow-based index options trade more actively than others and the corresponding need for a position limit exemption is thus more extensive in the more actively traded index options. Nevertheless, in lieu of adopting separate exemption provisions for each index option, the PHLX believes that a uniform provision is less confusing to investors, more easily administered, and more fair to an investing community whose interest in any given index is apt to change from time to time.

According to the PHLX, recent total trading volume for both narrow- and broad-based indexes traded on the PHLX has increased markedly. The PHLX states that in 1994, trading volume increased five-fold over 1993, from 354,614 contracts to 1,957,171 contracts. In 1995, trading volume has remained steady with over 1,000,000 contracts traded from January through May. The PHLX attributes the recent growth in trading and open interest in these products to institutional trading, which, according to the PHLX, is typically hedged by baskets of the underlying stocks.

The PHLX proposes to exempt positions in narrow-based index options up to three times the established position in a manner which balances the hedging needs of index option traders with the Exchange's obligation to

[8] *See* Securities Exchange Act Release No. 35738, *supra* note 4.

[9] Under CBOE Rule 24.4(a), the position limit for broad-based index options, other than Russell 2000 Index options and S&P/Barra Growth Index and S&P/Barra Value Index options, is 25,000 contracts. CBOE Rules 24.4 (b), (c), and (d) contain separate position limit provisions for a.m.-settled, European-style options on the S&P 500 Index (''SPX'') and QIXs and Q–CAPS on the SPX, QIXs and Q–CAPS on the S&P 100 Index (''OEX''), and QIXs on the Russell 2000 Index.

[10] CBOE Rule 24.4, Interpretation and Policy .02 provides a hedge exemption for certain positions in a.m.-settled, European-style S&P 500 Index options and QIXs and Q–CAPS on the S&P 500 Index. Specifically, Interpretation and Policy .02(d) provides that a customer's exempted position may not exceed 150,000 same-side of the market contracts in a.m.-settled S&P 500 index options and QIXs and Q–CAPS on the S&P 500 Index. Interpretation and Policy .02(b) states that a money manger shall not hold in its aggregated accounts more than 250,000 exempted same-side of the market options or, for any single account, more than 135,000 exempted same-side of the market option contracts.

[11] In addition, Amex Rule 904C, Commentary .02 provides a facilitation exemption for Institutional Index and MidCap Index options up to 100,000 and 75,000 contracts, respectively.

[12] In the case of UTY options, the PHLX notes that the proposed 75% figure amounts to 15 stocks, rather than the 10 stocks required under the UTY hedge exemption pilot program. *See* Securities Exchange Act Release No. 27486, *supra* note.

[13] In addition, a proposal to list options on the Forest and Paper Products Index was effective upon filing. *See* Securities Exchange Act Release No. 36193 (September 6, 1995), 60 FR 47635 (September 13, 1995) (File No. SR–PHLX–95–56).

[14] The Commission recently approved a proposal to increase the position and exercise limits for industry index options from 5,500, 7,500, or 10,500 contracts to 6,000, 9,000, or 12,000 contracts. *See* Securities Exchange Act Release No. 36194, *supra* note 2.

maintain a fair and orderly market. The PHLX believes that a hedge exemption up to 31,500 contracts for UTY options would considerably enhance the attractiveness of the product for institutional traders, who would, in turn, trade more of the product in a hedged manner and thereby provide stabilizing liquidity in both the index option and the underlying securities. According to the PHLX, the hedge exemption for OEX options, which permits public customers to hold positions in up to 75,000 contracts (three times the regular position limit),[15] serves as a significant liquidity provider in that product.

Although the UTY hedge exemption pilot program applied only to customers, the PHLX believes that it is appropriate and necessary to expand the availability of the proposed exemption beyond public customers.[16] The PHLX believes that significant increases in the depth and liquidity of the market for these index options could result from permitting firm and proprietary traders to be eligible for the exemption. According to the PHLX, because customers rely, for the most part, on a limited number of proprietary traders to facilitate large-sized orders, not including such traders in the exemption effectively reduces the benefit of the exemption to customers. While large-sized positions in industry index options are most commonly initiated by institutional traders hedging stock portfolios on behalf of public customers, the PHLX believes that proprietary traders should be afforded the same exemptions so that they may fulfill their role as facilitators.

The PHLX believes that the hedge exemption provision is necessary to better meet the needs of investors who would use PHLX industry index options for investment and hedging purposes. For example, with the current position limit at 6,000 contracts and the Gold/Silver Index at 120, this position would have an index value of $72,000,000. However, the PHLX states that many institutional traders and portfolio managers deal in dollar amounts much greater than permissible under current position limit levels and have expressed that Exchange position limits hamper their ability to fully utilize Exchange index options. As a result, the PHLX believes that many index options are ineffective for such traders, who often turn to futures instruments where ample relief is readily available.[17] Thus, the PHLX believes that the proposed hedge exemption should alleviate the situation where investors with substantial hedging needs are discouraged currently from participation in the options markets by existing position limits.

