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Tuesday
November 14, 1995

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WASHINGTON, DC

[Two Sessions]

WHEN: 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

LONG BEACH, CA

WHEN: December 12, 1995 at 9:00 am

WHERE: Glenn M. Anderson Federal Building, Conference Room—Room 3470, 501 West Ocean Boulevard, Long Beach, CA 90802

RESERVATIONS: 310–980–3447

SEATTLE, WA

[Two Sessions]

WHEN: December 13, 1995 at 9:00 am and 1:00 pm

WHERE: National Archives—Pacific Northwest Region, Conference Room, 6125 Sand Point Way, NE., Seattle, WA 98115

RESERVATIONS: 206–526–6507

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Reader Aids

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

Electronic Bulletin Board

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 60, No. 219
Tuesday, November 14, 1995

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AH22

Prevailing Rate Systems; Abolishment of Philadelphia, PA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations to abolish the Philadelphia, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to nearby NAF wage areas for pay-setting purposes. No employee's wage rate will be reduced as a result of this change.

DATES: This interim rule becomes effective on November 14, 1995. Comments must be received by December 14, 1995. Employees currently paid rates from the Philadelphia, PA, NAF wage schedule will continue to be paid from that schedule until their conversion to the schedules of the wage areas to which their counties of employment are being redefined by this rule on December 1, 1995, the first day of the month in which their new wage schedule would have been effective.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606–0824.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848.

SUPPLEMENTARY INFORMATION: The Department of Defense recommended to the Office of Personnel Management that the Philadelphia, PA, FWS NAF wage area be abolished and that the five counties having continuing FWS employment be redefined as areas of application to nearby NAF wage areas. Philadelphia County and Chester County, PA, are being redefined to the Montgomery, PA, wage area. New Castle County, DE; Cape May County, NJ; and Salem County, NJ; are being redefined to the Burlington, NJ, wage area. The remaining Philadelphia wage area counties (Camden and Gloucester, NJ) have no FWS employees and are being deleted. This change is necessary because the pending closure of Naval Station Philadelphia leaves the Philadelphia wage area without an activity having the capability to conduct a wage survey.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

(1) Proximity of largest activity in each county;

(2) Transportation facilities and commuting patterns; and

(3) Similaries of the counties in:

(i) Overall population;

(ii) Private employment in major industry categories; and

(iii) Kinds and sizes of private industrial establishments.

All regulatory factors favor redefinition of Philadelphia County to the adjacent Montgomery, PA, wage area.

For Chester County, population and industrial patterns more closely resemble Burlington, NJ. However the remaining regulatory factors, proximity and commuting patterns, both favor redefinition to the Montgomery, PA, wage area. Overall, redefinition to the Montgomery, PA, wage area is favored.

Regulatory factors for New Castle County, DE, are mixed but on balance favor redefinition to the Burlington, NJ, wage area. While New Castle County is closest to Harford, MD, population and industrial patterns are very similar to Burlington, NJ, and bear little resemblance to Harford, MD. The highest commuting rate is to Montgomery, PA, but this is not a determining factor in that commuting rates to the various candidate survey areas are very similar.

Regulatory factors are mixed for Salem County, NJ, but on balance favor redefinition to the Burlington, NJ, wage area. The closest survey area is Montgomery, PA. However, Burlington is fairly close to Salem, and Salem geographically falls between New Castle (being redefined to Burlington) and the Burlington survey area. Commuting patterns favor Burlington, PA. Although population and industrial patterns favor Lebanon, PA, Lebanon County is about double the size of Salem County in terms of population and industry.

Regulatory factors are mixed for Cape May County, NJ, but on balance favor redefinition to the Burlington, NJ, wage area. Proximity and commuting patterns favor Burlington, NJ. Population and industrial patterns favor Lebanon, PA. However, Lebanon County is very far removed from coastal Cape May County, with intervening wage areas.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the 1995 Philadelphia, PA, NAF wage area survey must otherwise begin immediately.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix B to Subpart B of Part 532 [Amended]

2. In appendix B to subpart B, the listing for the State of Pennsylvania is amended by removing the entry for Philadelphia.

3. Appendix D to subpart B is amended by removing the wage area list for Philadelphia, Pennsylvania, and by revising the lists for Burlington, New Jersey, and Montgomery, Pennsylvania, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

New Jersey
Burlington
Survey Area

New Jersey:

Burlington
Area of application. Survey area plus:
Delaware:
New Castle
New Jersey:
Atlantic
Cape May
Ocean
Salem

* * * * *

Pennsylvania

* * * * *

Montgomery
Survey area
Pennsylvania:
Montgomery
Area of Application. Survey area plus:
Pennsylvania:
Bucks
Chester
Luzerne
Philadelphia

* * * * *

[FR Doc. 95–28051 Filed 11–13–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Seed Certifying Agency Standards and Procedures

CFR Correction

In title 7 of the Code of Federal Regulations, parts 53 to 209, revised as of January 1, 1995, the centered heading above § 201.67 was incorrectly amended, and § 201.67 and the heading of § 201.68 were inadvertently removed. The text as it should appear is set forth below.

CERTIFIED SEED

§ 201.67 Seed certifying agency standards and procedures.

In order to qualify as a seed certifying agency for purposes of section 101(a)(25) of the Federal Seed Act (7 U.S.C. 1551(a)(25)) an agency must enforce standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in § 201.68 through 201.78.

[38 FR 25662, Sept. 14, 1973]

§ 201.68 Eligibility requirements for certification of varieties.

* * * * *

BILLING CODE 1505–01–D

Food and Consumer Service

7 CFR Parts 210 and 220

National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children: Correction

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food and Consumer Service is correcting errors in the regulatory text of the final rule published on June 13, 1995, (60 FR 31188) entitled National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302; by telephone at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1995, the Department published a final rule incorporating provisions from proposals published on June 10, 1994, and January 27, 1995. The final rule implemented provisions of Public Law 103–448, the Healthy Meals for Healthy Americans Act of 1994, requiring that a variety of meal planning approaches be made available to school food authorities, including ''food-based menu systems,'' and that school meals comply with the *Dietary Guidelines for Americans.* In addition, the final rule contained provisions to streamline the administration of the school meal programs. However, the final rule, as published, contained errors in the regulatory text that need correction.

Correction of Publication

Accordingly, the publication on June 13, 1995, is corrected as follows:

§ 210.10 [Corrected]

1. On page 31209, § 210.10, in the table entitled ''MINIMUM REQUIREMENTS FOR NUTRIENT LEVELS FOR SCHOOL LUNCHES/ NUTRIENT ANALYSIS (SCHOOL WEEK AVERAGES), in the first column, line 4, ''RDA for protein'' is corrected to read ''RDA for protein (g)''.

2. On page 31212, the table in § 210.10(k)(2) is corrected by adding a column containing an option for kindergarten through grade 3 which was inadvertently omitted. The entire table is republished for the convenience of readers.

Meal component	Minimum quantities required for				Option for
	Ages 1–2	Preschool	Grades K–6	Grades 7–12	K-Grade 3
Milk (as a beverage)	6 Ounces	6 Ounces	8 Ounces	8 Ounces	8 Ounces.
Meat or Meat Alternate (quantity of the edible portion as served).					
Lean meat, poultry or fish	1 Oz	1½ Oz	2 Oz	2 Oz	1½ Oz.
Cheese	1 Oz	1½ Oz	2 Oz	2 Oz	1½ Oz.
Large egg	½	¾	1	1	¾.
Cooked dry beans or peas	¼ Cup	⅜ Cup	½ Cup	½ Cup	⅜ Cup.
Peanut butter or other nut or seed butters	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp	3 Tbsp.

Meal component	Minimum quantities required for				Option for
	Ages 1–2	Preschool	Grades K–6	Grades 7–12	K-Grade 3
The following may be used to meet no more than 50% of the requirement and must be used in combination with any of the above: Peanuts, soynuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternate (1 ounce of nuts/seeds=1 ounce of cooked lean meat, poultry or fish.).	½ oz.=50% ...	¾ Oz.=50% ..	1 Oz.=50%	1 Oz.=50%	¾ Oz.=50%.
Vegetables/Fruits (2 or more servings of vegetables or fruits or both).	½ Cup	½ Cup	¾ Cup plus extra ½ Cup over a week [1].	1 Cup	¾ Cup.
Grains/Breads Must be enriched or whole grain. A serving is a slice of bread or an equivalent serving of biscuits, rolls, etc., or ½ cup of cooked rice, macaroni, noodles, other pasta products or cereal grains.	5 servings per week—minimum of ½ per day [1].	8 servings per week—minimum of 1 per day [1].	12 servings per week—minimum of 1 per day [1 2].	15 servings per week—minimum of 1 per day [1 2].	10 servings per week—minimum of 1 per day. [1 2]

[1] For the purposes of this chart, a week equals five days.
[2] Up to one grains/breads serving per day may be a dessert.

3. On page 31215, in the second column, the amendatory language item 13.a. is corrected to read ''The introductory text of paragraph (c) is amended by removing the phrase '4-year review cycle' wherever it appears in the first sentence and adding in its place the phrase '5-year review cycle' and by removing the date '1997' in the second sentence and adding in its place the date '1998' ''.

§ 210.19 [Corrected]

4. On page 31216, in the first column, in § 210.19(a)(1)(i), last line, ''§ 210.10(b) and § 210.10(c)'' is corrected to read ''§ 210.10(b) and the appropriate calorie and nutrient levels in § 210.10(c) or § 210.10(i)(1), whichever is applicable''.

5. On page 31216, in the first column, in § 210.19(a)(1)(ii)(A), lines 5 and 6, ''§ 220.8(e) or § 220.8(f)'' is corrected to read ''§ 220.8(g)''.

§ 220.2 [Corrected]

6. On page 31217, in the first column, in § 220.2(m), line 19, ''under the offer versus serve'' is corrected to read ''under offer versus serve''.

§ 220.8 [Corrected]

7. On page 31219, in the second column, in § 220.8(e)(2)(ii), the phrase ''senior high'' is removed from lines 5 and 6 in the second sentence, and the third and fifth sentences are removed.

8. On page 31219, in the third column, in § 220.8(e)(5)(iii), line 7, ''in accordance to'' is corrected to read ''in accordance with''.

9. On page 31219, in the third column, in § 220.8(e)(7), line 3, ''paragraph'' is corrected to read ''paragraphs''.

10. On page 31220, in the first column, in § 220.8(e)(11), line 20, ''nutrient sand'' is corrected to read ''nutrients and''.

Dated: October 30, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–28025 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–30–P

7 CFR Part 235

State Administrative Expense Funds: National School Lunch Program, Special Milk Program for Children, School Breakfast Program, Child and Adult Care Food Program, Food Distribution Program

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food and Consumer Service is correcting errors in the regulatory text of the final rule published on March 24, 1995 (60 FR 15457), entitled State Administrative Expense Funds: National School Lunch Program, Special Milk Program for Children, School Breakfast Program, Child and Adult Care Food Program, Food Distribution Program.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302; by telephone at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 1995, the Department published a final rule incorporating provisions from a proposal concerning State Administrative Expense (SAE) funds published on December 6, 1991 (at 56 FR 63882). The final rule implemented provisions of Public Law 101–147, the Child Nutrition and WIC Reauthorization Act of 1989 (103 Stat. 877), to: (1) Establish limits on the level of SAE funds that may be retained by the State from one fiscal year to another; (2) specify how SAE funds that are returned by the State are to be redistributed; and (3) provide that alternate State agencies which admininster the Child and Adult Care Food Program (CACFP) receive the funds to which they are entitled, including the SAE funds for the ''adult care component'' of the CACFP.

However, the final rule, as published, contained an incorrect version of § 235.6(c) which is hereby corrected. Please also note that, for purposes of contextual logic, the designation of new paragraph § 235.6(g) in the March 24, 1995 final has been corrected to § 235.6(d). In addition, the redesignation of paragraph 235.6(i) as 235.6(h) was accidentally omitted in the March 1995 final rule.

Correction of Publication

Accordingly, the final rule published at 60 FR 15457 on March 24, 1995, is corrected as follows:

1. On page 15460, in the preamble, second column, top paragraph, the reference to § 235.6(h) is corrected to read § 235.6(d).

2. On page 15462, column 3, amendatory language item 6.c for § 235.6 is corrected to read as follows:

c. Paragraph (d) is added; and paragraphs (g), (h), and (i) are redesignated as paragraphs (f), (g), and (h), respectively.

3. On page 15463, column 1, § 235.6, paragraph (c) is corrected to read as follows:

§ 235.6 Use of Funds.

(c) In addition to State Administrative Expense funds made available specifically for food distribution purposes under § 235.4 (b)(2) and (b)(4), State Administrative Expense funds allocated under § 235.4 (a)(1), (a)(2), (b)(1), (b)(3), and (d), and under (b)(4) for the Child and Adult Care Food Program may be used to assist in the administration of the Food Distribution Program (7 CFR part 250) in schools and institutions which participate in programs governed by parts 210, 220, and 226 of this title when such Food Distribution Program is administered within the State agency and may also be used to pay administrative expenses of a distributing agency, when such agency is other than the State agency and is responsible for administering all or part of such Food Distribution Program.

4. On page 15463, § 235.6, column 1, the paragraph (g) designation is corrected to read (d).

Dated: November 1, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–28031 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–30–U

7 CFR Part 248

WIC Farmers' Market Nutrition Program: Correction

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food and Consumer Service is correcting errors in the regulatory text of the final rule published on September 27, 1995, (60 FR 49739) entitled WIC Farmers' Market Nutrition Program.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman or Debra Whitford, Supplemental Food Programs Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1995, the Department published a final rule amending and finalizing an interim rule that was published on March 11, 1994. The final rule also implemented the nondiscretionary WIC Farmers' Market Nutrition Program mandates of Public Law 103–448, the Healthy Meals for Healthy Americans Act of 1994. However, the final rule, as published, contained errors in the regulatory text that need correction.

Correction of Publication

Accordingly, the final rule published at 60 FR 49739 on September 27, 1995, is corrected as follows:

1. On page 49748, column 1, § 248.14(i), line 7, ''FNS'' is corrected to read ''FCS''.
2. On page 49748, column 1, in amendatory item 9, ''second'' is corrected to read ''first''.
3. On page 49748, column 1, § 248.16(f), line 4 is corrected by removing ''* * *''.
4. On page 49748, column 2, § 248.25(a), line 4, ''FNS'' is corrected to read ''FCS''.

Dated: November 2, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–28029 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–30–U

Agricultural Marketing Service

7 CFR Parts 1030, 1065, 1068, 1076 and 1079

[Docket Nos. AO–361–A31, etc.; DA–92–27]

Milk in the Chicago Regional and Other Marketing Areas; Order Amending the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

7 CFR part	Marketing area	AO Nos.
1030	Chicago Regional	AO–361–A31
1065	Nebraska-Western Iowa.	AO–86–A50
1068	Upper Midwest ...	AO–178–A48
1076	Eastern South Dakota.	AO–260–A32
1079	Iowa	AO–295–A44

SUMMARY: This final rule implements changes in the Federal milk marketing orders for five north central marketing areas based on industry proposals considered at a public hearing. This rule adopts a plan for pricing milk on the basis of its protein and other nonfat solids, as well as butterfat, components. The plan includes adjustments per hundredweight based on the somatic cell count of producer milk used in Class II and Class III, and on payments to producers of all pooled milk. Each of the amended orders was approved by producers who were eligible to have their milk pooled during the representative month for voting purposes.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–4829.

SUPPLEMENTARY INFORMATION: This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12866.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended orders will promote more orderly marketing of milk by producers and regulated handlers.

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

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (the Act), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 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 the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or is the handler's principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Prior Documents in This Proceeding

Notice of Hearing: Issued December 22, 1993; published January 4, 1994 (59 FR 260).

Extension of Time for Filing Briefs: Issued April 22, 1994; published April 29, 1994 (59 FR 22138).

Recommended Decision: Issued October 25, 1994; published November 2, 1994 (59 FR 54952).

Extension of Time for Filing Exceptions: Issued December 2, 1994; published December 9, 1994 (59 FR 63733).

Final Decision: Issued August 3, 1995; published August 14, 1995 (60 FR 41833).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Chicago Regional and other orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, for each of the specified orders, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas. The minimum prices specified in the orders, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as hereby amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk which is marketed within each of the specified marketing areas to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

List of Subjects in 7 CFR Parts 1030, 1065, 1068, 1076, 1079

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. The authority citation for 7 CFR parts 1030, 1065, 1068, 1076, and 1079 continues to read as follows:

Authority: 7 U.S.C. 601–674.

1. Section 1030.30 is amended by removing paragraph (d) and revising paragraphs (a) and (c) to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1030.9(a) shall report for each plant of the handler (except if a handler requests and the request is approved by the market administrator, a handler may file a consolidated report for supply plants and a consolidated report for distributing plants); and each handler described in § 1030.9 (b) and (c) shall report the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handlers from the pool plant to other plants; and

(ii) Receipts of milk from handlers described in § 1030.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants, including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.7(b)(4);

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1030.40(b)(1);

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to paragraph (a) of this section; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

2. Section 1030.31 is amended by revising paragraph (a) to read as follows:

§ 1030.31 Payroll reports.

(a) On or before the 25th day after the end of each month, each handler described in § 1030.9 (a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer the information specified in § 1030.73(e).

* * * * *

3. Section 1030.50 is amended by revising the section heading, introductory text and paragraph (a), and adding paragraphs (e) through (l) to read as follows:

§ 1030.50 Class and component prices.