The PHLX believes that the proposed narrow-based index option hedge exemption should not increase the potential for disruption or manipulation in the markets for the stocks underlying each index. The PHLX notes that the position limits for industry index options, even tripled, are far less than the position limits for most broad-based index options.[18] In this regard, the proposal incorporates several surveillance safeguards, which the PHLX will employ to monitor the use of this exemption. Specifically, the Exchange will require that a form be filed by member firms and their customers who seek hedge exemptions, in lieu of granting an automatic exemption. The Exchange's Market Surveillance Department will monitor trading activity in PHLX-traded index options and the stocks underlying those indexes to detect potential front running and manipulation abuses, as well as review to ensure that closing positions subject to an exemption is conducted in a fair and orderly manner.

And lastly, the PHLX notes that the provision itself contains several built-in safeguards. First, the hedge must consist of a position in at least 75% of the stocks underlying the index. Thus, the ''basket'' of stocks constituting the hedge resembles the underlying index.[19] Secondly, position limits under the proposal may not exceed three times the limits established under PHLX Rule 1001A(b)(i). This places a ceiling on the maximum size of the option position. The PHLX notes that an exemption of up to three times the limit is similar to that of the CBOE for OEX options.[20] Third, both the options and stock positions must be initiated and liquidated in an orderly manner, meaning that a reduction of the options position must occur at or before the corresponding reduction in the stock portfolio position. Lastly, the value of the industry index option position cannot exceed the dollar value of the underlying portfolio. The purpose of this requirement is to further ensure that stock transactions are not used to manipulate the market in a manner benefiting the option position. In addition, these safeguards prevent the increased positions from being used in a leveraged manner.

For the above reasons, the PHLX believes that the proposed industry index hedge exemption should increase the depth and liquidity of the markets for narrow-based index options and allow more effective hedging with underlying stock portfolios without increasing the potential for market manipulation or disruption, consistent with the purposes of position limits. For the same reasons, the Exchange believes that exercise limits should correspond to the position limit exemption granted by this proposal. The Exchange notes that the rules of other options exchanges provide a hedge exemption from exercise limits as well.[21]

Accordingly, the Exchange believes that the proposal is consistent with Section 6 of the Act, in general, and, in particular, with Section 6(b)(5), in that it is designed 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 PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either received or requested.

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

[15] *See* CBOE Rule 24.4(a) and Interpretation and Policy .01.

[16] The Commission notes that the current hedge exemptions for broad-based index options apply solely to public customers.

[17] The Commission has noted that under the rules promulgated by the Commodity Futures Trading Commission, futures positions that are deemed to be bona fide hedging transactions (as defined) are exempted from position limit rules. *See* Securities Exchange Act Release No. 25739 (May 24, 1988), 53 FR 20204 (June 2, 1988) (order approving File No. SR–CBOE–87–25).

[18] The position limit for the PHLX-traded Value Line Composite Index options is 25,000 contracts. *See* PHLX Rule 1001A(a). The position limit for Major Market Index options is 34,000 contracts. *See* Amex Rule 904C(b). The position limit for OEX options is 25,000 contracts, and the position limit for SPX options is 45,000 contracts. *See* CBOE Rule 24.4 (a) and (b).

[19] To determine the share amount of each component required to hedge an index option position: index value × index multiplier × component's weighing = dollar amount of component. That amount divided by price = number of shares of component. Conversely, to determine how many options can be purchased based on a certain portfolio, divide the dollar amount of the basket by the index value × index multiplier.

[20] *See* CBOE Rule 24.4(a).

[21] *See* Securities Exchange Act Release No. 35738, *supra* note 4.

longer period to be appropriate and publishes its reason 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, 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 13, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret M. McFarland,

Deputy Secretary.

[FR Doc. 95–26186 Filed 10–20–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2816]

California; Declaration of Disaster Loan Area

Marin County and the contiguous Counties of Contra Costa, San Francisco, and Sonoma in the State of California constitute a disaster area as a result of damages caused by a Wildfire near the Town of Inverness which occurred from October 3 through October 9, 1995. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on December 18, 1995 and for economic injury until the close of business on July 17, 1996 at the address listed below: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795, or other locally announced locations.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elesewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 281605 and for economic injury the number is 867100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 17, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–26169 Filed 10–20–95; 8:45 am]

BILLING CODE 8025–01–P

[Application No. 99000182]

Penny Lane Partners, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1995)) by Penny Lane Partners, L.P., One Palmer Square, Suite 510, Princeton, New Jersey, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended (15 U.S.C. Subsection 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Penny Lane Partners, L.P. is a limited partnership formed under Delaware state law. The applicant will be managed by Penny Lane Advisors, (the ''Management Company''). William R. Denslow, Jr., Robert J. Kramer, Stephen H. Shaffer, and Gregory O. Trautman are the principals of the Management Company. No individual or entity owns more than 10 percent of the proposed SBIC.

The applicant will begin operations with capitalization in excess of $10 million and will be a source of equity financings for qualified small business concerns. The applicant will focus its investments in the Northeastern United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Princeton, New Jersey.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: October 17, 1995.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 95–26171 Filed 10–20–95; 8:45 am]

BILLING CODE 8025–01–P

[License No. 02/72–0561]

Prospect Street NYC Discovery Fund, L.P.; Notice of Request for Exemption

On September 25, 1995, Prospect Street NYC Discovery Fund, L.P.(Prospect), a Delaware limited partnership and SBIC Licensee number 02/72–0561 filed a request to the SBA pursuant to Section 107.903(b) of the Regulations governing small business investment companies (13 C.F.R. 107.903(b)(1995)) for an exemption allowing the Licensee to invest in BondNet, of Greenwich, Connecticut. BondNet received prior financial assistance from an Associate (as defined by Section 107.3 of the SBA Regulations) of Prospect, and has itself become an Associate of the Licensee. BondNet is currently in need of additional capital, and Prospect can only offer this assistance to BondNet upon receipt of a prior written exemption from SBA. This exemption is the basis for this notice.

[22] 17 CFR 200.30–3(a)(12) (1994).

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on this exemption request to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: October 18, 1995.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 95–26170 Filed 10–20–95; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 2270]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, November 16 and 17, 1995, in Conference Room 1105.

The Committee will meet in open session from 9:00 a.m. on the morning of Thursday, November 16, 1995, until 12:00 noon. The remainder of the Committee's sessions from 1:30 p.m. on Thursday, November 16 until 1:00 p.m. Friday, November 17, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities will be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123.

Dated: October 11, 1995.

William Z. Slany,

Executive Secretary.

[FR Doc. 95–26138 Filed 10–20–95; 8:45 am]

BILLING CODE 4710–11–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–95–744]

Passenger Origin-Destination Survey Reports

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation (DOT or the Department) announces its intent to direct large certificated U.S. air carriers that participate in code-sharing arrangements to report both the ticketing and operating air carriers in their quarterly Passenger Origin-Destination Survey reports. DOT needs the information to assess accurately the benefits to both code-share parties, especially in international code-share agreements.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus or Jack Calloway, Office of Airline Information, K–25, Bureau of Transportation Statistics, 400 Seventh Street SW., Washington, D.C., 20590 (202) 366–4387 or 366–4383, respectively.

COMMENTS: Comments are due within 30 days and should be sent to Messrs. Calloway or Stankus at the address listed above or to Desk Officer, for the Bureau of Transportation Statistics, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503.

SUPPLEMENTARY INFORMATION: Congress has urged the Department to analyze more thoroughly the effects of international code sharing on air transportation and U.S. carriers. In June 1995, the Secretary pledged to expand monitoring the effects of code sharing in testimony before the Senate Committee on Commerce, Science, and Transportation.

Under the current Passenger Origin-Destination Survey (Survey) reporting system, the Department has difficulty evaluating the benefits received by U.S. and foreign air carriers from code-share arrangements. As currently designed, the Survey does not identify both carriers on a code-share ticket. The Survey identifies the carrier transporting the passenger, but not the ticketing carrier (carrier of record on the ticket).

To assess accurately the benefits to both parties in international code-share agreements, DOT needs to know the ticketed carrier as well as the transporting carrier for the various legs of the passenger's flight. When a U.S. carrier transports a code-share passenger with a ticket that has only a foreign carrier code, that ticket is reported by the U.S. carrier as the transporting carrier. Since both carriers receive economic benefits from code sharing, both carriers need to be identified in the Survey for the Department to analyze correctly the benefits from the code-share arrangement.

If both code-sharing partners are identified in the survey, it will reduce the need for special reports, as now obtained from certain U.S. carriers, regarding major code-share alliances.

We estimate a four-hour increase per response to report both the ticketed and operating carrier and a one-time reprogramming burden of 200 hours per respondent. To simplify and provide uniformity in reporting, we are requiring that both domestic and international code-share flights be reported as prescribed above.