Subject to the provisions of § 1030.52, the class prices per hundredweight of milk containing 3.5 percent butterfat

and the component prices for the month shall be as follows:

(a) *Class I price.* The Class I price for the month per hundredweight of milk containing 3.5 percent butterfat shall be the basic formula price for the second preceding month plus $1.40.

* * * * *

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month's Class I and Class III prices (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the difference between the current month's Class II and Class III prices (this price may be negative).

(g) *Class III–A differential price.* The Class III–A differential price shall be the difference between the current month's Class III and Class III–A prices (this price may be negative).

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Other solids price.* Other solids are herein defined as solids-not-fat other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the basic formula price at test less the average butterfat test of the basic formula price as reported by the Department times the butterfat price, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the average other solids test of the basic formula price as reported by the Department. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

(l) *Somatic cell adjustment.*

(1) The somatic cell adjustment rate per 1,000 somatic cells, rounded to five decimal places, shall be computed by multiplying .0005 times the monthly cheddar cheese price as defined in paragraph (j) of this section; and

(2) The somatic cell adjustment, per hundredweight, shall be determined by subtracting from 350 the somatic cell count (in thousands) of the milk, multiplying the difference by the somatic cell adjustment rate, and rounding to the nearest full cent.

4. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices:

(a) The Class I price for the following month;

(b) The Class II price for the following month;

(c) The Class III price for the preceding month;

(d) The Class III–A price for the preceding month;

(e) The skim milk price for the preceding month;

(f) The butterfat price for the preceding month;

(g) The protein price for the preceding month;

(h) The other solids price for the preceding month;

(i) The somatic cell adjustment rate for the preceding month; and

(j) The butterfat differential for the preceding month.

5. The section heading in § 1030.60 and the undesignated center heading preceding it, the introductory text, and paragraphs (a) and (f) are revised to read as follows:

Producer Price Differential

§ 1030.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler described in § 1030.9 (a), (b), and (c), as follows:

(a) Calculate the following values:

(1) Multiply the total hundredweight of producer milk in Class I as determined pursuant to § 1030.44(c) by the Class I differential price for the month;

(2) Add an amount obtained by multiplying the total hundredweight of producer milk in Class II as determined pursuant to § 1030.44(c) by the Class II differential price for the month;

(3) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1030.44(a) by the skim milk price;

(4) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1030.44(a) by the average protein content of producer skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price;

(5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1030.44(a) by the average other solids content of producer skim milk received by the handler, and multiplying the resulting pounds of other solids by the other solids price;

(6) Add an adjustment for somatic cell content determined by multiplying the value reported pursuant to § 1030.30(a)(1) by the percentage of the total producer milk allocated pursuant to § 1030.44(c) that is allocated to Class II and Class III; and

(7) Add an amount obtained by multiplying the total hundredweight of producer milk eligible to be priced as Class III–A by the Class III–A differential price for the month;

* * * * *

(f) Add the amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1030.43(d) and § 1030.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1030.44(a)(11) and the corresponding steps of § 1030.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

* * * * *

6. Section 1030.61 is amended by revising the section heading, introductory text, and paragraph (a) to read as follows:

§ 1030.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight for Zone 1. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1030.71 for the preceding month shall not be included in the computation of the producer price differential. The report of such handler shall not be included in the

computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total for all handlers:

(1) The values computed pursuant to § 1030.60 (a)(1), (a)(2), (a)(7), and (b) through (k) for all handlers; and

(2) Add values computed pursuant to § 1030.60 (a)(3), (a)(4), (a)(5) and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and total pounds of other solids contained in such milk by their respective prices, and the total value of the somatic cell adjustment;

* * * * *

7. Section 1030.62 is revised to read as follows:

§ 1030.62 Announcement of producer prices.

On or before the 14th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The other solids price;

(d) The butterfat price;

(e) The somatic cell adjustment rate;

(f) The average butterfat, protein and other solids content of producer milk; and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

8. Section 1030.71 is amended by revising paragraph (a)(2) to read as follows:

§ 1030.71 Payments to the producer-settlement fund.

(a) * * *

(2) The sum of:

(i) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to § 1030.44(c) by the producer price differential as adjusted pursuant to § 1030.75;

(ii) An amount obtained by multiplying the total pounds of protein contained in producer milk by the protein price;

(iii) An amount obtained by multiplying the total pounds of other solids contained in producer milk by the other solids price;

(iv) The total value of the somatic cell adjustment to producer milk; and

(v) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1030.60(f) by the producer price differential as adjusted pursuant to § 1030.52 for the location of the plant from which received.

* * * * *

9. Section 1030.73 is amended by revising paragraphs (a), (c), and (d) and adding a new paragraph (e) to read as follows:

§ 1030.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk received from such producer and for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the 3rd day after the end of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the Class III price for milk of 3.5 percent butterfat for the preceding month, less proper deductions authorized in writing by such producer;

(2) On or before the 18th day after the end of the month, payment for producer milk received during such month shall not be less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to §§ 1030.75 and 1030.86;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a) of this section; and

(vii) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer; and

(3) If by such date the handler has not received full payment from the market administrator pursuant to § 1030.72 for such month, it may reduce pro rata its payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to paragraph (a) of this section next following receipt of the balance due from the market administrator.

* * * * *

(c) Each handler shall pay a cooperative association for milk received by the handler from pool plant(s) operated by a cooperative association as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the Class III price for milk of 3.5 percent butterfat for the preceding month; and

(2) For milk received and classified during the month the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of Class I milk received times the Class I differential price for the month plus the pounds of Class I skim milk times the skim milk price for the month;

(ii) The hundredweight of Class II milk received times the Class II differential price for the month;

(iii) The hundredweight of Class III–A milk received times the Class III–A differential price for the month;

(iv) The pounds of butterfat received times the butterfat price for the month;

(v) The pounds of protein received in Class II and Class III milk times the protein price for the month;

(vi) The pounds of other solids received in Class II and Class III milk times the other solids price for the month;

(vii) The hundredweight of Class II and Class III milk received times the somatic cell adjustment; and

(viii) Less any payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for milk received by the handler from a cooperative association acting as a handler described under § 1030.9(c) as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 1st day after the end of the month during which the milk was received at a rate per hundredweight not less than the Class III price for milk of 3.5 percent butterfat for the preceding month; and

(2) For milk received during the month the handler shall pay the cooperative association on or before the 16th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of milk received times the producer price

differential as adjusted pursuant to § 1030.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (d)(1) of this section; and

(vii) Less proper authorized deductions.

(e) In making payments for producer milk pursuant to paragraphs (a)(2) or (b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and the identity of the producer;

(2) The daily and total pounds for each producer;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The total pounds of other solids contained in the producer's milk;

(6) The somatic cell count of the producer's milk;

(7) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(8) The rate that is used in making payment if such rate is other than the applicable minimum rate;

(9) The amount, or the rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(10) The net amount of payment to such producer or cooperative.

10. Sections 1030.74 and 1030.75 are revised to read as follows:

§ 1030.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1030.51(a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price as reported by the Department.

§ 1030.75 Plant location adjustments for producers and on nonpool milk.

(a) The producer price differential for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1030.52(a).

(b) The producer price differential applicable to other source milk shall be adjusted at the rates set forth in § 1030.52(a), except that the adjusted producer differential price shall not be less than zero.

11. Section 1030.76 is amended by removing the reference ''§ 1030.71(a)(2)(ii)'' in paragraph (b)(1)(iii) and adding in its place ''§ 1030.71(a)(2)(v)'' and revising paragraph (a)(4) and the third sentence of paragraph (b)(1)(ii) to read as follows:

§ 1030.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant; and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1030.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.30 is amended by removing paragraph (d) and revising paragraphs (a) and (c) to read as follows:

§ 1065.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1065.9 (a), (b), and (c) shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler; and

(ii) Receipts of milk from handlers described in § 1065.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants;

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1065.40(b)(1);

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to paragraph (a) of this section; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

2. Section 1065.31 is amended by revising paragraph (a) to read as follows:

§ 1065.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1065.9 (a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer the information described in § 1065.73(e).

* * * * *

3. Section 1065.50 is amended by revising the section heading, introductory text and paragraph (a), and adding paragraphs (e) through (l) to read as follows:

§ 1065.50 Class and component prices.

Subject to the provisions of § 1065.52, the class prices per hundredweight of milk containing 3.5 percent butterfat and the component prices for the month shall be as follows:

(a) *Class I price.* The Class I price for the month per hundredweight of milk containing 3.5 percent butterfat shall be

the basic formula price for the second preceding month plus $1.75.

* * * * *

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month's Class I and Class III prices (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the difference between the current month's Class II and Class III prices (this price may be negative).

(g) *Class III–A differential price.* The Class III–A differential price shall be the difference between the current month's Class III and Class III–A prices (this price may be negative).

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Other solids price.* Other solids are herein defined as solids not fat other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the basic formula price at test less the average butterfat test of the basic formula price as reported by the Department times the butterfat price, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the average other solids test of the basic formula price as reported by the Department. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

(l) *Somatic cell adjustment.*

(1) The somatic cell adjustment rate, per 1,000 somatic cells, rounded to five decimal places, shall be computed by multiplying .0005 times the monthly cheddar cheese price as defined in paragraph (j) of this section; and

(2) The somatic cell adjustment, per hundredweight, shall be determined by subtracting from 350 the somatic cell count (in thousands) of the milk, multiplying the difference by the somatic cell adjustment rate, and rounding to the nearest full cent.

4. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices:

(a) The Class I price for the following month;

(b) The Class II price for the following month;

(c) The Class III price for the preceding month;

(d) The Class III–A price for the preceding month;

(e) The skim milk price for the preceding month;

(f) The butterfat price for the preceding month;

(g) The protein price for the preceding month;

(h) The other solids price for the preceding month;

(i) The somatic cell adjustment rate for the preceding month; and

(j) The butterfat differential for the preceding month.

5. The section heading in § 1065.60 and the undesignated center heading preceding it, the introductory text, and paragraphs (a) and (f) are revised to read as follows:

Producer Price Differential

§ 1065.60 Handler's value of milk.

For the purpose of computing a handler's obligation for milk the market administrator shall determine for each month the value of milk of each handler described in § 1065.9(a) with respect to each of its pool plants and each handler described in § 1065.9 (b) and (c).

(a) The handler's obligation for producer milk shall be computed as follows:

(1) Multiply the total hundredweight of milk in Class I as determined pursuant to § 1065.44(c) by the Class I differential price for the month;

(2) Add an amount obtained by multiplying the total hundredweight of milk in Class II as determined pursuant to § 1065.44(c) by the Class II differential price for the month;

(3) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1065.44(a) by the skim milk price;

(4) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1065.44(a) by the average protein content of producer skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price;

(5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1065.44(a) by the average other solids content of producer skim milk received by the handler, and multiplying the resulting pounds of other solids by the other solids price;

(6) Add an adjustment for somatic cell content determined by multiplying the value reported pursuant to § 1065.30(a)(1) by the percentage of the total producer milk allocated pursuant to § 1065.44(c) that is allocated to Class II and Class III; and

(7) Add an amount obtained by multiplying the total hundredweight of producer milk eligible to be priced as Class III–A by the Class III–A differential price for the month;

* * * * *

(f) Add the amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1065.43(d) and § 1065.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1065.44(a)(11) and the corresponding steps of § 1065.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

* * * * *

6. Section 1065.61 is amended by revising the section heading, introductory text, and paragraphs (a) and (f) to read as follows:

§ 1065.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight of milk received from producers, as follows:

(a) Combine into one total for all handlers:

(1) The values computed pursuant to § 1065.60 (a)(1), (a)(2), (a)(7) and (b) through (i) for all handlers; and

(2) Add values computed pursuant to § 1065.60 (a)(3), (a)(4), (a)(5) and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and total pounds of other solids contained in such milk by their

respective prices, and the total value of the somatic cell adjustment;

* * * * *

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be the ''producer price differential.''

7. Section 1065.62 is revised to read as follows:

§ 1065.62 Announcement of producer prices.

On or before the 12th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The other solids price;

(d) The butterfat price;

(e) The somatic cell adjustment rate;

(f) The average butterfat, protein and other solids content of producer milk; and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

8. Section 1065.71 is amended by revising paragraph (a)(2) to read as follows:

§ 1065.71 Payments to the producer-settlement fund.

(a) * * *

(2) The sum of:

(i) An amount obtained by multiplying the total hundredweight of producer milk determined pursuant to § 1065.44(c) by the producer price differential as adjusted pursuant to § 1065.75;

(ii) An amount obtained by multiplying the total pounds of protein contained in producer milk by the protein price;

(iii) An amount obtained by multiplying the total pounds of other solids contained in producer milk by the other solids price;

(iv) The total value of the somatic cell adjustment to producer milk; and

(v) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1065.60(f) by the producer price differential as adjusted pursuant to § 1065.52 for the location of the plant from which received.

* * * * *

9. Section 1065.73 is amended by revising paragraphs (a), (c), (d) and (e) to read as follows:

§ 1065.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the 27th day of the month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1065.62(g) for the preceding month, less proper deductions authorized in writing by such producer; and

(2) On or before the 18th day after the end of the month, payment for producer milk received during such month shall not be less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to § 1065.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer;

(viii) Less deductions for marketing services pursuant to 1065.86 and for advertising and promotion pursuant to § 1065.107; and

(ix) If by such date the handler has not received full payment from the market administrator pursuant to § 1065.72 for such month, it may reduce pro rata its payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to paragraph (a) of this section next following receipt of the balance due from the market administrator.

* * * * *

(c) Each handler shall pay a cooperative association for milk received by the handler from a cooperative association acting as a handler described in § 1065.9(c) as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 26th day of the month during which the milk was received at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1065.62(g) for the preceding month; and

(2) For milk received during the month the handler shall pay the cooperative association on or before the 17th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of milk received times the producer price differential applicable at the location of the receiving handler's plant;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Less any payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer or diversion from a pool plant operated by the cooperative association as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 26th day of the month during which the milk was received at a rate per hundredweight not less than the Class III price for the preceding month; and

(2) For milk received and classified during the month the handler shall pay the cooperative association on or before the 17th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of Class I milk received times the Class I differential price for the month applicable at the transferee plant, plus the pounds of Class I skim milk times the skim milk price for the month;

(ii) The hundredweight of Class II milk received times the Class II differential price for the month;

(iii) The hundredweight of Class III–A milk received times the Class III–A differential price for the month;

(iv) The pounds of butterfat received times the butterfat price for the month;

(v) The pounds of protein received in Class II and Class III milk times the protein price for the month;

(vi) The pounds of other solids received in Class II and Class III milk times the other solids price for the month;

(vii) The hundredweight of Class II and Class III milk received times the somatic cell adjustment; and

(viii) Less any payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a)(2) or (b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and the identity of the producer;

(2) The daily and total pounds for each producer;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The total pounds of other solids contained in the producer's milk;

(6) The somatic cell count of the producer's milk;

(7) The minimum rate or rates which payment to the producer is required pursuant to this order;

(8) The rate that is used in making payment if such rate is other than the applicable minimum rate;

(9) The amount, or the rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(10) The net amount of payment to such producer or cooperative.

* * * * *

10. Sections 1065.74 and 1065.75 are revised to read as follows:

§ 1065.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1065.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price as reported by the Department.

§ 1065.75 Plant location adjustments for producers and on nonpool milk.

(a) The producer price differential for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1065.52.

(b) For purposes of computations pursuant to §§ 1065.71 and 1065.72, the producer price differential shall be adjusted at the rates set forth in § 1065.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted producer price differential shall not be less than zero.

11. Section 1065.76 is amended by removing the reference ''§ 1065.71(a)(2)(ii)'' in paragraph (b)(1)(iii) and adding in its place ''§ 1065.71(a)(2)(v)'' and revising paragraph (a)(4) and the third sentence of paragraph (b)(1)(ii) to read as follows:

§ 1065.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant, with the difference to be not less than zero; and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1065.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.30 is amended by removing paragraph (d) and revising paragraphs (a) and (c) to read as follows:

§ 1068.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1068.9 (a), (b), and (c) shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler; and

(ii) Receipts of milk from handlers described in § 1068.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants;

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1068.40(b)(1);

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to paragraph (a) of this section; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

2. Section 1068.31 is amended by revising paragraph (a) to read as follows:

§ 1068.31 Payroll reports.

(a) On or before the 22nd day of each month, each handler described in § 1068.9 (a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer the information described in § 1068.73(f).

* * * * *

3. Section 1068.50 is amended by revising the section heading, introductory text and paragraph (a), and adding paragraphs (e) through (l) to read as follows:

§ 1068.50 Class and component prices.

Subject to the provisions of § 1068.52, the class prices per hundredweight of milk containing 3.5 percent butterfat and the component prices for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.20.

* * * * *

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month's Class I and Class III prices (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the

difference between the current month's Class II and Class III prices (this price may be negative).

(g) *Class III–A differential price.* The Class III–A differential price shall be the difference between the current month's Class III and Class III–A prices (this price may be negative).

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Other solids price.* Other solids are herein defined as solids-not-fat other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the basic formula price at test less the average butterfat test of the basic formula price as reported by the Department times the butterfat price, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the average other solids test of the basic formula price as reported by the Department. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

(l) *Somatic cell adjustment.* (1) The somatic cell adjustment rate, per 1,000 somatic cells, rounded to five decimal places, shall be computed by multiplying .0005 times the monthly cheddar cheese price as defined in paragraph (j) of this section; and

(2) The somatic cell adjustment per hundredweight shall be determined by subtracting from 350 the somatic cell count (in thousands) of the milk, multiplying the difference by the somatic cell adjustment rate, and rounding to the nearest full cent.