The reporting requirements associated with this notice are being sent to the Office of Management and Budget for approval in accordance with 44 U.S.C. Chapter 35 under OMB NO: 2139–0017. A copy of the submission can be obtained by calling or writing Mssrs. Calloway or Stankus at the address or telephone numbers listed above under **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, D.C. on October 17, 1995.

T.R. Lakshmanan,

Director, Bureau of Transportation Statistics, DOT.

[FR Doc. 95–26213 Filed 10–20–95; 8:45 am]

BILLING CODE 4910–62–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 204
Monday, October 23, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: 60 FR 53674 Monday, October 16, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) October 26, 1995.

CHANGE IN THE MEETING:

Closed Session

The closed portion of the meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

This Notice Issued October 19, 1995

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 95–26338 Filed 10–19–95; 2:12 pm]

BILLING CODE 6750–06–M

MARINE MAMMAL COMMISSION

Postponement of Commission Meeting

On June 20, 1995 (60 FR 32214) and July 28, 1995 (60 FR 38891) the Marine Mammal Commission announced that a meeting of the Commission and its Committee of Scientific Advisors on Marine Mammals would be held in Fairbanks, Alaska, on November 14–16, 1995. The meeting has been rescheduled to take place at the Fairbanks Princess Hotel, Fairbanks, Alaska, on May 7–9, 1996. Further notice of the meeting will be published in the Federal Register in 1996.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1825 Connecticut Avenue NW., Room 512, Washington, D.C. 20009, 202/606–5504.

Dated: October 19, 1995.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 95–26378 Filed 10–19–95; 3:42 pm]

BILLING CODE 6820–31–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of October 23, 1995.

A closed meeting will be held on Wednesday, October 25, 1995, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10, permit consideration of the scheduled matters at the closed meeting.

Commissioner Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matters of the closed meeting scheduled for Wednesday, October 25, 1995, at 10:00 a.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Formal order of investigation.
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postposed, please contact: The Office of the Secretary (202) 942–7070.

Dated: October 18, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–26284 Filed 10–19–95; 11:32 am]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 60, No. 204
Monday, October 23, 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 AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1477

RIN 0560-AE31

Disaster Payment Program for 1990 Through 1994

Correction

In rule document 95–24915 beginning on page 52609 in the issue of Tuesday, October 10, 1995, make the following correction:

§ 1477.5 [Corrected]

On page 52612, in the first column, in § 1477.5(a), in the second line, ''law'' should read ''low''.

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 251 and 261

[RIN 0596-AA80]

Land Uses and Prohibitions

Correction

In rule document 95–21225 beginning on page 45258 in the issue of Wednesday, August 30, 1995, make the following corrections:

1. On page 45290, in the second column, in the third complete paragraph, in the second line, insert ''not'' before ''prohibit''.

§251.51 [Corrected]

2. On page 45293, in the second column, in §251.51, in the first line, ''of'' should read ''or''.

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-6-000]

Wyoming Interstate Company, Ltd.; Notice of Request for Extension of Time

Correction

In notice document 95–25379, beginning on page 53368, in the issue of Friday, October 13, 1995, make the following correction:

On page 53368, in the third column, the docket number was omitted and should read as set forth above.

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 93-305; FCC 95-402]

Implementation of a Vanity Call Sign System

Correction

In rule document 95–25201 beginning on page 53132 in the issue of Thursday, October 12, 1995, make the following correction:

On page 53133, in the first column, in amendatory instruction number 4 to § 97.21, ''(a)(3) and (ii)'' should read ''(a)(3)(ii)''.

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA-1121]

RIN 1117-AA35

Provisional Exemption From Registration for Certain List I Chemical Handlers; Extension

Correction

In rule document 95–25249 beginning on page 53121 in the issue of Thursday, October 12, 1995, make the following correction:

On the same page, in the second column, under the heading **SUMMARY**, in the fifth line, ''November 13, 1996'' should read ''November 13, 1995''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 178

[Docket No. HM-169A; Amdt. Nos. 171-135, 172-143, 173-244, 174-80, 175-53, 176-37, 177-85, 178-109]

RIN 2137-AB60

Hazardous Materials Transportation Regulations; Compatibility with Regulations of the International Atomic Energy Agency

Correction

In rule document 95–22773 beginning on page 50292 in the issue of Thursday, September 28, 1995, make the following correction:

§ 178.350 [Corrected]

On page 50336, in the second column, the section heading which reads''§ 178.350-1'' should read ''§ 178.350''.

BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 60, No. 204

Monday, October 23, 1995

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Public inspection announcement line **523–5215**

Laws

Public Laws Update Services (numbers, dates, etc.) **523–6641**

For additional information **523–5227**

Presidential Documents

Executive orders and proclamations **523–5227**

The United States Government Manual **523–5227**

Other Services

Electronic and on-line services (voice) **523–4534**

Privacy Act Compilation **523–3187**

TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

6828.....51877
6829.....51879
6830.....52291
6831.....52827
6832.....53097
6833.....53099
6834.....53101
6835.....53103
6836.....53105
6837.....53107
6838.....53247
6839.....53249
6840.....53843
6841.....54023
6842.....54025

Executive Orders:

4410 (Revoked in part by PLO 7165).....52846
11145 (Continued by EO 12974).....51875
11183 (Continued by EO 12974).....51875
11287 (Continued by EO 12974).....51875
11776 (Continued by EO 12974).....51875
12131 (Continued by EO 12974).....51875
12196 (Continued by EO 12974).....51875
12216 (Continued by EO 12974).....51875
12345 (Continued by EO 12974).....51875
12367 (Continued by EO 12974).....51875
12382 (Continued by EO 12974).....51875
12844 (Revoked in part by EO 12974).....51876
12869 (Superseded by EO 12974).....51876
11871 (Continued by EO 12974).....51875
11876 (Continued by EO 12974).....51875
12878 (Revoked by EO 12974).....51876
12882 (Continued by EO 12974).....51875
12887 (See EO 12974).....51876
12900 (Continued by EO 12974).....51875
12901 (Amended by EO 12973).....51665
12905 (Continued by EO 12974).....51875
12912 (See EO 12974).....51876
12958 (See Order of October 13, 1995).....53845
12973.....51665
12974.....51875
12975.....52063
12976.....52829

Administrative Orders:

Memorandums:

September 29, 1995.....52061
October 2, 1995.....52821
October 3, 1995.....52289
October 10, 1995.....53251

Orders:

October 13, 1995.....53845

Presidential Determinations:

No. 95–45 of September 29, 1995.....52823
No. 95–46 of September 29, 1995.....53087
No. 95–47 of September 29, 1995.....53089
No. 95–48 of September 29, 1995.....53091
No. 95–49 of September 28, 1995.....53677
No. 95–50 of September 30, 1995.....53093

5 CFR

315.....53503
532.....51881
870.....51881
871.....51881
872.....51881
874.....51881
2608.....51667
2612.....51667
2635.....51667

Proposed Rules:

251.....51371
531.....53545
591.....53716

7 CFR

8.....52293
301.....52831, 52833
400.....51321
810.....51667
906.....54291
916.....52067
917.....52067
920.....52834
922.....54292
923.....54292
924.....54292
979.....54294

982.....51668
1150.....53253
1212.....52835
1443.....51885
1477.....52609, 54409
1478.....52609
1942.....52838
1980.....52838, 53254
2610.....52840
2620.....52842

Proposed Rules:

54.....53283
300.....51373
318.....51373
985.....52869
1124.....54315
1135.....54315
1280.....51737
1413.....52634
3015.....53717
3016.....53717
3017.....54103
3050.....53717

8 CFR

204.....54027
208.....52068
212.....52068, 52248
214.....52068, 52248
236.....52068
242.....52068
245.....52068, 52248
248.....52068
274a.....52068
299.....52068

9 CFR

318.....54295
327.....54296
381.....54296

Proposed Rules:

92.....54315
94.....52635

10 CFR

50.....53505
70.....53505
72.....53505
73.....53507
905.....54151

Proposed Rules:

50.....51936
52.....51936, 53883
100.....51936

11 CFR

100.....52069
106.....52069
109.....52069
110.....52069
114.....52069

12 CFR

229.....51669
701.....51886
722.....51889
Ch. XVIII.....54110
1805.....54110
1806.....54110
1815.....54110

Proposed Rules:

Ch. II.....53546
22.....53962
208.....53692
339.....53692
563.....53692
572.....53692
614.....53692
701.....51936
760.....53692

14 CFR

23.....54297
25.....53691
39.....51321, 51703, 51705, 51707, 51709, 51713, 52073, 52618, 52620, 52622, 52843, 52844, 53109, 53110, 53112, 53265, 53507, 53847, 54849, 53851, 53853, 53855, 53857, 53859, 53860, 53862, 53864, 53866, 53868, 53869
61.....51850
63.....51850
65.....51850
71.....52293, 52624, 52846, 53870, 53871, 53872
97.....51715, 51717, 54299, 54300
107.....51854, 53830
108.....51850, 51854, 53830
121.....51850, 52625
125.....52625
135.....51850, 52625

Proposed Rules:

39.....51375, 51376, 51942, 51944, 52130, 52131, 52636, 52870, 52872, 53148, 53150, 53307, 53309, 53310, 53312, 53314, 53548, 53550, 53552, 53554, 53556, 53558, 53883, 53888, 54202, 54203
71.....51747, 52133, 52134, 52637, 52638, 52639, 53724, 54205, 54206
77.....53680