4. Section 1068.53 is revised to read as follows:

§ 1068.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices:

(a) The Class I price for the following month;

(b) The Class II price for the following month;

(c) The Class III price for the preceding month;

(d) The Class III–A price for the preceding month;

(e) The skim milk price for the preceding month;

(f) The butterfat price for the preceding month;

(g) The protein price for the preceding month;

(h) The other solids price for the preceding month;

(i) The somatic cell adjustment rate for the preceding month; and

(j) The butterfat differential for the preceding month.

5. The section heading in § 1068.60 and the undesignated center heading preceding it, the introductory text, and paragraphs (a), (f), and (g) are revised to read as follows:

Producer Price Differential

§ 1068.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler described in § 1068.9 (a), (b), and (c).

(a) The handler's obligation for producer milk shall be computed as follows:

(1) Multiply the total hundredweight of producer milk in Class I as determined pursuant to § 1068.43(a) and § 1068.44(c) by the Class I differential price for the month;

(2) Add an amount obtained by multiplying the total hundredweight of producer milk in Class II as determined pursuant to § 1068.43(a) and § 1068.44(c) by the Class II differential price for the month;

(3) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1068.43(a) and § 1068.44(a) by the skim milk price;

(4) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1068.43(a) and § 1068.44(a) by the average protein content of producer skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price;

(5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1068.43(a) and § 1068.44(a) by the average other solids content of producer skim milk received by the handler, and multiplying the resulting pounds of other solids by the other solids price;

(6) Add an adjustment for somatic cell content determined by multiplying the value reported pursuant to § 1068.30(a)(1) by the percentage of the total producer milk assigned to Class II and Class III pursuant to §§ 1068.43(a) and 1068.44(c); and

(7) Add an amount obtained by multiplying the total hundredweight of producer milk eligible to be priced as Class III–A by the Class III–A differential price for the month;

* * * * *

(f) Add the amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1068.43(e) and § 1068.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(11) and the corresponding steps of § 1068.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(g) Subtract, for a handler described in § 1068.9(c), the amount charged the preceding month for the skim milk and butterfat contained in inventory at the beginning of the month that was delivered to a pool plant during the month;

* * * * *

6. Section 1068.61 is amended by revising the section heading, introductory text, and paragraphs (a) and (e) to read as follows:

§ 1068.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight of milk as follows:

(a) Combine into one total for all handlers:

(1) The estimated values computed pursuant to § 1068.60 (a)(1), (a)(2), (a)(7), and (b) through (j) for all handlers; and

(2) Add the estimated values computed pursuant to § 1068.60 (a)(3), (a)(4), (a)(5), and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and

total pounds of other solids contained in such milk by their respective prices, and the total value of the somatic cell adjustment;

* * * * *

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The result shall be the ''producer price differential'' for milk received from producers.

7. Section 1068.62 is revised to read as follows:

§ 1068.62 Announcement of producer prices.

On or before the 12th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The other solids price;

(d) The butterfat price;

(e) The somatic cell adjustment rate;

(f) The average butterfat, protein and other solids content of producer milk; and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

8. Section 1068.71 is amended by revising paragraph (a) to read as follows:

§ 1068.71 Payments to the producer-settlement fund.

(a) On or before the 16th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1068.60.

(2) The sum of:

(i) The value of such handler's receipts of producer milk and milk received from a handler described in § 1068.9(c). In the case of a handler described in § 1068.9(c), less the amount due from other handlers pursuant to § 1068.73(d). The value of producer milk shall be computed as follows:

(A) An amount obtained by multiplying the total hundredweight of producer milk by the producer price differential as adjusted pursuant to § 1068.75;

(B) An amount obtained by multiplying the total pounds of protein contained in producer milk by the protein price;

(C) An amount obtained by multiplying the total pounds of other solids contained in producer milk by the other solids price; and

(D) The total value of the somatic cell adjustment to producer milk; and

(ii) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1068.60(f) by the producer price differential as adjusted pursuant to § 1068.52 for the location of the plant from which received.

* * * * *

9. Sections 1068.73, 1068.74, and 1068.75 are revised to read as follows:

§ 1068.73 Payments to producers and to cooperative associations.

Each handler shall pay for milk received from producers or cooperative associations as follows:

(a) On or before the 25th day of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the month from a cooperative association:

(1) That is a handler pursuant to § 1068.9(a), at not less than the Class I price for the month at the location of the transferee or transferor plant, whichever is higher, adjusted by the butterfat differential for the preceding month;

(2) That is a handler pursuant to § 1068.9(c), at not less than the statistical uniform price at its plant location for the preceding month, adjusted by the butterfat differential for the preceding month; and

(3) That is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the statistical uniform price at its plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

(b) On or before the 4th day after the end of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the month from a producer for whom payment is not being made pursuant to paragraph (a) of this section and who has not discontinued shipping to such handler, at not less than the statistical uniform price at its plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

(c) On or before the 11th day after the end of the month, each handler shall pay for milk received and classified during the month from a cooperative association which is a handler pursuant to § 1068.9(a) adjusted at the location of the transferee or transferor plant, whichever is higher, payment shall be determined as follows:

(1) The hundredweight of Class I milk received times the Class I differential price for the month plus the pounds of Class I skim milk times the skim milk price for the month;

(2) The hundredweight of Class II milk received times the Class II differential price for the month;

(3) The hundredweight of Class III–A milk received times the Class III–A differential price for the month;

(4) The pounds of butterfat received times the butterfat price for the month;

(5) The pounds of protein received in Class II and Class III milk times the protein price for the month;

(6) The pounds of other solids received in Class II and Class III milk times the other solids price for the month;

(7) The hundredweight of Class II and Class III milk received times the somatic cell adjustment; and

(8) Less any payment made pursuant to paragraph (a)(1) of this section.

(d) On or before the 18th day after the end of the month, each handler shall make payment as described in paragraph (d)(4) of this section to:

(1) A cooperative association that is a handler pursuant to § 1068.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate;

(3) A producer for whom payment is not being made pursuant to paragraphs (d) (1) and (2) of this section; and

(4) Payment shall be determined by:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to § 1068.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Less any payment made pursuant to paragraph (a) or (b) of this section.

(e) In making payments pursuant to paragraphs (a) (2) and (3), (b) and (d) of this section, deductions may be made for marketing services pursuant to § 1068.86 and for any proper deductions authorized by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1068.72 by the 18th day of the month, the handler may reduce pro rata its payments to producers pursuant to paragraph (d) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the

handler shall complete payments to producers not later than the next payment date provided under this section.

(f) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom it received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and producer;

(2) The total pounds of milk received from the producer;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The total pounds of other solids contained in the producer's milk;

(6) The somatic cell count of the producer's milk;

(7) The minimum rate or rates at which payment to the producer is required pursuant to this section;

(8) The rate that is used in making payment if such rate is other than the applicable minimum;

(9) The amount, or the rate per hundredweight, or rate per pound of component, of each deduction claimed by the handler, including any deduction claimed under § 1068.86, together with a description of the respective deductions; and

(10) The net amount of the payment to the producer.

§ 1068.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1068.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price as reported by the Department.

§ 1068.75 Plant location adjustments for producers and on nonpool milk.

(a) The producer price differential for producer milk received at a pool plant or delivered to a nonpool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1068.52.

(b) The producer price differential applicable to other source milk shall be adjusted at the rates set forth in § 1068.52, except that the adjusted producer price differential shall not be less than zero.

10. Section 1068.76 is amended by revising paragraph (a)(4) and the third sentence of paragraph (b)(1)(ii) to read as follows:

§ 1068.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant, with the difference to be not less than zero; and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1068.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

§ 1068.85 [Amended]

11. Section 1068.85 is amended by removing the word ''15th'' in the introductory text and adding in its place ''16th''.

§ 1068.86 [Amended]

12. Section 1068.86 is amended by removing the word ''15th'' in paragraphs (a) and (b) and adding in its place ''16th''.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.30 is amended by removing paragraph (d) and revising paragraphs (a) and (c) to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1076.9(a), (b), and (c) shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler; and

(ii) Receipts of milk from handlers described in § 1076.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants;

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1076.40(b)(1);

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to paragraph (a) of this section; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

2. Section 1076.31 is amended by revising paragraph (a) to read as follows:

§ 1076.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1076.9(a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer the information described in § 1076.73(e).

* * * * *

3. Section 1076.50 is amended by revising the section heading, introductory text and paragraph (a), adding and reserving paragraph (d), and adding paragraphs (e) through (l):

§ 1076.50 Class and component prices.

Subject to the provisions of § 1076.52, the class prices per hundredweight of milk containing 3.5 percent butterfat and the component prices for the month shall be as follows:

(a) *Class I price.* The Class I price for the month per hundredweight of milk containing 3.5 percent butterfat shall be

the basic formula price for the second preceding month plus $1.50.

* * * * *

(d) [Reserved].

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month Class I and Class III prices (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the difference between the current month Class II and Class III prices (this price may be negative).

(g) [Reserved].

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Other solids price.* Other solids are herein defined as solids-not-fat other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the basic formula price at test less the average butterfat test of the basic formula price as reported by the Department times the butterfat price, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the average other solids test of the basic formula price as reported by the Department. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

(l) *Somatic cell adjustment.* (1) The somatic cell adjustment rate, per 1,000 somatic cells, rounded to five decimal places, shall be computed by multiplying .0005 times the monthly Cheddar cheese price as defined in paragraph (j) of this section; and

(2) The somatic cell adjustment, per hundredweight, shall be determined by subtracting from 350 the somatic cell count (in thousands) of the milk, multiplying the difference by the somatic cell adjustment rate, and rounding to the nearest full cent.

4. Section 1076.53 is revised to read as follows:

§ 1076.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices:

(a) The Class I price for the following month;

(b) The Class II price for the following month;

(c) The Class III price for the preceding month;

(d) [Reserved];

(e) The skim milk price for the preceding month;

(f) The butterfat price for the preceding month;

(g) The protein price for the preceding month;

(h) The other solids price for the preceding month;

(i) The somatic cell adjustment rate for the preceding month; and

(j) The butterfat differential for the preceding month.

5. The section heading in § 1076.60 and the undesignated center heading preceding it, the introductory text, and paragraphs (a) and (f) are revised to read as follows:

Producer Price Differential

§ 1076.60 Handler's value of milk.

For the purpose of computing a handler's obligation for milk, the market administrator shall determine for each month the value of milk of each handler described in § 1076.9(a) with respect to each of its pool plants and each handler described in § 1076.9 (b) and (c).

(a) The handler's obligation for producer milk and milk received from a handler described in § 1076.9(c) shall be computed as follows:

(1) Multiply the total hundredweight of milk in Class I as determined pursuant to § 1076.43(a) and § 1076.44(c) by the Class I differential price for the month;

(2) Add an amount obtained by multiplying the total hundredweight of milk in Class II as determined pursuant to § 1076.43(a) and § 1076.44(c) by the Class II differential price for the month;

(3) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1076.43(a) and § 1076.44(a) by the skim milk price;

(4) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1076.43(a) and § 1076.44(a) by the average protein content of the skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price;

(5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1076.43(a) and § 1076.44(a) by the average other solids content of the skim milk received by the handler, and multiplying the resulting pounds of other solids by the other solids price; and

(6) Add an adjustment for somatic cell content determined by multiplying the value reported pursuant to § 1076.30(a)(1) by the percentage of the total producer milk assigned to Class II and Class III pursuant to §§ 1076.43(a) and 1076.44(c);

* * * * *

(f) Add the amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1076.43(d) and § 1076.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1076.44(a)(11) and the corresponding steps of § 1076.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

* * * * *

6. Section 1076.61 is amended by revising the section heading, introductory text, and paragraphs (a) and (e) to read as follows:

§ 1076.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight of milk received from producers as follows:

(a) Combine into one total for all handlers:

(1) The values computed pursuant to § 1076.60 (a)(1), (a)(2), and (b) through (i) for all handlers; and

(2) Add values computed pursuant to § 1076.60(a)(3), (a)(4), (a)(5) and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and total pounds of other solids contained in such milk by their respective prices, and the total value of the somatic cell adjustment;

* * * * *

(e) Subtract not less than 4 cents nor more than 5 cents from the price

computed pursuant to paragraph (d) of this section. The result shall be the ''producer price differential.''

7. Section 1076.62 is revised to read as follows:

§ 1076.62 Announcement of producer prices.

On or before the 12th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The other solids price;

(d) The butterfat price;

(e) The somatic cell adjustment rate;

(f) The average butterfat, protein and other solids content of producer milk and milk received from a handler described in § 1076.9(c); and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

8. Section 1076.71 is amended by revising paragraph (a)(2) to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) * * *

(2) The sum of:

(i) An amount obtained by multiplying the total hundredweight of producer milk and milk received from a handler described in § 1076.9(c) by the producer price differential as adjusted pursuant to § 1076.75;

(ii) An amount obtained by multiplying the total pounds of protein contained in producer milk and milk received from a handler described in § 1076.9(c) by the protein price;

(iii) An amount obtained by multiplying the total pounds of other solids contained in producer milk and milk received from a handler described in § 1076.9(c) by the other solids price;

(iv) The total value of the somatic cell adjustment to producer milk and milk received from handlers described in § 1076.9(c); and

(v) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1076.60(f) by the producer price differential as adjusted pursuant to § 1076.52 for the location of the plant from which received.

* * * * *

§ 1076.72 [Amended]

9. Section 1076.72 is amended by removing the last sentence.

10. Section 1076.73 is amended by revising paragraphs (a), (c), (d) and (e) to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for milk received from producers for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of the month, payment for producer milk received during such month shall not be less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to § 1076.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer;

(viii) Less deductions for marketing services pursuant to § 1076.86; and

(ix) If by such date the handler has not received full payment from the market administrator pursuant to § 1076.72 for such month, it may reduce pro rata its payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to paragraph (a) of this section next following receipt of the balance due from the market administrator.

* * * * *

(c) Each handler shall pay a cooperative association for milk received by the handler from a cooperative association acting as a handler described in § 1076.9(c) as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 28th day of the month during which the milk was received at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1076.62(g) for the preceding month; and

(2) For milk received during the month the handler shall pay the cooperative association on or before the 15th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of milk received times the producer price differential applicable at the location of the receiving handler's plant;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Less any payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from pool plant(s) operated by the cooperative association as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the 28th day of the month during which the milk was received at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1076.62(g) adjusted by the butterfat differential, both for the preceding month; and

(2) For milk received and classified during the month the handler shall pay the cooperative association on or before the 15th day after the end of the month during which the milk was received, as follows:

(i) The hundredweight of Class I milk received times the Class I differential price for the month applicable at the transferee plant, plus the pounds of Class I skim milk times the skim milk price for the month;

(ii) The hundredweight of Class II milk received times the Class II differential price for the month;

(iii) [Reserved];

(iv) The pounds of butterfat received times the butterfat price for the month;

(v) The pounds of protein received in Class II and Class III milk times the protein price for the month;

(vi) The pounds of other solids received in Class II and Class III milk times the other solids price for the month;

(vii) The hundredweight of Class II and Class III milk received times the somatic cell adjustment; and

(viii) Less any payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a)(2) or

(b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and the identity of the producer;

(2) The daily and total pounds for each producer;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The total pounds of other solids contained in the producer's milk;

(6) The somatic cell count of the producer's milk;

(7) The minimum rate or rates which payment to the producer is required pursuant to this order;

(8) The rate that is used in making payment if such rate is other than the applicable minimum rate;

(9) The amount, or the rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(10) The net amount of payment to such producer or cooperative.

11. Sections 1076.74 and 1076.75 are revised to read as follows:

§ 1076.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1076.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price as reported by the Department.

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The producer price differential for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

(b) For the purpose of computations pursuant to §§ 1076.71 and 1076.72 the producer price differential shall be adjusted at the rates set forth in § 1076.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted producer price differential shall not be less than zero.

12. Section 1076.76 is amended by removing the reference ''§ 1076.71(a)(2)(ii)'' in paragraph (b)(1)(iii) and adding in its place ''§ 1076.71(a)(2)(v)'' and revising paragraphs (a)(4) and the last sentence of (b)(1)(ii) to read as follows:

§ 1076.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both price to be applicable at the location of the partially regulated distributing plant, with the difference to be not less than zero; and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1076.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.30 is amended by removing paragraph (d) and revising paragraphs (a) and (c) to read as follows:

§ 1079.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1079.9 (a), (b), and (c) shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler; and

(ii) Receipts of milk from handlers described in § 1079.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants;

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1079.40(b)(1);

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to paragraph (a) of this section; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

2. Section 1079.31 is amended by revising paragraph (a) to read as follows:

§ 1079.31 Payroll reports.

(a) On or before the 22nd day after the end of each month, each handler described in § 1079.9 (a), (b), or (c) shall report to the market administrator its producer payroll for such month in the detail prescribed by the market administrator, showing for each producer the information described in § 1079.73(e).

* * * * *

3. Section 1079.50 is amended by revising the section heading, introductory text and paragraph (a), and adding paragraphs (e) through (l) to read as follows:

§ 1079.50 Class and component prices.

Subject to the provisions of § 1079.52, the class prices per hundredweight of milk containing 3.5 percent butterfat and the component prices for the month shall be as follows:

(a) *Class I price.* The Class I price for the month per hundredweight of milk containing 3.5 percent butterfat shall be the basic formula price for the second preceding month plus $1.55.

* * * * *

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month Class I and Class III prices (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the difference between the current month Class II and Class III prices (this price may be negative).

(g) *Class III–A differential price.* The Class III–A differential price shall be the

difference between the current month's Class III and Class III–A prices (this price may be negative).

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Other solids price.* Other solids are herein defined as solids not fat other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the basic formula price at test less the average butterfat test of the basic formula price as reported by the Department times the butterfat price, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the average other solids test of the basic formula price as reported by the Department. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

(l) *Somatic cell adjustment.* (1) The somatic cell adjustment rate, per 1,000 somatic cells, rounded to five decimal places, shall be computed by multiplying .0005 times the monthly cheddar cheese price as defined in paragraph (j) of this section; and

(2) The somatic cell adjustment, per hundredweight, shall be determined by subtracting from 350 the somatic cell count (in thousands) of the milk, multiplying the difference by the somatic cell adjustment rate, and rounding to the nearest full cent.

4. Section 1079.53 is revised to read as follows:

§ 1079.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices:

(a) The Class I price for the following month;

(b) The Class II price for the following month;

(c) The Class III price for the preceding month;

(d) The Class III–A price for the preceding month;

(e) The skim milk price for the preceding month;

(f) The butterfat price for the preceding month;

(g) The protein price for the preceding month;

(h) The other solids price for the preceding month;

(i) The somatic cell adjustment rate for the preceding month; and

(j) The butterfat differential for the preceding month.

5. The section heading in § 1079.60 and the undesignated center heading preceding it, the introductory text, and paragraphs (a), (f), and (g) are revised to read as follows:

Producer Price Differential

§ 1079.60 Handler's value of milk.

For the purpose of computing a handler's obligation for milk the market administrator shall determine for each month the value of milk of each handler described in § 1079.9(a) with respect to each of its pool plants, and each handler described in § 1079.9 (b) and (c).

(a) The handler's obligation for producer milk and milk received from a handler described in § 1079.9(c) shall be computed as follows:

(1) Multiply the total hundredweight of milk in Class I as determined pursuant to § 1079.43(a) and § 1079.44(c) by the Class I differential price for the month;

(2) Add an amount obtained by multiplying the total hundredweight of milk in Class II as determined pursuant to § 1079.43(a) and § 1079.44(c) by the Class II differential price for the month;

(3) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1079.43(a) and § 1079.44(a) by the skim milk price;

(4) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1079.43(a) and § 1079.44(a) by the average protein content of the skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price;

(5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1079.43(a) and § 1079.44(a) by the average other solids content of the skim milk received by the handler, and multiplying the resulting pounds of other solids by the other solids price;

(6) Add an adjustment for somatic cell content determined by multiplying the value reported pursuant to § 1079.30(a)(1) by the percentage of the total producer milk assigned to Class II and Class III pursuant to §§ 1079.43(a) and 1079.44(c); and

(7) Add an amount obtained by multiplying the total hundredweight of producer milk eligible to be priced as Class III–A by the Class III–A differential price for the month;

* * * * *

(f) Add the amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1079.43(d) and § 1079.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(11) and the corresponding steps of § 1079.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(g) Subtract for a handler described in § 1079.9(c) the amount charged the preceding month for the skim milk and butterfat contained in inventory at the beginning of the month that was delivered to a pool plant during the month;

* * * * *

6. Section 1079.61 is amended by revising the section heading, introductory text, and paragraphs (a) and (e) to read as follows:

§ 1079.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight for Zone 1. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1079.71 for the preceding month shall not be included in the computation of the producer price differential. The report of such handler shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total for all handlers:

(1) The values computed pursuant to § 1079.60 (a)(1), (a)(2), (a)(7), and (b) through (j) for all handlers; and

(2) Add values computed pursuant to § 1079.60 (a)(3), (a)(4), (a)(5) and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and total pounds of other solids contained in such milk by their respective prices, and the total value of somatic cell adjustments;

* * * * *

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The result shall be known as the ''producer price differential.''

7. Section 1079.62 is revised to read as follows:

§ 1079.62 Announcement of producer prices.

On or before the 12th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The other solids price;

(d) The butterfat price;

(e) The somatic cell adjustment rate;

(f) The average butterfat, protein and other solids content of producer milk and milk received from a handler described in § 1079.9(c); and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

8. Section 1079.71 is amended by revising paragraph (a)(2) and adding and reserving paragraph (b) to read as follows:

§ 1079.71 Payments to the producer-settlement fund.

(a) * * *

(2) The sum of:

(i) An amount obtained by multiplying the total hundredweight of producer milk and milk received from a handler described in § 1079.9(c) by the producer price differential as adjusted by § 1079.75. In the case of a handler described in § 1079.9(c), less the amount due from handlers pursuant to § 1079.73;

(ii) An amount obtained by multiplying the total pounds of protein contained in producer milk and milk received from a handler described in § 1079.9(c) by the protein price;

(iii) An amount obtained by multiplying the total pounds of other solids contained in producer milk and milk received from a handler described in § 1079.9(c) by the other solids price;

(iv) The total value of the somatic cell adjustment to producer milk and milk received from handlers described in § 1079.9(c); and

(v) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1079.60(f) by the producer price differential as adjusted pursuant to § 1079.52 for the location of the plant from which received.

(b) [Reserved].

9. Sections 1079.73, 1079.74 and 1079.75 are revised to read as follows:

§ 1079.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for which payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1079.62(g) for the preceding month and adjusted pursuant to § 1079.75, less proper deductions authorized in writing by such producer; and

(2) On or before the 18th day after the end of the month, payment for producer milk received during such month shall not be less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential adjusted pursuant to § 1079.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper authorized deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments made to such producer;

(viii) Less deductions for marketing services pursuant to § 1079.86; and

(ix) If by such date the handler has not received full payment from the market administrator pursuant to § 1079.72 for such month, it may reduce pro rata its payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to paragraph (a) of this section next following receipt of the balance due from the market administrator.

(b) Each handler shall pay a cooperative association as follows for milk received from producers if the cooperative association has filed a written request for payment with the handler and if the market administrator has determined that such cooperative association is authorized to collect payment:

(1) On or before the last day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section, less any deductions authorized in writing by such cooperative association; and

(2) On or before the 18th day after the end of each month an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section, less proper deductions authorized in writing by such cooperative association.

(c) Each handler shall pay a cooperative association for milk received by the handler from a cooperative association acting as a handler described in § 1079.9(c) as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the last day of the month during which the milk was received at a rate per hundredweight not less than the statistical uniform price computed pursuant to § 1079.62(g), applicable at the location of the receiving handler's plant, for the preceding month; and

(2) For milk received during the month the handler shall pay the cooperative association on or before the 18th day after the end of the month during which the milk was received as follows:

(i) The hundredweight of milk received times the producer price differential applicable at the location of the receiving handler's plant;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Less any payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from pool plant(s) operated by a cooperative association as follows:

(1) For milk received during the first 15 days of the month, the handler shall pay the cooperative association on or before the last day of the month during which the milk was received at a rate per hundredweight not less than the statistical uniform price applicable at the transferee plant as computed pursuant to § 1079.62(g) and adjusted by the butterfat differential, both for the preceding month; and

(2) For milk received and classified during the month the handler shall pay the cooperative association on or before the 18th day after the end of the month during which the milk was received, as follows:

(i) The hundredweight of Class I milk received times the Class I differential price for the month applicable at the transferee plant, plus the pounds of Class I skim milk times the skim milk price for the month;

(ii) The hundredweight of Class II milk received times the Class II differential price for the month;

(iii) The hundredweight of Class III–A milk received times the Class III–A differential price for the month;

(iv) The pounds of butterfat received times the butterfat price for the month;

(v) The pounds of protein received in Class II and Class III milk times the protein price for the month;

(vi) The pounds of other solids received in Class II and Class III milk times the other solids price for the month;

(vii) The hundredweight of Class II and Class III milk received times the somatic cell adjustment; and

(viii) Less any payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraph (a)(2) or (b)(2) of this section, each handler shall furnish each producer or cooperative association to whom such payment is made a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and the identity of the producer;

(2) The daily and total pounds for each producer;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The total pounds of other solids contained in the producer's milk;

(6) The somatic cell count of the producer's milk;

(7) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(8) The rate that is used in making payment if such rate is other than the applicable minimum rate;

(9) The amount, rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(10) The net amount of payment to such producer or cooperative.

§ 1079.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1079.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price as reported by the Department.

§ 1079.75 Plant location adjustments for producers and on nonpool milk.

(a) The producer price differential for producer milk pursuant to § 1079.61 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.71 and 1079.72 the producer price differential shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted producer price differential shall not be less than zero.

10. Section 1079.76 is amended by removing the reference ''§ 1079.71(a)(2)(ii)'' in paragraph (b)(1)(iii) and adding in its place ''§ 1079.71(a)(2)(v)'' and revising paragraph (a)(4) and the last sentence of paragraph (b)(1)(ii) to read as follows:

§ 1079.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant, with the difference to be not less than zero; and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1079.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

Dated: October 23, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–26894 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–02–P

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AD91

Tobacco; Tobacco Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to adopt, without change, the interim rule published in the Federal Register on May 1, 1995, (60 FR 21036). The interim rule amended the regulations to require that persons seeking tobacco price support must be in compliance with the crop insurance requirements implemented by the Federal Crop Insurance Corporation (FCIC). The crop insurance requirement is mandated amendments to the Federal Crop Insurance Act (FCIA) enacted in the Federal Crop Insurance Reform Act of 1994 (''1994 Act'').

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Gary W. Wheeler, Tobacco Marketing Specialist, United States Department of Agriculture, Consolidated Farm Service Agency, P.O. Box 2415, Washington, D.C., 20013–2415, telephone 202–720–7562.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore,

has not been reviewed by Office of Management and Budget (OMB).

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V published at 48 FR 2915 (June 24, 1983).

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this final rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR Part 1464, the administrative appeal provisions set forth at 7 CFR Part 780 must be exhausted.

Paperwork Reduction Act

This final rule does not change the Consolidated Farm Service Agency information collection requirements that have been approved by OMB and assigned control number 0560–0058. FCIC information collection requirements for 0563–0003 have been modified and approved by OMB to reflect the program requirements imposed by the Federal Crop Insurance Reform Act of 1994.

Background and Discussion

Section 106 of the 1994 Act amended Section 508 of the FCIA (7 USC 1501 *et seq*.) to provide in 508 (b)(7) that individuals and entities will not be eligible for any price support or production adjustment program, the Conservation Reserve Program, or any benefit described in section 371 of the Consolidated Farm and Rural Development Act, unless that person or entity obtains at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop. Section 508 (b)(7) specifies that the term ''crop of economic significance'' means a crop that has contributed, or is expected to contribute 10 percent or more of the total expected value of all crops grown by the producer.

Other provisions of Section 508 govern the establishment of catastrophic insurance by the FCIC and rules governing these requirements have been codified in 7 CFR Parts 400 and 402. Consequently, the aforementioned May 1, 1995, amended the tobacco program regulations in 7 CFR part 1464 to incorporate the requirements of the 1994 Act by reference to 7 CFR parts 400 and 402. No comments were received and it has been determined that the interim rule should be made final.

Accordingly, the interim rule published in the Federal Register (60 FR 21036, May 1, 1995) amending 7 CFR part 1464 is adopted as final without change.

Signed at Washington, D.C., on November 7, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–28047 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

[INS No. 1682–94]

RIN 1115–AD72

Implementation of Field Office Structure Within the Immigration and Naturalization Service

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule updates existing Immigration and Naturalization Service (Service) field office structure due to the reorganization effective January 14, 1994. This regulation, which reflects the division of the Service into regions, districts, suboffices, and border patrol sectors, is necessary to ensure that the public has current and accurate up-to-date information on field office structures.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Taylor, Program Analyst, Office of Policy and Planning, Immigration and Naturalization Service, 425 I Street, NW., Room 6052, Washington, DC 20536, telephone (202) 514–3242.

SUPPLEMENTARY INFORMATION: The reorganization of the Immigration and Naturalization Service was approved by Attorney General Reno on January 14, 1994. The reorganization: (a) Created a clearer sense of mission by consolidating the Service's major functions and programs; (b) decentralized decision-making authority and delegated authority to persons geographically closer to the locations where work is being performed; (c) empowered field operational units to improve the delivery of services to customers; (d) reengineered major processes, such as those which develop and disseminate organizational policy and guidelines, and which are outdated approaches to handing records and information; and (e) developed a capability and commitment to plan for the future, set customer service standards, and established quantitative performance measures to enable the Service to evaluate its programs and service delivery.

The Service performs its functions through an extensive network of sites, located in proximity to the customers it serves and the locations where enforcement presence is most needed. The Nation is divided into three regions, each headed by a Regional Director, who directs all aspects of the Service's field operations within his/her assigned geographic areas of activity relating to the administration of immigration laws. The Regional Directors direct and supervise Regional operations staff, District Directors, and Chief Patrol Agents. There are 33 domestic Districts (consisting of Suboffices and Ports-of-Entry) allotted among the three Regions, each headed by a District Director reporting to a Regional Director. In addition, there are three overseas Districts (consisting of Suboffices) which report to the Director, International Affairs. As constituent elements of a field organization, domestic Districts represent the direct operating level of the Service's structure and have been delegated authority for the execution of program operations. Overseas Districts, reporting directly to national Headquarters, perform analogous program functions for immigration matters arising within their geographic areas of jurisdiction. There are 21 Border Patrol Sectors (consisting of Stations), within the three regions, each directed by a Chief Patrol Agent reporting to a Regional Director. The primary mission of the Border Patrol is

to control the national border; prevent illegal entry; apprehend and remove aliens who enter illegally; and prevent alien smuggling. Secondarily, the Border Patrol is responsible for the ancillary mission of interdicting illegal narcotics and contraband while conducting operations in support of its primary mission.

The Service's implementation of this rule as a final rule is based upon the exception found at 5 U.S.C. 553(b)(3)(B) and (d). This rule relates to agency management.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605 (b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. This regulation deals with an internal reorganization within the Service, as discussed in the Supplemental section of this document.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''nonsignificant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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

List of Subjects in 8 CFR Part 100

Organizations and functions (Government agencies).

Accordingly, part 100 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. The authority citation for part 100 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 CFR part 2.

2. Section 100.4 is revised to read as follows:

§ 100.4 Field Offices.

The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and border patrol sectors as follows:

(a) *Regional Offices.* The Eastern Regional Office, located in Burlington, Vermont, has jurisdiction over districts 2, 3, 4, 5, 6, 7, 8, 21, 22, 24, 25, 26, 27, and 28; border patrol sectors 1, 2, 3, 4, 5, 20, and 21. The Central Regional Office, located in Dallas, Texas, has jurisdiction over districts 9, 10, 11, 14, 15, 19, 20, 29, 30, 38, and 40; border patrol sectors 6, 7, 15, 16, 17, 18, and 19. The Western Regional Office, located in Laguna Niguel, California, has jurisdiction over districts 12, 13, 16, 17, 18, 31, 32, and 39; and border patrol sectors 8, 9, 10, 11, 12, 13, and 14.

(b) *District Offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

(1) [Reserved].

(2) *Boston, Massachusetts.* The district office in Boston, Massachusetts, has jurisdiction over the States of Connecticut, New Hampshire (except the Port-of-Entry at Pittsburg, New Hampshire), Massachusetts, and Rhode Island.

(3) *New York City, New York.* The district office in New York City, New York, has jurisdiction over the following counties in the State of New York; Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; also, over the United States immigration office located in Hamilton, Bermuda.

(4) *Philadelphia, Pennsylvania.* The district office in Philadelphia, Pennsylvania, has jurisdiction over the States of Pennsylvania, Delaware, and West Virginia.

(5) *Baltimore, Maryland.* The district office in Baltimore, Maryland, has jurisdiction over the State of Maryland, except Andrews Air Force Base Port-of-Entry.

(6) *Miami, Florida.* The district office in Miami, Florida, has jurisdiction over the State of Florida, and the United States immigration offices located in Freeport and Nassau, Bahamas.

(7) *Buffalo, New York.* The district office in Buffalo, New York, has jurisdiction over the State of New York except the part within the jurisdiction of District No. 3; also, over the United States immigration office at Toronto, Ontario, Canada; and the office located at Montreal, Quebec, Canada.

(8) *Detroit, Michigan.* The district office in Detroit, Michigan, has jurisdiction over the State of Michigan.

(9) *Chicago, Illinois.* The district office in Chicago, Illinois, has jurisdiction over the States of Illinois, Indiana, and Wisconsin.

(10) *St. Paul, Minnesota.* The district office located in Bloomington, Minnesota, has jurisdiction over the States of Minnesota, North Dakota, and South Dakota; also, over the United States immigration office in the Province of Manitoba, Canada.

(11) *Kansas City, Missouri.* The district office in Kansas City, Missouri, has jurisdiction over the States of Kansas and Missouri.

(12) *Seattle, Washington.* The district office in Seattle, Washington, has jurisdiction over the State of Washington and over the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; also, over the United States immigration offices located in the Province of British Columbia, Canada.

(13) *San Francisco, California.* The district office in San Francisco, California, has jurisdiction over the following counties in the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

(14) *San Antonio, Texas.* The district office in San Antonio, Texas, has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brown, Burleson, Burnet, Caldwell, Calhoun, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmitt, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Irion, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Sterling, Sutton, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wilson, Zapata, Zavala.

(15) *El Paso, Texas.* The district office in El Paso, Texas, has jurisdiction over the State of New Mexico, and the following counties in Texas: Brewster,

Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.

(16) *Los Angeles, California.* The district office in Los Angeles, California, has jurisdiction over the following counties in the State of California: Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

(17) *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii, the Territory of Guam, and the Commonwealth of the Northern Mariana Islands.

(18) *Phoenix, Arizona.* The district office in Phoenix, Arizona, has jurisdiction over the States of Arizona and Nevada.