15 CFR

773.....54030
778.....54030
799.....53698, 54030

Proposed Rules:

929.....53890
937.....53890

16 CFR

429.....54185
436.....51895
1500.....53266
1700.....53699

Proposed Rules:

24.....54316

17 CFR

36.....51323
200.....52626
231.....53458
241.....53458
271.....53458

Proposed Rules:

230.....53468
232.....53468
239.....53468
240.....52792, 53468, 53832
270.....53152, 53468

18 CFR

2.....53019
154.....52960
157.....53019
158.....53019
201.....53019
250.....53019
260.....53019
284.....53019
357.....53114
381.....53019
382.....53114
385.....53019

Proposed Rules:

35.....52874, 54317

19 CFR

10.....52294
19.....52294
54.....52294
101.....52627
123.....54187
125.....52294
141.....52294
144.....52294
148.....54187
210.....53117

Proposed Rules:

101.....52347
201.....51748
207.....51748

20 CFR

404.....53267
702.....51346
703.....51346

21 CFR

73.....52628
100.....53480
101.....53480
103.....53480
104.....53480
105.....53480
109.....53480
137.....53480
161.....53480
163.....53480
173.....54035
177.....54188
182.....53480
184.....54190
186.....53480
197.....53480
200.....53480
250.....53480
310.....52474, 53480
355.....52474
369.....52474
500.....53480
505.....53480
507.....53480
508.....53480
510.....53480, 54193
522.....51718, 53509
558.....53509, 53701, 54193
570.....53480
573.....53702
601.....53480
620.....53480
630.....53480
640.....53480
650.....53480
660.....53480
680.....53480
700.....53480
801.....53480
1310.....53121, 54409

Proposed Rules:

2.....53725
330.....52058
801.....53560
803.....53560
804.....53560
888.....51946
897.....53560

22 CFR

92.....51719
514.....53122

Proposed Rules:

51.....51760, 54103
181.....54319

24 CFR

291.....52296

Proposed Rules:

882.....51658

25 CFR

163.....52250
164.....51723
165.....51723

26 CFR

1.....52077, 53126
31.....53509
52.....52848
301.....51724
602.....52848, 53126, 53509

Proposed Rules:

31.....53561

27 CFR

9.....51896

28 CFR

0.....53267
2.....51348, 51349, 51350
501.....53490
549.....52278

Proposed Rules:

16.....51962
549.....54288
551.....54289

29 CFR

4.....51725
1602.....51350
1910.....52856
2610.....53268
2619.....53269
2622.....53268
2644.....53272
2676.....53269

Proposed Rules:

Ch. XIV.....54207
1625.....51762
1910.....54047
2615.....52135

30 CFR

914.....53511
948.....51900

Proposed Rules:

6.....52640
18.....52640, 53891
19.....52640
20.....52640
21.....52640
22.....52640
23.....52640
26.....52640
27.....52640
29.....52640

33.....52640
35.....52640
75.....53891
206.....51963
211.....54321
906.....53562
934.....53564
938.....53565
943.....53567, 53569

31 CFR

515.....54194

Proposed Rules:

103.....53316

32 CFR

67.....54301
199.....52078
311.....54197
505.....51918
706 .....52860, 53272, 54198
2001.....53492

Proposed Rules:

321.....51764
723.....53153

33 CFR

100 .....52296, 52297, 53273
110.....52103
117 .....51727, 51728, 51729, 51730, 51732, 52298, 53129, 53274
164.....51733
165 .....52103, 52861, 54303

Proposed Rules:

84.....53726
110.....53317
162.....53318
187.....53727

36 CFR

223.....53704
251.....54409
261.....54409
1210.....53514

38 CFR

1.....53275
3 .....51921, 52862, 52863, 53276
20.....51922

39 CFR

233.....54304

40 CFR

52 .....51351, 51354, 51923, 52312, 54305, 54308
58.....52315
60.....52329, 52331
61.....52329, 52331
70.....52332, 53872
81 .....51354, 51360, 52336, 54310
125.....53875
136.....53529
180.....52248
258.....52337
261.....54311
271 .....51925, 52629, 53704, 53707, 53708
282.....52343
300.....51927

Proposed Rules:

50.....52874
51 .....51378, 52734, 54321
52 .....51378, 51379, 51382, 51964, 52348, 52351, 52352, 54325
60.....52889
63.....53728
70.....52890
80.....52135, 53157
81.....51382, 53729
82.....51383, 52357
85.....51378, 52734
86.....52734, 53157
89.....53157
136.....53988
261.....54207
271.....54207
300.....51390, 51395
302.....51765, 54207
355.....51765