(19) *Denver, Colorado.* The district office in Denver, Colorado, has jurisdiction over the States of Colorado, Utah, and Wyoming.

(20) *Dallas, Texas.* The district office in Dallas, Texas, has jurisdiction over the State of Oklahoma, and the following counties in the State of Texas: Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collingsworth, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harison, Hartley, Haskett, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Limestone, Lipscomb, Lubbock, Lynn, Marion, Martin, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Ranall, Red River, Roberts, Rockwall, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Wheeler, Wichita, Willbarger, Wise, Wood, Yoakum, and Young.

(21) *Newark, New Jersey.* The district office in Newark, New Jersey, has jurisdiction over the State of New Jersey.

(22) *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the States of Maine, Vermont, and the Port-of-Entry at Pittsburg, New Hampshire.

(23) [Reserved].

(24) *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the State of Ohio.

(25) *Washington, DC.* The district office located in Arlington, Virginia, has jurisdiction over the District of Columbia, the State of Virginia, and the Port-of-Entry at Andrews Air Force Base, Maryland.

(26) *Atlanta, Georgia.* The district office of Atlanta, Georgia, has jurisdiction over the States of Georgia, North Carolina, South Carolina, and Alabama.

(27) *San Juan, Puerto Rico.* The district office in San Juan, Puerto Rico, has jurisdiction over the Commonwealth of Puerto Rico, and the Virgin Islands of the United States and Great Britain.

(28) *New Orleans, Louisiana.* The district office in New Orleans, Louisiana, has jurisdiction over the States of Louisiana, Arkansas, Mississippi, Tennessee, and Kentucky.

(29) *Omaha, Nebraska.* The district office in Omaha, Nebraska, has jurisdiction over the States of Iowa and Nebraska.

(30) *Helena, Montana.* The district office in Helena, Montana, has jurisdiction over the State of Montana and over the following counties in the State of Idaho: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; also, over the United States immigration offices located in Calgary and Edmonton, Alberta, Canada.

(31) *Portland, Oregon.* The district office in Portland, Oregon, has jurisdiction over the State of Oregon.

(32) *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

(33) *Bangkok, Thailand.* The district office in Bangkok has jurisdiction over Hong Kong, B.C.C. and adjacent islands, Taiwan, the Philippines, Australia, New Zealand; all the continental Asia lying to the east of the western border of Afghanistan and eastern borders of Pakistan and India; Japan, Korea, Okinawa, and all other countries in the Pacific area.

(34) [Reserved].

(35) *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico, Central America, South America, Caribbean Islands, and Santo Domingo, Dominican Republic, except for those specifically delegated to the districts of Miami, Florida, and San Juan, Puerto Rico.

(36) [Reserved].

(37) *Rome, Italy.* The district office in Rome, Italy, has jurisdiction over Europe; Africa; the countries of Asia lying to the west and north of the western and northern borders, respectively, of Afghanistan, People's Republic of China, and Mongolian People's Republic; plus the countries of India and Pakistan.

(38) *Houston, Texas.* The district office in Houston, Texas, has jurisdiction over the following counties in the State of Texas: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

(39) *San Diego, California.* The district office in San Diego, California, has jurisdiction over the following counties in the State of California: Imperial and San Diego.

(40) *Harlingen, Texas.* The district office in Harlingen, Texas, has jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr, and Willacy.

(c) *Suboffices.* The following offices, in addition to the facilities maintained at Class A Ports-of-Entry listed in paragraph (c)(2) of this section, indicated by asterisk, are designated as suboffices:

(1) *Interior locations.*

Agana, Guam
Albany, NY
Albuquerque, NM
Charlotte, NC
Charlotte Amalie, St. Thomas, VI
Cincinnati, OH
Fresno, CA
Hartford, CT
Indianapolis, IN
Jacksonville, FL
Las Vegas, NV
Louisville, KY
Memphis, TN
Milwaukee, WI
Norfolk, VA
Oklahoma City, OK
Orlando, FL
Pittsburgh, PA
Providence, RI
Reno, NV
Sacramento, CA
Salt Lake City, UT
San Jose, CA
Spokane, WA
St. Albans, VT
St. Louis, MO
Tampa, FL
Tucson, AZ

(2) *Ports-of-Entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this paragraph, the following places are hereby designated as Ports-of-Entry for aliens arriving by any means of travel other than aircraft. The designation of such a Port-of-Entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, B, or C. Class A means that the port is a designated Port-of-Entry for all aliens. Class B means that the port is a designated Port-of-Entry for aliens who at the time of applying for admission are lawfully in possession of valid alien registration receipt cards or valid non-resident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in part 212 of this chapter. Class C means that the port is a designated Port-of-Entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101(a)(10) of the Act with respect to vessels.

District No. 1—[Reserved]

District No. 2—Boston, Massachusetts

Class A

Boston, MA (the port of Boston includes, among others, the port facilities at Beverly, Braintree, Chelsea, Everett, Hingham, Lynn, Manchester, Marblehead, Milton, Quincy, Revere, Salem, Saugus, and Weymouth, MA)
Gloucester, MA
Hartford, CT (the port at Hartford includes, among others, the port facilities at Bridgeport, Groton, New Haven, and New London, CT)
Providence, RI (the port of Providence includes, among others, the port facilities at Davisville, Melville, Newport, Portsmouth, Quonset Point, Saunderstown, Tiverton, and Warwick, RI; and at Fall River, New Bedford, and Somerset, MA)

Class C

Newburyport, MA
Plymouth, MA
Portsmouth, NH
Provincetown, MA
Sandwich, MA
Woods Hole, MA

District No. 3—New York, New York

Class A

New York, NY (the port of New York includes, among others, the port facilities at Bronx, Brooklyn, Buchanan, Manhattan, Montauk, Northport, Port Jefferson, Queens, Riverhead, Poughkeepsie, the Stapleton Anchorage-Staten Island, Staten Island, Stoney Point, and Yonkers, NY, as well as the East Side Passenger Terminal in Manhattan)

District No. 4—Philadelphia, Pennsylvania

Class A

Erie Seaport, PA
Philadelphia, PA (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, DE; and at Chester, Essington, Fort Mifflin, Marcus Hook, and Morrisville, PA)
Pittsburgh, PA

District No. 5—Baltimore, Maryland

Class A

Baltimore, MD
Patuxent River, MD

Class C

Piney Point, MD
Salisbury, MD

District No. 6—Miami, Florida

Class A

Boca Grande, FL
Fernandina, FL
Fort Lauderdale/Port Everglades, FL, Seaport
Fort Pierce, FL
*Jacksonville, FL
Key West, FL
Miami Marine Unit, FL
Panama City, FL
Pensacola, FL
Port Canaveral, FL
St. Augustine, FL
St. Petersburg, FL
*Tampa, FL (includes Fort Myers)
West Palm Beach, FL

Class C

Manatee, FL
Port Dania, FL
Port St. Joe, FL

District No. 7—Buffalo, New York

Class A

Albany, NY
Alexandria Bay, NY
Buffalo, NY
Cape Vincent, NY
Champlain, NY
Chateaugay, NY
Ft. Covington, NY
Massena, NY
Mooers, NY
Niagara Falls, NY (the port of Niagara Falls includes, among others, the port facilities at Lewiston Bridge, Rainbow Bridge, and Whirlpool Bridge, NY)
Ogdensburg, NY
Peace Bridge, NY
Rochester, NY
Rouses Point, NY
Thousand Islands Bridge, NY
Trout River, NY

Class B

Cannons Corner, NY
Churubusco, NY
Jamison's Line, NY

Class C

Oswego, NY

District No. 8—Detroit, Michigan

Class A

Algonac, MI
Detroit, MI, Detroit and Canada Tunnel
Detroit, MI, Detroit International Bridge (Ambassador Bridge)
Grosse Isle, MI
Isle Royale, MI
Marine City, MI
Port Huron, MI
Sault Ste. Marie, MI

Class B

Alpena, MI
Detour, MI
Grand Rapids, MI
Mackinac Island, MI
Rogers City, MI

Class C

Alpena, MI
Baraga, MI
Bay City, MI
Cheboygan, MI
Detour, MI
Escanaba, MI
Grand Haven, MI
Holland, MI
Houghton, MI
Ludington, MI
Mackinac Island, MI
Manistee, MI
Marquette, MI
Menominee, MI
Monroe, MI
Munising, MI
Muskegon, MI
Pontiac, MI
Port Dolomite, MI
Port Inland, MI
Rogers City (Calcite), MI
Saginaw, MI
South Haven, MI

District No. 9—Chicago, Illinois

Class A

Algoma, WI
Bayfield, WI
Chicago, IL
Green Bay, WI
*Milwaukee, WI

Class C

Ashland, WI
East Chicago, IL
Gary, IN
Kenosha, WI
Manitowoc, WI
Marinette, WI
Michigan City, IN
Racine, WI
Sheboygan, WI
Sturgeon Bay, WI

District No. 10—St. Paul, Minnesota

Class A

Ambrose, ND
Antler, ND
Baudette, MN
Carbury, ND
Duluth, MN (the port of Duluth includes, among others, the port facilities at Superior, WI)
Dunseith, ND
Ely, MN
Fortuna, ND

Grand Portage, MN
Hannah, ND
Hansboro, ND
International Falls, MN
Lancaster, MN
Maida, ND
Neche, ND
Noonan, ND
Northgate, ND
Noyes, MN
Pembina, ND
Pine Creek, MN
Portal, ND
Ranier, MN
Roseau, MN
Sarles, ND
Sherwood, ND
St. John, ND
Walhalla, ND
Warroad, MN
Westhope, ND

Class B

Crane Lake, MN
Oak Island, MN

Class C

Grand Marais, MN
Silver Bay, MN
Taconite Harbor, MN
Two Harbors, MN

District No. 11—Kansas City, Missouri

Class A

Kansas City, MO

Class B

Wichita, KS

District No. 12—Seattle, Washington

Class A

Aberdeen, WA (the port of Aberdeen includes, among others, the port facilities at Raymond and South Bend, WA)
Anacortes, WA
Bellingham, WA
Blaine-Pacific Highway, WA
Blaine-Peach Arch, WA
Boundary, WA
Colville, WA
Danville, WA
Eastport, ID
Ferry, WA
Friday Harbor, WA (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, WA)
Frontier, WA
Kalama, WA
Laurier, WA
Longview, WA
Lynden, WA
Metaline Falls, WA
Neah Bay, WA
Olympia, WA
Oroville, WA
Point Roberts, WA
Port Angeles, WA
Port Townsend, WA
Porthill, WA
Seattle, WA (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kennydale, Keyport, Kingston, Manchester, Mukilteo, Orchard Point, Point Wells, Port Gamble, Port Ludlow, Port Orchard, Poulsbo, Shuffleton, and Winslow, WA)
Sumas, WA
Tacoma, WA (the port of Tacoma includes, among others, the port facilities at Dupont, WA)
Vancouver, WA
Yakima, WA

Class B

Nighthawk, WA

District No. 13—San Francisco, California

Class A

San Francisco, CA (the port of San Francisco includes, among others, the port facilities at Antioch, Benicia, Martinez, Oakland, Pittsburgh, Port Chicago Concord Naval Weapon Station, Redwood City, Richmond, Sacramento, San Pablo Bay, and Stockton, CA)

Class C

Eureka, CA

District No. 14—San Antonio, Texas

Class A

Amistad Dam, TX
Corpus Christi, TX (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingeleside, and Port Lavaca-Point Comfort, TX)
Del Rio, TX
Eagle Pass, TX
Laredo, TX (the port of Laredo includes, among others, the port facilities at Colombia Bridge, Convent Bridge, and Lincoln-Juarez Bridge, TX)

District No. 15—El Paso, Texas

Class A

Columbus, NM
El Paso, TX (the port of El Paso includes, among others, the port facilities at Bridge of the Americas, Paso Del Norte Bridge, and Ysleta Bridge, TX)
Fabens, TX
Fort Hancock, TX
Presidio, TX
Santa Teresa, NM

District No. 16—Los Angeles, California

Class A

Los Angeles, CA (the port of Los Angeles includes, among others, the port facilities at Long Beach, Ontario, Port Hueneme, San Pedro, and Ventura, CA)
San Luis Obispo, CA (the port of San Luis Obispo includes, among others, the port facilities at Avila, Estero Bay, El Capitan, Elwood, Gaviota, Morro Bay, and Santa Barbara, CA)

District No. 17—Honolulu, Hawaii

Class A

*Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam)
Honolulu, HI, Seaport (including all port facilities on the Island of Oahu)

Class C

Hilo, HI
Kahului, HI, Kahului Harbor
Nawiliwilli, HI, Nawiliwilli Harbor
Port Allen, HI, Port Allen Harbor

District No. 18—Phoenix, Arizona

Class A

Douglas, AZ
Lukeville, AZ
Mariposa, AZ
Morley Gate, AZ
Naco, AZ
Nogales, AZ
Sasabe, AZ
San Luis, AZ

District No. 19—Denver, Colorado

Class A

Denver, CO
Grand Junction, CO
Pueblo, CO
Salt Lake City, UT

District No. 20—[Reserved]

District No. 21—Newark, New Jersey

Class A

Camden, NJ (the port of Camden includes, among others, the port facilities at Artificial Island, Billingsport, Burlington, Cape May, Deepwater Point, Fisher's Point, Gibbstown, Gloucester City, Paulsboro, Salem, and Trenton, NJ)
Newark, NJ (the port of Newark includes, among others, the port facilities at Bayonne, Carteret, Edgewater, Elizabeth, Jersey City, Leonardo, Linden, Perth Amboy, Port Newark, and Sewaren, NJ)

District No. 22—Portland, Maine

Class A

Alburg, VT
Alburg Springs, VT
Bangor, ME (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, ME)
Beebe Plain, VT
Beecher Falls, VT
Bridgewater, ME
Calais, ME (includes Ferry Point and Milltown Bridges)
Canaan, VT
Coburn Gore, ME
Derby Line, VT
Eastport, ME
East Richford, VT
Fort Fairfield, ME
Fort Kent, ME
Hamlin, ME
Highgate Springs, VT
Houlton, ME
Jackman, ME
Limestone, ME
Lubec, ME
Madawaska, ME
Morses Line, VT
North Troy, VT
Norton, VT
Pittsburgh, NH
Portland, ME
Richford, VT (includes the Pinnacle Port-of-Entry)
* St. Albans, VT
Van Buren, ME
Vanceboro, ME
West Berkshire, VT

Class B

Daaquam, ME
Easton, ME
Eastcourt, ME
Forest City, ME
Monticello, ME
Orient, ME
Robinston, ME
St. Aurelie, ME
St. Pamphile, ME

Class C

Bath, ME
Boothbay Harbor, ME
Kittery, ME
Rockland, ME
Wiscasset, ME

District No. 23—[Reserved]

District No. 24—Cleveland, Ohio

Class A

Cincinnati, OH
Cleveland, OH
Columbus, OH
Put-In-Bay, OH
Sandusky, OH
Toledo, OH

Class C

Ashtabula, OH
Conneaut, OH
Fairport, OH
Huron, OH
Lorain, OH
Marblehead, OH

District No. 25—Washington, DC

Class A

Hopewell, VA
* Norfolk, VA—(the port of Norfolk includes, among others, the port facilities at Fort Monroe and Newport News, VA)
Richmond, VA
Washington, DC (includes the port facilities at Alexandria, VA)
Yorktown, VA

District No. 26—Atlanta, Georgia

Class A

Charleston, SC (the port of Charleston includes, among others, the port facilities at Georgetown and Port Royal, SC)
Mobile, AL
Savannah, GA (the port of Savannah includes, among others, the port facilities at Brunswick and St. Mary's Seaport, GA)
Wilmington, NC (the port of Wilmington includes the port facilities at Morehead City, NC)

District No. 27—San Juan, Puerto Rico

Class A

Aguadilla, PR
* Charlotte Amalie, St. Thomas, VI
Christiansted, St. Croix, VI
Cruz Bay, St. John, VI
Ensenada, PR
Federiksted, St. Croix, VI
Fajardo, PR
Humacao, PR
Jobos, PR
Mayaguez, PR
Ponce, PR
Red Hook, St. Thomas, VI

Class B

Coral Bay, St. John, VI

District No. 28—New Orleans, Louisiana

Class A

Baton Rouge, LA
Gulfport, MS
Lake Charles, LA
Memphis, TN
Nashville, TN
New Orleans, LA (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Burnside, Chalmette, Destrahan, Geismar, Gramercy, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, LA)

Class C

Morgan City, LA
Pascagoula, MS

District No. 29—Omaha, Nebraska

Class A

Omaha, NE
Des Moines, IA

District No. 30—Helena, Montana

Class A

Chief Mountain, MT (May–October)
Del Bonita, MT
Morgan, MT
Opheim, MT
Peigan, MT
Raymond, MT
Roosville, MT
Scobey, MT
Sweetgrass, MT
Turner, MT
Whitetail, MT
Wildhorse, MT
Willow Creek, MT

Class B

Goat Haunt, MT
Trail Creek, MT
Whitlash, MT

District No. 31—Portland, Oregon

Class A

Astoria, OR (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tilliamook, (including Bay City and Garibaldi), Warrenton, Wauna, and Westport, OR)
Coos Bay, OR (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, OR)
Portland, OR (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, OR)

District No. 32—Anchorage, Alaska

Class A

Alcan, AK
Anchorage, AK (the port of Anchorage includes, among others (for out of port inspections only), Afognak, Barrow, Cold Bay, Cordova, Homer, Kodiak, Kotzebue, Nikiski, Seward, Valdez, and Yakutat, AK)
Dalton's Cache, AK
Dutch Harbor, AK
Fairbanks, AK
Gambell, AK
Juneau, AK
Ketchikan, AK
Nome, AK
Poker Creek, AK
Skagway, AK