42 CFR

411.....53876
414.....53877
486.....53877
489.....52731, 53456
498.....52731

43 CFR

Public Land Orders:

7155.....52731
7161.....52631
7162.....52631
7163.....51734
7164.....52864
7165.....52864
7166.....53131
7167.....53131
7168.....53131

44 CFR

64.....51360
65.....54036, 54038
67.....54039

Proposed Rules:

67.....54051

45 CFR

51–5.....54199

46 CFR

1.....54106
2.....54106
5.....54106
6.....54106
10.....54106
12.....54106
14.....54106
16.....54106
25.....54106
28.....54106
30.....54106
31.....54106
32.....54106
33.....54106
34.....54106
35.....54106
39.....54106
50.....54106
52.....54106
53.....54106
54.....54106
56.....54106
57.....54106
58.....54106
59.....54106
61.....54106
62.....54106
63.....54106
69.....54106
70.....54106
71.....54106
72.....54106
75.....54106
76.....54106
77.....54106
78.....54106
90.....54106
91.....54106
92.....54106
93.....54106
94.....54106
95.....54106
96.....54106
97.....54106
98.....54106
107.....54106
108.....54106
110.....54106
147.....54106
148.....54106
150.....54106
151.....54106
153.....54106
154.....54106
160.....52631, 54106
161.....54106
162.....54106
164.....54106
167.....54106
169.....54106
170.....54106
171.....53710
174.....54106
175.....54106
180.....54106
181.....54106
182.....54106
183.....54106
184.....54106
188.....54106
189.....54106
190.....54106
192.....54106
193.....54106
196.....54106
197.....54106

Proposed Rules:

Ch. I.....52143
25.....52359
552.....53572

47 CFR

1.....52865, 53277
32.....53544
36.....53544
43.....51366, 52865
61.....52345, 52865
63.....51366
64.....52105
68.....52105
73 .....52105, 52106, 53278, 53877, 53878, 54313
76.....51927, 52106
97.....53132, 54409

Proposed Rules:

21.....53891
25.....53891
36.....52359
61 .....52362, 52364, 53157
73 .....52144, 52641, 53892
90.....52894, 53893

48 CFR

15.....54045
915.....52632
916.....52632
970.....52632
1415.....53278
1426.....53278
1428.....53278
1452.....53278
1815.....53878
1816.....53878
1819.....53880
1822.....52121
1852.....53878, 53880
1870.....53878
1871.....51368

Proposed Rules:

32.....51766
45.....53319
52.....51766, 53319
204.....54326
207.....53573
209.....53573
215 .....53573, 53574, 54326
216.....54326
225.....53319
231.....53320, 53321
232.....54326
233.....54326
235.....54326
239.....54326
246.....54326
242.....53573, 53575
252 .....53319, 53575, 54326
253.....54326
1510.....51964
1532.....51964
1552.....51964
1553.....51964
1816.....54208
1852.....54208

49 CFR

178.....54409
209.....53133
240.....53133
571.....53280
572.....53280

Proposed Rules:

107.....53321, 53729
110.....53321
171.....53321, 54008
172.....53321
173.....53321, 54008
174.....53321
175.....53321
176.....53321
177.....53321
178.....53321
179.....53321
195.....54328
571.....53328
1043.....53894
1160.....53894

50 CFR

23.....52450
32.....52866
227.....51928, 52121
228.....53139
285.....51932
625.....53281
630.....51933
651.....51370
672 .....51934, 51935, 52128, 52632, 53714, 53881, 54200
675 .....52129, 53147, 53881, 54046
677.....53715

Proposed Rules:

14.....53329
17 .....51398, 51417, 51432, 51436, 51443
18.....54210
36.....53576
222.....51968
227.....51968
301.....51735
638.....53730
642.....53576
646.....54329
649.....54210
650.....54210
651.....51978, 54210
652.....54211, 54330
656.....53577, 53907
676.....51452, 53331