Class B

Eagle, AK
Hyder, AK

Class C

Valdez, AK

District No. 38—Houston, Texas

Class A

Galveston, TX (the port of Galveston includes, among others, the port facilities at Freeport, Port Bolivar, and Texas City, TX)
Houston, TX (the port of Houston includes, among others, the port facilities at Baytown, TX)
Port Arthur, TX (the port of Port Arthur includes, among others, the port facilities at Beaumont, Orange, and Sabine, TX)

District No. 39—San Diego, California

Class A

Andrade, CA
Calexico, CA
Otay Mesa, CA
San Ysidro, CA
Tecate, CA

District No. 40—Harlingen, Texas

Class A

Brownsville, TX (the port of Brownsville includes, among others, the port facilities at Brownsville Seaport, Port Isabel, Padre Island and Harlingen, TX, Ship Channel)
Brownsville, TX, Gateway Bridge and Brownsville/Matamoros Bridge
Falcon Heights, TX
Hidalgo, TX
Los Ebanos, TX
Los Indios, TX
Pharr, TX
Progreso, TX
Rio Grande City, TX
Roma, TX

(3) *Ports-of-Entry for aliens arriving by aircraft.* In addition to the following international airports which are hereby designated as Ports-of-Entry for aliens arriving by aircraft, other places where permission for certain aircraft to land officially has been given and places where emergency or forced landings are made under part 239 of this chapter shall be regarded as designated for the entry of aliens arriving by such aircraft:

District No. 1—[Reserved]

District No. 2—Boston, Massachusetts

Boston, MA, Logan International Airport
Manchester, NH, Grenier Airport
Portsmouth, NH, Pease Air Force Base
Warwick, RI, T. F. Greene Airport

Windsor Locks, CT, Bradley International Airport

District No. 3—New York City, New York

Newburgh, NY, Stewart International Airport
Queens, NY, LaGuardia Airport
Westchester, NY, Westchester County Airport

District No. 4—Philadelphia, Pennsylvania

Charlestown, WV, Kanahwa Airport
Dover, DE, Dover Air Force Base
Erie, PA, Erie International Airport (USCS)
Harrisburg, PA, Harrisburg International Airport
Philadelphia, PA, Philadelphia International Airport
Pittsburgh, PA, Pittsburgh International Airport

District No. 5—Baltimore, Maryland

Baltimore, MD, Baltimore-Washington International Airport

District No. 6—Miami, Florida

Daytona, FL, Daytona International Airport, FL
Fort Lauderdale, FL, Executive Airport
Fort Lauderdale, FL, Fort Lauderdale-Hollywood Airport
Fort Myers, FL, Southwest Regional International Airport
Freeport, Bahamas, Freeport International Airport
Jacksonville, FL, Jacksonville International Airport
Key West, FL, Key West International Airport
Melbourne, FL, Melbourne International Airport
Miami, FL, Chalks Flying Service Seaplane Base
Miami, FL, Miami International Airport
Nassau, Bahamas, Nassau International Airport
Orlando, FL, Orlando International Airport
Palm Beach, FL, Palm Beach International Airport
Paradise Island, Bahamas, Paradise Island Airport
Sanford, FL, Sanford International Airport
Sarasota, FL, Sarasota Airport
St. Petersburg, FL, St. Petersburg/Clearwater International Airport
Tampa, FL, Tampa International Airport

District No. 7—Buffalo, New York

Albany, NY, Albany County Airport
Buffalo, NY, Buffalo Airport
Massena, NY, Massena Airport
Niagara Falls, NY, Niagara Falls International Airport
Ogdensburg, NY, Ogdensburg Municipal Airport
Rochester, NY, Rochester Airport
Syracuse, NY, Hancock International Airport
Watertown, NY, Watertown Municipal Airport

District No. 8—Detroit, Michigan

Battle Creek, MI, Battle Creek Airport
Chippewa, MI, Chippewa County International Airport
Detroit, MI, Detroit City Airport
Detroit, MI, Detroit Metropolitan Wayne County Airport
Port Huron, MI, St. Clair County International Airport
Sault Ste. Marie, MI, Sault Ste. Marie Airport

District No. 9—Chicago, Illinois

Chicago, IL, Chicago Midway Airport
Chicago, IL, Chicago O'Hare International Airport
Indianapolis, IN, Indianapolis International Airport
Mitchell, WI, Mitchell International Airport

District No. 10—St. Paul, Minnesota

Baudette, MN, Baudette International Airport
Duluth, MN, Duluth International Airport
Duluth, MN, Sky Harbor Airport
Grand Forks, ND, Grand Forks International Airport
International Falls, MN, Falls International Airport
Minneapolis/St. Paul, MN, Minneapolis/St. Paul International Airport
Minot, ND, Minot International Airport
Pembina, ND, Port Pembina Airport
Portal, ND, Portal Airport
Ranier, MN, International Seaplane Base
Warroad, MN, Warroad International Airport
Williston, ND, Sioulin Field (Municipal)

District No. 11—Kansas City, Missouri

Kansas City, MO, Kansas City International Airport
Springfield, MO, Springfield Regional Airport
St. Louis, MO, St. Louis Lambert International Airport
St. Louis, MO, Spirit of St. Louis Airport

District No. 12—Seattle, Washington

Bellingham, WA, Bellingham Airport
Friday Harbor, WA, Friday Harbor
McChord, WA, McChord Air Force Base
Oroville, WA, Dorothy Scott Municipal Airport
Oroville, WA, Dorothy Scott Seaplane Base
Point Roberts, WA, Point Roberts Airport
Port Townsend, WA, Jefferson County International Airport
SEA–TAC, WA, SEA–TAC International Airport
Seattle, WA, Boeing Municipal Air Field
Seattle, WA, Lake Union
Spokane, WA, Felts Field
Spokane, WA, Spokane International Airport

District No. 13—San Francisco, California

Alameda, CA, Alemeda Naval Air Station
Oakland, CA, Oakland International Airport
Sacramento, CA, Beale Air Force Base
San Francisco, CA, San Francisco International Airport
San Jose, CA, San Jose International Airport
Travis, CA, Travis Air Force Base

District No. 14—San Antonio, Texas

Austin, TX, Austin International Airport
Corpus Christi, TX, Corpus Christi Airport
Del Rio, TX, Del Rio International Airport
Laredo, TX, Laredo International Airport
San Antonio, TX, San Antonio International Airport

District No. 15—El Paso, Texas

Albuquerque, NM, Albuquerque International Airport
El Paso, TX, International Airport
Presidio, TX, Presidio Airport
Santa Teresa, NM, Santa Teresa Airport

District No. 16—Los Angeles, California

Los Angeles, CA, Los Angeles International Airport
Ontario, CA, Ontario International Airport

District No. 17—Honolulu, Hawaii

Agana, Guam, Guam International Airport Terminal
Honolulu, HI, Honolulu International Airport
Honolulu, HI, Hickam Air Force Base

District No. 18—Phoenix, Arizona

Douglas, AZ, Bisbee-Douglas Airport
Las Vegas, NV, McCarren International Airport
Nogales, AZ, Nogales International Airport
Phoenix, AZ, Phoenix Sky Harbor International Airport
Reno, NV, Reno Carron International Airport
Tucson, AZ, Tucson International Airport
Yuma, AZ, Yuma International Airport

District No. 19—Denver, Colorado

Colorado Springs, CO, Colorado Springs Airport
Denver, CO, Denver International Airport
Salt Lake City, UT, Salt Lake City Airport

District No. 20—Dallas, Texas

Dallas, TX, Dallas-Fort Worth International Airport
Oklahoma City, OK, Oklahoma City Airport (includes Altus and Tinker AFBs)

District No. 21—Newark, New Jersey

Atlantic City, NJ, Atlantic City International Airport
Lakehurst, NJ, Lakehurst Naval Air Station
Morristown, NJ, Morristown Airport
Newark, NJ, Newark International Airport
Newark, NJ, Signature Airport
Teterboro, NJ, Teterboro Airport
Wrightstown, NJ, McGuire Air Force Base

District No. 22—Portland, Maine

Bangor, ME, Bangor International Airport
Burlington, VT, Burlington International Airport
Caribou, ME, Caribou Municipal Airport
Highgate Springs, VT, Franklin County Regional Airport
Newport, VT, Newport State Airport

District No. 23—[Reserved]

District No. 24—Cleveland, Ohio

Akron, OH, Municipal Airport
Cincinnati, OH, Cincinnati International Airport
Cleveland, OH, Cleveland Hopkins Airport
Columbus, OH, Port Columbus International Airport
Sandusky, OH, Griffing/Sandusky Airport

District No. 25—Washington, D.C.

Camp Springs, MD, Andrews Air Force Base
Chantilly, VA, Washington Dulles International Airport
Winchester, VA, Winchester Airport

District No. 26—Atlanta, Georgia

Atlanta, GA, Atlanta Hartsfield International Airport
Charleston, SC, Charleston International Airport
Charleston, SC, Charleston Air Force Base
Charlotte, NC, Charlotte International Airport
Raleigh, NC, Raleigh-Durham International Airport

Savannah, GA, Savannah International Airport

District No. 27—San Juan, Puerto Rico

San Juan, PR, San Juan International Airport

District No. 28—New Orleans, Louisiana

Louisville, KY, Louisville International Airport
New Orleans, LA, New Orleans International Airport
Memphis, TN, Memphis International Airport
Nashville, TN, Nashville International Airport

District No. 29—Omaha, Nebraska

Des Moines, IA, Des Moines International Airport
Omaha, NE, Eppley International Airport
Omaha, NE, Offutt Air Force Base

District No. 30—Helena, Montana

Billings, MT, Billings Airport
Boise, ID, Boise Airport
Cut Bank, MT, Cut Bank Airport
Glasgow, MT, Glasgow International Airport
Great Falls, MT, Great Falls International Airport
Havre, MT, Havre-Hill County Airport
Helena, MT, Helena Airport
Kalispel, MT, Kalispel Airport
Missoula, MT, Missoula Airport

District No. 31—Portland, Oregon

Medford, OR, Jackson County Airport
Portland, OR, Portland International Airport

District No. 32—Anchorage, Alaska

Anchorage, AK, Anchorage International Airport
Juneau, AK, Juneau Airport (Seaplane Base Only)
Juneau, AK, Juneau Municipal Airport
Ketchikan, AK, Ketchikan Airport
Wrangell, AK, Wrangell Seaplane Base

District No. 38—Houston, Texas

Galveston, TX, Galveston Airport
Houston, TX, Ellington Field
Houston, TX, Hobby Airport
Houston, TX, Houston Intercontinental Airport

District No. 39—San Diego, California

Calexico, CA, Calexico International Airport
San Diego, CA, San Diego International Airport
San Diego, CA, San Diego Municipal Airport (Lindbergh Field)

District No. 40—Harlingen, Texas

Brownsville, TX, Brownsville/South Padre Island International Airport
Harlingen, TX, Valley International Airport
McAllen, TX, McAllen Miller International Airport

(4) *Immigration offices in foreign countries:*

Athens, Greece
Bangkok, Thailand
Calgary, Alberta, Canada
Ciudad Juarez, Mexico
Dublin, Ireland
Edmonton, Alberta, Canada
Frankfurt, Germany
Freeport, Bahamas
Hamilton, Bermuda
Havana, Cuba
Hong Kong, B.C.C.
Karachi, Pakistan
London, United Kingdom
Manila, Philippines
Mexico City, Mexico
Monterrey, Mexico
Montreal, Quebec, Canada
Moscow, Russia
Nairobi, Kenya
Nassau, Bahamas
New Delhi, India
Oranjestad, Aruba
Ottawa, Ontario, Canada
Rome, Italy
Santo Domingo, Dominican Republic
Seoul, Korea
Shannon, Ireland
Singapore, Republic of Singapore
Tegucigalpa, Honduras
Tijuana, Mexico
Toronto, Ontario, Canada
Vancouver, British Columbia, Canada
Victoria, British Columbia, Canada
Vienna, Austria
Winnipeg, Manitoba, Canada

(d) *Border patrol sectors.* Border Patrol Sector Headquarters and Stations are situated at the following locations:

Sector No. 1—Houlton, Maine

Calais, ME
Fort Fairfield, ME
Houlton, ME
Jackman, ME
Rangeley, ME
Van Buren, ME

Sector No. 2—Swanton, Vermont

Beecher Falls, VT
Burke, NY
Champlain, NY
Massena, NY
Newport, VT
Ogdensburg, NY
Richford, VT
Swanton, VT

Sector No. 3—Ramey, Puerto Rico

Ramey, Puerto Rico

Sector No. 4—Buffalo, New York

Buffalo, NY
Fulton, NY
Niagara Falls, NY
Watertown, NY

Sector No. 5—Detroit, Michigan

Detroit, MI
Grand Rapids, MI
Port Huron, MI
Sault Ste. Marie, MI
Trenton, MI

Sector No. 6—Grand Forks, North Dakota

Bottineau, ND
Duluth, MN
Grand Forks, ND
Grand Marais, MN
International Falls, MN
Pembina, ND
Portal, ND
Warroad, MN

Sector No. 7—Havre, Montana

Billings, MT
Havre, MT
Malta, MT
Plentywood, MT
Scobey, MT
Shelby, MT
St. Mary, MT
Sweetgrass, MT
Twin Falls, ID

Sector No. 8—Spokane, Washington

Bonners Ferry, ID
Colville, WA
Eureka, MT
Oroville, WA
Pasco, WA
Spokane, WA
Wenatchee, WA
Whitefish, MT

Sector No. 9—Blaine, Washington

Bellingham, WA
Blaine, WA
Lynden, WA
Port Angeles, WA
Roseburg, OR

Sector No. 10—Livermore, California

Bakersfield, CA
Fresno, CA
Livermore, CA
Oxnard, CA
Sacramento, CA
Salinas, CA
San Luis Obispo, CA
Stockton, CA

Sector No. 11—San Diego, California

Brown Field, CA
Campo, CA (Boulevard, CA)
Chula Vista, CA
El Cajon, CA (San Marcos and Julian, CA)
Imperial Beach, CA
San Clemente, CA
Temecula, CA

Sector No. 12—El Centro, California

Calexico, CA
El Centro, CA
Indio, CA
Riverside, CA

Sector No. 13—Yuma, Arizona

Blythe, CA
Boulder City, NV
Wellton, AZ
Yuma, AZ

Sector No. 14—Tucson, Arizona

Ajo, AZ
Casa Grande, AZ
Douglas, AZ
Naco, AZ
Nogales, AZ
Phoenix, AZ
Sonita, AZ
Tucson, AZ
Willcox, AZ

Sector No. 15—El Paso, Texas

Alamogordo, NM
Albuquerque, NM
Carlsbad, NM
Deming, NM
El Paso, TX
Fabens, TX
Fort Hancock, TX
Las Cruces, NM,

Lordsburg, NM
Truth or Consequences, NM
Ysleta, TX

Sector No. 16—Marfa, Texas

Alpine, TX
Amarillo, TX
Fort Stockton, TX
Lubbock, TX
Marfa, TX
Midland, TX
Pecos, TX
Presidio, TX
Sanderson, TX
Sierra Blanca, TX
Van Horn, TX

Sector No. 17—Del Rio, Texas

Abilene, TX
Brackettville, TX
Carrizo Springs, TX
Comstock, TX
Del Rio, TX
Eagle Pass, TX
Llano, TX
Rocksprings, TX
San Angelo, TX
Uvalde, TX

Sector No. 18—Laredo, Texas

Cotulla, TX
Dallas, TX
Freer, TX
Hebbronville, TX
Laredo North, TX
Laredo South, TX
San Antonio, TX
Zapata, TX

Sector No. 19—McAllen, Texas

Brownsville, TX
Corpus Christi, TX
Falfurrias, TX
Harlingen, TX
Kingsville, TX
McAllen, TX
Mercedes, TX
Port Isabel, TX
Rio Grande City, TX

Sector No. 20—New Orleans, Louisiana

Baton Rouge, LA
Gulfport, MS
Lake Charles, LA
Little Rock, AR
Miami, OK
Mobile, AL
New Orleans, LA

Sector No. 21—Miami, Florida

Jacksonville, FL
Orlando, FL
Pembroke Pines, FL
Tampa, FL
West Palm Beach, FL

(e) *Service centers.* Service centers are situated at the following locations:

Texas Service Center, Dallas, Texas
Nebraska Service Center, Lincoln, Nebraska
California Service Center, Laguna Niguel, California
Vermont Service Center, St. Albans, Vermont

(f) *Asylum offices.* (1) *Newark, New Jersey.* The Asylum Office in Lyndhurst has jurisdiction over the State of New York within the boroughs of Manhattan and the Bronx in the City of New York; the Albany Suboffice; jurisdiction of the Buffalo District Office; the State of Pennsylvania, excluding the jurisdiction of the Pittsburgh Suboffice; and the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

(2) *New York City, New York.* The Asylum Office in New York has jurisdiction over the State of New York excluding the jurisdiction of the Albany Suboffice, the Buffalo District Office and the boroughs of Manhattan and the Bronx.

(3) *Arlington, Virginia.* The Asylum Office in Arlington has jurisdiction over the District of Columbia, the western portion of the State of Pennsylvania currently within the jurisdiction of the Pittsburgh Suboffice, and the States of Maryland, Virginia, West Virginia, North Carolina, Georgia, Alabama, and South Carolina.

(4) *Miami, Florida.* The Asylum Office in Miami has jurisdiction over the State of Florida, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(5) *Houston, Texas.* The Asylum Office in Houston has jurisdiction over the States of Louisiana, Arkansas, Mississippi, Tennessee, Texas, Oklahoma, New Mexico, Colorado, Utah, and Wyoming.

(6) *Chicago, Illinois.* The Asylum Office in Chicago has jurisdiction over the States of Illinois, Indiana, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas, Missouri, Ohio, Iowa, Nebraska, Montana, Idaho, and Kentucky.

(7) *Los Angeles, California.* The Asylum Office in Los Angeles has jurisdiction over the States of Arizona, the southern portion of California as listed in 8 CFR 100.4(b)(16) and 100.4(b)(39), and that southern portion of the State of Nevada currently within the jurisdiction of the Las Vegas Suboffice.

(8) *San Francisco, California.* The Asylum Office in San Francisco has jurisdiction over the northern part of California as listed in 8 CFR 100.4(b)(13), the portion of Nevada currently under the jurisdiction of the Reno Suboffice, and the States of Oregon, Washington, Alaska, and Hawaii and the Territory of Guam.

Dated: October 10, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–27920 Filed 11–13–95; 8:45 am]

BILLING CODE 4410–10–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings

AGENCY: National Credit Union Administration.

ACTION: Final rule: extension of compliance date.

SUMMARY: The NCUA Board is extending the compliance date for nonautomated and insufficiently automated credit unions that have assets of $2 million or less as reported to, or determined by, the NCUA. The extension gives the smaller, automation impaired credit unions continued immunity from compliance until Congress has acted on its contemplated regulatory relief initiatives, which might ultimately exempt their compliance with Truth in Savings.

DATES: *Effective Date*: This document is effective January 1, 1996.

Compliance Date: The compliance date of part 707 is amended and extended to January 1, 1997, for credit unions of an asset size of $2 million or less as reported to, or determined by, the NCUA, that are not sufficiently automated.

FOR FURTHER INFORMATION CONTACT: Richard Schulman, Associate General Counsel, or Martin Conrey, Staff Attorney, Office of General Counsel, telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

Prior Extensions

NCUA has twice before extended the compliance date for part 707, which implements the Truth in Savings Act (TISA), for certain small, underautomated credit unions. Both times, the NCUA Board took into consideration the limited resources of the exempted credit unions. The first time, the compliance date of part 707 was extended to March 31, 1995, for credit unions of an asset size between $500,000 and $1 million as of December 31, 1993, that are not automated. (Final rule, 59 FR 13435, March 22, 1994.) Simultaneously, the compliance date of part 707 was extended to June 30, 1995, for credit unions of an asset size of less than $500,000 as of December 31, 1993, that are not automated. The second time, the compliance date of part 707 was extended to January 1, 1996, for credit unions of an asset size of $2 million or less as of December 31, 1993, that were nonautomated or grossly

underautomated. (Final rule; extension of compliance date, 59 FR 39425, August 3, 1994). The compliance date remains January 1, 1995, for all other credit unions.

Legislative Activity

Since the last extension, several bills have been introduced into the 104th Congress of the United States to either repeal, or restrict the scope of TISA. ''A bill to repeal the Truth in Savings Act,'' H.R. 337, introduced in the House of Representatives on January 4, 1995, would repeal TISA. The ''Financial Institutions Regulatory Relief Act of 1995,'' H.R. 1858, introduced in the House of Representatives on June 15, 1995, would amend TISA by repealing many of its disclosure requirements and civil liability provisions. Section 270(3)(B) of H.R. 1858 excludes ''nonautomated credit unions which were not required to comply with the requirements of [TISA] as of the date of the enactment of [H.R. 1858] pursuant to the determination of the NCUA Board.'' The ''Economic Growth and Regulatory Paperwork Reduction Act of 1995,'' S. 650, introduced in the Senate on March 30, 1995, would repeal TISA and replace it with the Payment of Interest Act (PIA). PIA basically eliminates TISA's disclosure requirements, but retains the requirement that interest and dividends on accounts be calculated on the full amount of principal in the account for each day and at the rate(s) disclosed by the depository institution.

Importance of Small Credit Unions

The NCUA Board is very concerned with the continued viability of small credit unions. Ten years ago, credit unions under $2 million in size made up about two-thirds (10,564) of all federally insured credit unions. Today, such credit unions number only 3,666, about one-third of federally insured credit unions. In addition, the assets of today's 3,666 smallest credit unions are approximately one percent of total assets in all credit unions, while credit unions of $2 million or less accounted for 7.7 percent of total assets ten years ago. The average credit union today has $25.4 million in assets, compared to $5 million ten years ago.

However, many of these small credit unions are already automated or have in-house data processing capabilities, and have not been covered by previous exemptions. Only a small number of credit unions are affected by this amendment and extension. NCUA previously determined that there were 1,248 credit unions under $2 million in assets that have no or insufficient or inadequate computers or in-house data processing capability.

Given Congressional legislative activity, and requests for a postponement in the Official Staff Commentary from national trade associations, the Board has decided, in the name of regulatory relief and in the spirit of the National Performance Review and Presidential Regulatory Reform Initiative, to delay the compliance date of part 707 until January 1, 1997 for affected credit unions. A compliance date extension of this length will enable the NCUA to observe and implement any possible legislative initiatives by the 104th Congress, while also providing continued regulatory relief to presently exempted credit unions. In the meantime, the Board continues to support several small credit union initiatives to continue the development of small credit unions. Recently, the Board authorized an NCUA Conference on ''Serving the Underserved'' scheduled for August of 1996. The purpose of this conference is to provide opportunities for education, networking between different asset size credit unions, and to find solutions to availability of service issues faced by the agency and credit unions. In April of 1994, the NCUA Board adopted a program to place retired NCUA computers with nonautomated credit unions with $2 million or less in assets. To date, 435 small credit unions have participated in this program and received retired NCUA examiner laptop computers. The Board is also working on several other initiatives to enhance small credit union development.

The compliance date has remained January 1, 1995, for all other credit unions (automated credit unions under $2 million in assets and all credit unions having over $2 million or more in assets).

Definition of Nonautomated

NCUA generally uses the December 31, 1994, NCUA Form 5300 report to determine the requisite nonautomation status and asset size for those credit unions filing Form 5300 reports that are eligible for the extensions in required compliance.

Credit unions which do not file Form 5300 reports will be permitted to prove nonautomation status and asset size by other means. By the term ''nonautomation status'' NCUA means those credit unions without adequate and sufficient computer or data processing capacity and capability to operate and maintain a share and loan software program able to cover all member accounts at the credit union. NCUA will consider verified self-certifications, certifications by appropriate state supervisory authorities, and other equivalent forms of proof as sufficient for eligibility for the extension by non-federally insured credit unions. With the assistance of the affected credit unions, trade groups, and the NCUA regional and central office staffs, NCUA has identified credit unions in need of Truth in Savings compliance assistance, and is providing various educational and other assistance to the affected small, nonautomated credit unions.

Credit unions currently exempt, that surpass the $2 million asset threshold during the 1995 calendar year, should plan to comply with TISA on January 1, one year subsequent to the year end reporting cycle in which they report assets over $2 million.

Administrative Procedure Act

The amendment and extension made to this part are not subject to the notice and comment provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.* The extension relates to a few credit unions that need more time and assistance in complying with part 707. No major changes are contemplated, or made, by this amendment and extension. Therefore, the NCUA Board has determined that, in this case, the APA notice and comment procedures for this amendment and extension are impracticable, unnecessary, and contrary to the public interest. 5 U.S.C. 553(b)(3)(B).

By the National Credit Union Administration Board on November 6, 1995.

Becky Baker,

Secretary of the Board.

[FR Doc. 95–28014 Filed 11–13–95; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–206–AD; Amendment 39–9426; AD 95–23–06]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Airplanes and Model Avro 146–RJ70A, –RJ85A, and RJ–100A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is

applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ70A, –RJ85A, and RJ–100A airplanes. This action requires inspections to detect cracking and evidence of exhaust leaks in the forward face of the central panel of the forward firewall of the auxiliary power unit (APU) bay, and replacement of the central panel with a new panel, if necessary. This amendment is prompted by a report indicating that cracking due to leakage of hot exhaust gases was found in the forward face of the forward firewall of the APU bay. The actions specified in this AD are intended to prevent such gas leakage and subsequent cracking, which could damage the wiring to the APU fire bottle; this condition could result in failure of the APU fire bottle to discharge in the event of an APU fire.

DATES: Effective November 29, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 29, 1995.

Comments for inclusion in the Rules Docket must be received on or before January 16, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–206–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. The service information referenced in this AD may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington, DC 20041–6039. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ70A, –RJ85A, and RJ–100A airplanes. The CAA advises that it received a report indicating that cracking was found in the aluminum face plate on the forward side of the central panel of the forward firewall of the auxiliary power unit (APU) bay on a British Aerospace Model BAe 146 series airplane. Hot exhaust gases escaped through the sealing system used around the duct at the central panel of the forward firewall of the APU bay. Exposure to these hot gases resulted in cracking of the aluminum alloy portion of the central panel. Leakage of additional hot gases through the seal and resultant cracking could damage the wiring to the APU fire bottle. This condition, if not corrected, could result in failure of the APU fire bottle to discharge in the event of an APU fire.

British Aerospace has issued Service Bulletin S.B.26–35, Revision 1, dated August 30, 1995, which describes procedures for repetitive close detailed visual inspections to detect cracking and evidence of exhaust leaks in the forward face of the central panel of the forward firewall of the APU bay. For airplanes on which both cracking and evidence of gas leakage are found, the service bulletin specifies that operation of the APU must be prohibited either when the aircraft is on the ground or in flight until the central panel has been replaced with a new panel. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

British Aerospace also has issued Service Bulletin SB.26–35–36179A, dated August 4, 1995, which describes procedures for replacement of the central panel (constructed of aluminum alloy) of the forward firewall of the APU bay with a new panel constructed of titanium TA2 (Modification HCM36179A). The modification also involves replacing the associated stiffeners. The titanium central panel will provide better resistance to cracking at high temperatures. Accomplishment of this modification eliminates the need for repetitive inspections of the forward face of the central panel of the forward firewall of the APU bay.

For airplanes on which the previously described modification has not been accomplished, British Aerospace also has issued Service Bulletin SB.26–36–36179B, dated June 22, 1995, which describes procedures for installation of a protective aluminum alloy shield on the vertical stiffener (left-hand) next to the exhaust aperture of the forward firewall of the APU bay (Modification HCM36179B). Accomplishment of the installation provides protection of the wiring installation of the APU fire bottle. The service bulletin specifies that accomplishment of this installation increases the interval for repetitive inspections of the forward face of the central panel of the forward firewall of the APU bay to coincide with regularly scheduled maintenance of the affected airplanes.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent leakage of hot exhaust gases and subsequent cracking of the forward face of the forward firewall of the APU bay, which could damage the wiring to the APU fire bottle and result in failure of the APU fire bottle to discharge in the event of an APU fire. This AD requires repetitive close detailed visual inspections to detect cracking and evidence of exhaust leaks in the forward face of the central panel of the forward firewall of the APU bay, and replacement of the central panel with a new panel, if necessary. Such replacement, if accomplished, constitutes terminating action for the requirements of this AD. For airplanes on which cracking and evidence of gas leakage are found, this AD also prohibits operation of the APU (either when the aircraft is on the ground or in flight) until the central panel has been replaced with a new panel. This AD also provides for installation of a protective aluminum alloy shield on the vertical stiffener (left-hand) next to the exhaust aperture of the forward firewall of the APU bay, which, if accomplished, increases the interval for repetitive inspections of the forward face of the central panel of the forward firewall of the APU bay. The actions are required to be accomplished in accordance with the service bulletins described previously.

Operators should note that, for airplanes on which cracks are found, but no evidence of gas leakage is found, British Aerospace Service Bulletin S.B.26–35 recommends that daily inspections be accomplished and that

corrective action be accomplished at the ''next convenient downtime.'' This AD, however, requires daily inspections and accomplishment of the corrective action (replacement of the central panel) within 14 days after crack detection. The FAA finds that a 14-day compliance time will address the unsafe condition in a timely manner and will decrease reliance on daily inspections, which require approximately one work hour to perform.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–206–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

95–23–06 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39–9426. Docket 95–NM–206–AD.

Applicability: Model BAe 146–100A, –200A, and –300A airplanes, and Model Avro 146–RJ70A, –RJ85A, and RJ–100A airplanes; on which British Aerospace Modification HCM36019A is installed; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent leakage of hot exhaust gases and subsequent cracking of the forward face of the forward firewall of the auxiliary power unit (APU) bay, which could damage the wiring to the APU fire bottle and result in failure of the APU fire bottle to discharge in the event of an APU fire, accomplish the following:

(a) Within 7 days after the effective date of this AD: Perform a close detailed visual inspection to detect cracking and evidence of exhaust leaks in the forward face of the central panel of the forward firewall of the APU bay, in accordance with British Aerospace Service Bulletin S.B.26–35, Revision 1, dated August 30, 1995.

Note 2: Inspections accomplished prior to the effective date of this AD in accordance with British Aerospace Service Bulletin S.B.26–35, dated May 17, 1995, are considered acceptable for compliance with the applicable action specified in this amendment.

(1) If no crack or evidence of gas leakage is found, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 200 landings, except as provided by paragraph (b) of this AD.

(2) If any crack is found, but no evidence of gas leakage is detected, repeat the inspection required by paragraph (a) of this AD thereafter at daily intervals. Within 14 days after detecting any crack, accomplish the replacement specified in paragraph (c) of this AD.

(3) If any crack is found and evidence of gas leakage is detected, prior to further flight, accomplish the replacement specified in paragraph (c) of this AD. Operation of the APU is prohibited (either when the aircraft is on the ground or in flight) until the replacement is accomplished.

(b) Installation of a protective aluminum alloy shield on the vertical stiffener (left-hand) next to the exhaust aperture of the forward firewall of the APU bay (Modification HCM36179B), in accordance with British Aerospace Service Bulletin SB.26–36–36179B, dated June 22, 1995, increases the interval for repetitive inspections required by paragraph (a)(1) of this AD from 200 landings to 400 landings.

(c) Replacement of the central panel of the forward firewall of the APU bay with a new panel (Modification HCM36179A), in

accordance with British Aerospace Service Bulletin SB.26–35–36179A, dated August 4, 1995, constitutes terminating action for the requirements of this AD.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(f) The actions shall be done in accordance with British Aerospace Service Bulletin S.B.26–35, Revision 1, dated August 30, 1995; British Aerospace Service Bulletin SB.26–35–36179A, dated August 4, 1995; and British Aerospace Service Bulletin SB.26–36–36179B, dated June 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041–6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 29, 1995.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27913 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 452

RIN 1294–AA09

Eligibility Requirements for Candidacy for Union Office

AGENCY: Office of Labor-Management Standards, Labor.

ACTION: Final rule.

SUMMARY: The Office of Labor-Management Standards is amending its interpretative regulations on labor organization officer elections. The amendment will add a reference to a ruling by the Court of Appeals for the District of Columbia Circuit regarding the reasonableness of meeting attendance requirements set by labor organizations for eligibility for union office. This amendment will inform the public of a court decision that guides the Office in its enforcement actions.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) sets forth standards and requirements for the election of labor organization officers. Section 401(e) of title IV, 29 U.S.C. 481(e), provides in part that every member in good standing has the right to be a candidate subject ''to reasonable qualifications uniformly imposed.''

In connection with the Department's enforcement responsibilities under LMRDA title IV, interpretative regulations have been promulgated, 29 CFR Part 452, in order to provide the public with information as to the Secretary's ''construction of the law which will guide him in performing his [enforcement] duties.'' 29 CFR § 452.1. Several provisions in the interpretative regulations discuss union-imposed qualifications on candidacy eligibility. One of these provisions, 29 CFR § 452.38, deals specifically with meeting attendance requirements and lists several factors to consider in determining whether, under ''all the circumstances,'' a particular meeting attendance requirement is reasonable.

On June 15, 1994, OLMS published an advance notice of proposed rulemaking (ANPRM) requesting comments from the public on the possible need to modify the interpretative regulations on meeting attendance requirements in order to incorporate a ruling of the United States Court of Appeals for the District of Columbia Circuit in *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Cir. 1987). In *Doyle*, the Secretary had decided not to bring civil action on a member's complaint about his union's meeting attendance requirement, even though the requirement disqualified 97% of the members. The Secretary's position, after reviewing the factors set forth in 29 CFR § 452.38, was that since the requirement was not on its face unreasonable (i.e., it did not require a member to decide to become a candidate an excessively long period before the election) and it was not difficult to meet (i.e., the meetings were held at convenient times and locations and the union provided liberal excuse provisions), the large impact of the requirement was not by itself sufficient to render it unreasonable. The district court ruled against the Secretary, *Doyle* v. *Brock*, 641 F. Supp. 223 and 632 F. Supp. 256 (D.D.C. 1986), and the court of appeals affirmed the lower court.

After reviewing the comments submitted on the ANPRM, the Department published a notice of proposed rulemaking (NPRM) on May 17, 1995 (60 FR 26388). The NPRM proposed revising 29 CFR 452.38 by replacing the current text of footnote 25 with a brief summary of the holding in *Doyle* that a meeting attendance requirement may be unreasonable solely on the basis of its impact in rendering members ineligible.

One comment from an individual was received on the NPRM. That comment wanted to have meeting attendance requirements banned because they impede challenges to current union leadership. However, as stated in the NPRM, after reviewing the comments on the ANPRM the Department has concluded that there is not a sufficient legal basis at this time to hold that meeting attendance requirements are per se unreasonable under the LMRDA. Therefore, the Department is adopting the proposal as set forth in the NPRM.