CFR CHECKLIST

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–026–00001–8)	$5.00	Jan. 1, 1995
3 (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
4	(869–026–00003–4)	5.50	Jan. 1, 1995
5 Parts:			
1–699	(869–026–00004–2)	23.00	Jan. 1, 1995
700–1199	(869–026–00005–1)	20.00	Jan. 1, 1995
1200–End, 6 (6 Reserved)	(869–026–00006–9)	23.00	Jan. 1, 1995
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–026–00009–3)	21.00	Jan. 1, 1995
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–026–00011–5)	25.00	Jan. 1, 1995
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
700–899	(869–026–00015–8)	23.00	Jan. 1, 1995
900–999	(869–026–00016–6)	32.00	Jan. 1, 1995
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–026–00020–4)	32.00	Jan. 1, 1995
1500–1899	(869–026–00021–2)	35.00	Jan. 1, 1995
1900–1939	(869–026–00022–1)	16.00	Jan. 1, 1995
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–026–00024–7)	40.00	Jan. 1, 1995
2000–End	(869–026–00025–5)	14.00	Jan. 1, 1995
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–026–00027–1)	30.00	Jan. 1, 1995
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–026–00051–4)	19.00	Jan. 1, 1995
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–026–00055–7)	24.00	Apr. 1, 1995
240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	Apr. 1, 1995
141–199	(869–026–00062–0)	21.00	Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00069–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
23	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–026–00079–4)	40.00	Apr. 1, 1995
200–219	(869–026–00080–8)	19.00	Apr. 1, 1995
220–499	(869–026–00081–6)	23.00	Apr. 1, 1995
500–699	(869–026–00082–4)	20.00	Apr. 1, 1995
700–899	(869–026–00083–2)	24.00	Apr. 1, 1995
900–1699	(869–026–00084–1)	24.00	Apr. 1, 1995
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
26 Parts:			
§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
§§ 1.170–1.300	(869–026–00089–1)	24.00	Apr. 1, 1995
§§ 1.301–1.400	(869–026–00090–5)	17.00	Apr. 1, 1995
§§ 1.401–1.440	(869–026–00091–3)	30.00	Apr. 1, 1995
§§ 1.441-1.500	(869-026-00092-1)	22.00	Apr. 1, 1995
§§ 1.501–1.640	(869–026–00093–0)	21.00	Apr. 1, 1995
§§ 1.641–1.850	(869–026–00094–8)	25.00	Apr. 1, 1995
§§ 1.851–1.907	(869–026–00095–6)	26.00	Apr. 1, 1995
§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
§§ 1.1401–End	(869–026–00098–1)	33.00	Apr. 1, 1995
2–29	(869–026–00099–9)	25.00	Apr. 1, 1995
30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–00101–4)	14.00	Apr. 1, 1995

Title	Stock Number	Price	Revision Date
50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995
500–599	(869–026–00104–9)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[8] Apr. 1, 1994
28 Parts:			
1-42	(869–026–00108–1)	27.00	July 1, 1995
43-end	(869-026-00109-0)	22.00	July 1, 1995
29 Parts:			
0–99	(869–026–00110–3)	21.00	July 1, 1995
100–499	(869–026–00111–1)	9.50	July 1, 1995
*500–899	(869–026–00112–0)	36.00	July 1, 1995
900–1899	(869–026–00113–8)	17.00	July 1, 1995
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
*1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
1926	(869–022–00114–1)	33.00	July 1, 1994
1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–026–00120–1)	20.00	July 1, 1995
700–End	(869–026–00121–9)	30.00	July 1, 1995
31 Parts:			
0–199	(869–026–00122–7)	15.00	July 1, 1995
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32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–026–00125–1)	38.00	July 1, 1995
400–629	(869–026–00126–0)	26.00	July 1, 1995
630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
*700–799	(869–026–00128–6)	21.00	July 1, 1995
800–End	(869–026–00129–4)	22.00	July 1, 1995
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–026–00132–4)	24.00	July 1, 1995
34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
300–399	(869–026–00134–1)	21.00	July 1, 1995
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–026–00136–7)	12.00	July 1, 1995
36 Parts			
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***37**	(869–026–00139–1)	20.00	July 1, 1995
38 Parts:			
0–17	(869–026–00140–5)	30.00	July 1, 1995
18–End	(869–026–00141–3)	30.00	July 1, 1995
39	(869–026–00142–1)	17.00	July 1, 1995
40 Parts:			
1–51	(869–026–00143–0)	40.00	July 1, 1995
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
60	(869-022-00143-4)	36.00	July 1, 1994
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–026–00152–9)	17.00	July 1, 1995
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
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101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
40–69	(869–022–00182–5)	14.00	Oct. 1, 1994
70–79	(869–022–00183–3)	24.00	Oct. 1, 1994
80–End	(869–022–00184–1)	26.00	Oct. 1, 1994
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
15–28	(869–022–00191–4)	32.00	Oct. 1, 1994
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–022–00193–1)	24.00	Oct. 1, 1994
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–022–00195–7)	21.00	Oct. 1, 1994
200–399	(869–022–00196–5)	30.00	Oct. 1, 1994
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–022–00198–1)	19.00	Oct. 1, 1994
1200–End	(869–022–00199–0)	15.00	Oct. 1, 1994
50 Parts:			
1–199	(869–022–00200–7)	25.00	Oct. 1, 1994
200–599	(869–022–00201–5)	22.00	Oct. 1, 1994
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

[8] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.