Administrative Notices

A. Executive Order 12866

The Department of Labor has determined that this proposed rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

The Agency Head has certified that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. Any regulatory revision will only apply to labor organizations, and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This proposed rule contains no information collection requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 29 CFR Part 452

Labor unions.

Text of Proposed Rule

In consideration of the foregoing, the Department of Labor hereby amends part 452 of title 29, Code of Federal Regulations, as follows:

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

1. The authority citation for part 452 continues to read as follows:

Authority: Secs. 401, 402, 73 Stat. 532, 534 (29 U.S.C. 481, 482); Secretary's Order No. 2–93 (58 FR 42578).

2. Footnote 25 cited at the end of § 452.38(a) is revised to read as follows:

§ 452.38 Meeting attendance requirements.

[25] If a meeting attendance requirement disqualifies a large portion of members from candidacy, that large antidemocratic effect alone may be sufficient to render the requirement unreasonable. In *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Circuit 1987), the court held that the impact of a meeting attendance requirement which disqualified 97% of the union's membership from candidacy was by itself sufficient to make the requirement unreasonable notwithstanding any of the other factors set forth in 29 CFR 452.38(a).

Signed in Washington, DC this 7th day of November, 1995.

Charles L. Smith,

Deputy Assistant Secretary.

[FR Doc. 95–28015 Filed 11–13–95; 8:45 am]

BILLING CODE 4510–86–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AH70

Duty Periods

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations to clarify the status of individuals attending the preparatory schools of the United States Air Force Academy, the United States Military Academy, and the United States Naval Academy for purposes of compensation and pension eligibility. This amendment is necessary to reflect opinions of VA's General Counsel setting out the circumstances under which preparatory school attendance will constitute active duty or active duty for training for VA purposes.

EFFECTIVE DATE: This amendment is effective October 3, 1994, the date of the initial General Counsel opinion upon which it is based.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: In most instances, an individual qualifies for VA compensation or pension by meeting the statutory definition of a ''veteran'' or by being the survivor of a ''veteran.'' 38 U.S.C. 101(2) and 38 CFR 3.1(d) state that a ''veteran'' is a person who served in the ''active military, naval, or air service,'' and who was discharged or released therefrom under conditions other than dishonorable.

The phrase ''active military, naval, or air service'' is defined in 38 CFR 3.6(a) as including ''active duty'' as well as certain periods of active- or inactive-duty training during which the individual was disabled or died. If the individual upon whose service the claim is based had ''active military, naval, or air service'' and was discharged under other than dishonorable conditions, that individual qualifies as a ''veteran.''

Under 38 U.S.C. 101(21)(D), service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy is considered ''active duty.'' A precedent opinion of the VA General Counsel (VAOPGCPREC 18–94) dated October 3, 1994, addressed the question of whether attendance at the United States Air Force Academy Preparatory School constituted ''active duty.'' (Such precedent opinions are binding in VA benefit decisions; see 38 CFR 3.101, 14.507(b), and 19.5.) The General Counsel noted that attendance at a service academy preparatory school does not constitute service as a cadet or midshipman at a service academy.

In VAOPGCPREC 18–94 the General Counsel held that an enlisted servicemember who is reassigned to the United States Air Force Academy Preparatory School without a release from active duty continues on ''active duty'' but that persons who enlisted directly from civilian life, a reserve component, or the Air National Guard for the sole purpose of attending the Air Force Academy Preparatory School are on ''active duty for training.'' The General Counsel found it significant that an enlisted servicemember who is disenrolled from a preparatory school prior to completion of the school program still has a military obligation to complete while an individual attending a preparatory school from the Reserves, National Guard, or civilian life is generally discharged from the service in the event of premature disenrollment.

In VAOPGCPREC 6–95 dated February 10, 1995, the VA General Counsel held that the analysis in VAOPGCPREC 18–94 for determining whether service at the United States Air Force Academy Preparatory School constitutes ''active duty'' is generally applicable to service consisting of attendance at the United States Military Academy Preparatory School and the United States Naval Academy Preparatory School.

However, the opinion stated that in individual cases it would be advisable to determine whether a student had made a commitment to active-duty service which would be binding upon disenrollment because such a student, even though not transferring directly from enlisted active-duty status, would be considered to be on active duty while attending a preparatory school. Paragraphs (b) and (c) of 38 CFR 3.6 are amended by this document to reflect the holdings in VAOPGCPREC 18–94 and VAOPGCPREC 6–95.

In the second sentence of § 3.6(a) the phrase ''*any* period of active duty for training'' is substituted for ''*and* period of active duty for training.'' This corrects a typographical error. No substantive rule change is involved.

Under 5 U.S.C. 553, there is a basis for dispensing with prior notice and comment and for dispensing with a 30-day delay of the effective date since the final rule constitutes an interpretive rule

regarding 38 U.S.C. 101, paragraphs 21 (definition of active duty) and 22 (definition of active duty for training).

The Secretary certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This amendment, which constitutes an interpretive rule, will affect only individuals and will not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: November 3, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.6, paragraph (a) is amended by removing ''active duty, and'' and adding in its place ''active duty, any''; paragraphs (b)(5) and (b)(6) are redesignated as paragraphs (b)(6) and (b)(7), respectively; paragraph (c)(5) is redesignated as paragraph (c)(6); and new paragraphs (b)(5) and (c)(5) are added to read as follows:

§ 3.6 Duty periods.

* * * * *

(b) * * *

(5) Attendance at the preparatory schools of the United States Air Force Academy, the United States Military Academy, or the United States Naval Academy for enlisted active-duty members who are reassigned to a preparatory school without a release from active duty, and for other individuals who have a commitment to active duty in the Armed Forces that would be binding upon disenrollment from the preparatory school;

* * * * *

(c) * * *

(5) Attendance at the preparatory schools of the United States Air Force Academy, the United States Military Academy, or the United States Naval Academy by an individual who enters the preparatory school directly from the Reserves, National Guard or civilian life, unless the individual has a commitment to service on active duty which would be binding upon disenrollment from the preparatory school.

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[FR Doc. 95–27995 Filed 11–13–95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 93

[FRL–5329–9]

RIN 2060–AF95

Transportation Conformity Rule Amendments: Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action makes several changes to the current regulation requiring transportation plans, programs, and projects to conform to state air quality implementation plans.

This action allows any transportation control measure from an approved state implementation plan (SIP) to proceed during a conformity lapse; aligns the date of conformity lapses with the date of application of Clean Air Act highway sanctions for any failure to submit or submission of an incomplete control strategy SIP; extends the grace period before which areas must determine conformity to a submitted control strategy implementation plan; establishes a grace period before which transportation plan and program conformity must be determined in newly designated nonattainment areas; and corrects the nitrogen oxides provisions of the transportation conformity rule consistent with the Clean Air Act and previous commitments made by EPA.

A transportation conformity SIP revision consistent with these amendments must be submitted to EPA by 12 months from November 14, 1995.

EFFECTIVE DATE: This regulation is effective December 14, 1995, except for §§ 51.448(a)(1) and 93.128(a)(1) which will be effective November 14, 1995, and §§ 51.394(b)(3)(i), 93.102(b)(3)(i), 51.428(b)(1)(ii), and 93.118(b)(1)(ii) which will be effective February 12, 1996, for the reasons explained in **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Materials relevant to this rulemaking are contained in Public Docket A–95–05. The docket is located in room M–1500 Waterside Mall (ground floor) at the Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8 a.m. to 4 p.m., Monday through Friday, including all non-government holidays.

FOR FURTHER INFORMATION CONTACT: Meg Patulski, Transportation and Market Incentives Group, Regional and State Programs Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 741–7842.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule amends the transportation conformity rule, ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act'' (58 FR 62188, November 24, 1993). Required under section 176(c) of the Clean Air Act, as amended in 1990, the transportation conformity rule established the criteria and procedures by which the Federal Highway Administration, the Federal Transit Administration, and metropolitan planning organizations (MPOs) determine the conformity of federally funded or approved highway and transit plans, programs, and projects to state implementation plans (SIPs). Conformity ensures that transportation planning does not produce new air quality violations, worsen existing violations, or delay timely attainment of national ambient air quality standards. According to the Clean Air Act, federally supported activities must conform to the implementation plan's purpose of attaining and maintaining these standards.

This final rule is based on the August 29, 1995 proposed rule entitled, ''Transportation Conformity Rule Amendments: Miscellaneous Revisions'' (60 FR 44790) and comments received on that proposal. The public comment period for the proposed rule ended on September 28, 1995.

EPA also issued on August 29, 1995, an interim final rule entitled,

''Transportation Conformity Rule Amendments: Authority for Transportation Conformity Nitrogen Oxides Waivers'' (60 FR 44762). The interim final rule changed the statutory authority for transportation conformity nitrogen oxides (NO_X) waivers from Clean Air Act section 182(f) to section 182(b)(1), for areas subject to section 182(b)(1). The interim final rule took effect on August 29, 1995, without prior notice and comment, and the subsequent public comment period ended on September 28, 1995. This final rule includes the provisions of the August 29 interim final rule, after completing notice-and-comment rulemaking procedures on such provisions.

This final rule is the second in a series of three anticipated amendments to the transportation conformity rule. The first set of amendments was published as an interim final rule on February 8, 1995 (60 FR 7449), and was finalized on August 7, 1995 (60 FR 40098). The first set of amendments aligned the dates of conformity lapses (i.e., halting of new federally funded highway/transit projects) due to SIP failures with the application of Clean Air Act highway sanctions for a few ozone areas and all areas with disapproved SIPs with a protective finding. The third set of amendments, which will be proposed shortly, will streamline the conformity rule and address other issues related to non-federal projects, the build/no-build test, adding projects to the transportation plan and transportation improvement program (TIP), and rural nonattainment areas.

II. Description of Final Rule

This final rule makes changes from the proposed rule, involving transportation control measures (TCMs) and grace periods for new nonattainment areas. All other provisions of the proposal are included in this final rule without modification. EPA will not restate here its rationale for the changes which are identical to the August 29 proposal. The reader is referred to the proposal notice for such discussions.

A. TCMs

The proposed rule would have allowed TCMs in an approved SIP to proceed even if the conformity status of the current transportation plan and TIP lapses, provided the TCMs were in a previously conforming transportation plan and TIP.

In the final rule, EPA is changing the provisions of the proposal in response to public comment such that any TCM in an approved SIP may proceed, regardless of whether there is a currently conforming transportation plan and TIP or whether the project was once included in a previously conforming transportation plan and TIP. However, this position does not alter or affect the title 23 (23 CFR Part 450) or Federal Transit Act requirements for the funding of TCMs. EPA acknowledges that the implementation of the Clean Air Act is done in conjunction with statewide and metropolitan planning requirements of the Intermodal Surface Transportation Efficiency Act (ISTEA). Most current and all future TCMs are subject to these provisions and are generally from a previously conforming transportation plan and TIP.

EPA received public comment that a TCM which is in an approved SIP should be allowed to proceed at any point in time, regardless of whether or not the TCM was once included in a previously conforming transportation plan and TIP. The commenter stated that since SIP requirements are legally binding, as evidenced by the fact that failure to comply subjects the violator to enforcement action, EPA cannot restrict the implementation of a TCM in the context of conformity. Furthermore, given that approved SIPs must be implemented according to the Clean Air Act and sanctions can be imposed for nonimplementation, EPA cannot adopt a rule that has the effect of preventing TCMs in an approved SIP from being implemented.

EPA agrees with the commenter. Although Clean Air Act sections 176(c)(2) (C) and (D) require that the conforming transportation plan and TIP be used to determine whether a TCM conforms to an approved SIP, a TCM contained in an approved SIP must necessarily conform to the purpose of the SIP, as required by section 176(c)(1). By definition, a TCM in an approved SIP conforms to the SIP because it is contained in the SIP. To halt the implementation of TCMs in approved SIPs during a conformity lapse of a transportation plan and TIP would be contrary to the purpose of conformity and the approved SIP. EPA is not exempting TCMs from the requirement for a conformity determination, however. Also, where applicable, hot-spot analysis would still be required. TCMs are simply not required to satisfy §§ 51.420 (93.114) and 51.422 (93.115) because to require such compliance could prevent TCM implementation.

Another commenter stated that any transportation project that is in an approved SIP and a previously conforming transportation plan and TIP should be allowed to proceed during a conformity lapse. EPA believes that this final rule's change to the proposal accommodates this comment, because all transportation projects that are in approved SIPs that require conformity determinations are TCMs. No transportation project would be approved into a SIP unless it was designed to reduce emissions from transportation activities, and these projects should be specifically identified as TCMs.

Although EPA is changing the proposed rule in response to public comment, EPA does not foresee an instance as a practical matter where a TCM would be contained in an approved SIP without first meeting the transportation planning requirements contained in 23 CFR Part 450 and 49 CFR Part 613. In order for EPA to approve a SIP, the measures contained in the SIP must have commitments from appropriate agencies and have adequate funding and resources as stipulated in section 110(a)(2)(E) of the Clean Air Act.

In the case of TCMs, EPA expects this to be demonstrated by the project's inclusion in a fiscally constrained and conforming transportation plan and TIP.

Furthermore, EPA does not intend to approve SIPs containing TCMs that have not been coordinated through the transportation planning process, because the Clean Air Act and ISTEA require that an integrated transportation/air quality planning process be used as the vehicle to identify effective TCMs and ensure their funding sources. The interagency consultation required by the conformity rule and the States' conformity SIPs is intended to ensure that the transportation planning process becomes a routine component of any analysis involving TCMs slated for inclusion in a SIP. Furthermore, as a practical matter, a project cannot receive federal highway or transit funds or Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) approval unless it is contained in a fiscally constrained and conforming transportation plan and TIP that has been approved through the transportation planning process, under the requirements of 23 CFR Part 450 and 49 CFR Part 613.

Finally, projects in approved SIPs remain subject to other planning requirements, such as provisions of the National Environmental Policy Act and ISTEA, which further stipulate that these projects be reviewed through the transportation process prior to approval and implementation.

B. Grace Period for New Nonattainment Areas

Like the proposed rule, the final rule allows newly designated nonattainment areas a 12-month grace period before conformity determinations to the transportation plan and TIP are required. In response to public comment, EPA clarifies in the final rule that this grace period also applies if a nonattainment area's boundaries are newly expanded. Transportation plan and TIP conformity determinations will not be required to include transportation projects in the portion of the area that is newly added until 12 months from the date of the boundary change. Although the proposed rule did not specifically discuss applying the 12-month grace period to newly expanded areas, EPA believes that this is a logical extension of the proposed rule. EPA believes a grace period is appropriate because transportation plan and TIP conformity determinations will not have included projects in the new portion of the nonattainment area prior to the expansion. As described in the proposal, Clean Air Act section 176(c) allowed a similar grace period for 12 months after the date of enactment of the Clean Air Act Amendments of 1990. EPA believes it is consistent with Congressional intent and appropriate to include such a grace period for newly designated areas to prevent short-term adverse impacts in the implementation of transportation projects immediately following redesignation.

C. Grace Period for Determination of Conformity to Newly Submitted SIPs

Like the proposed rule, this final rule extends the grace period before which areas need to complete conformity determinations to newly submitted SIPs. Under this final rule and for reasons explained in the proposal, conformity to a newly submitted SIP must now be determined within 18 months of its submission. This grace period provision in §§ 51.448(a)(1) and 93.128(a)(1) is effective immediately.

This grace period will prevent the conformity status of certain plans and TIPs from lapsing on November 15, 1995, in several moderate and above ozone areas that have not completed conformity determinations to newly submitted SIPs. This conformity lapse would be contrary to the public interest because as explained in the proposal EPA now believes that halting of transportation plan, program, and project implementation in these cases is not necessary at this time for the lawful and effective implementation of Clean Air Act section 176(c). If EPA did not make this provision of the rule effective by November 15, 1995, conformity lapse which is contrary to the public interest could occur in some areas during the 30-day period between publication and the effective date which is ordinarily provided under the Administrative Procedures Act (APA), 5 U.S.C. 553(d). EPA therefore finds good cause to make this grace period provision contained in this final rule effective on publication. In addition, the extension of this grace period relieves a restriction and therefore qualifies for an exception from the APA's 30-day advance-notice period under 5 U.S.C. 553(d)(1).

The other provisions of this final rule will be effective on December 14, 1995, except for §§ 51.394(b)(3)(i), 93.102(b)(3)(i), 51.428(b)(1)(ii), and 93.118(b)(1)(ii) which will be effective 90 days from November 14, 1995.

D. Alignment of Certain Conformity Lapses With Sanctions

Like the proposed rule, this final rule does not impose a transportation plan/conformity lapse as a result of failure to submit or submission of an incomplete ozone, carbon monoxide (CO), particles with an aerodynamic diameter of less than or equal to a nominal 10 micrometers (PM–10), or nitrogen dioxide (NO_2) control strategy SIP. Conformity lapse as a result of these SIP failures is delayed until Clean Air Act section 179(b) highway sanctions for these failures are applied.

Like the proposed rule, this final rule does not change the timing of conformity lapse for disapproval of any control strategy SIP without a protective finding. This issue will be addressed in a forthcoming proposal.

E. NO_X Budgets

Like the proposed rule, this final rule requires consistency with NO_x motor vehicle emissions budgets in control strategy SIPs, regardless of whether a NO_x waiver has previously been granted. However, the NO_x build/no-build test and less-than-1990 tests would not apply to ozone nonattainment areas receiving a NO_x waiver. Furthermore, as described in the *Response to Comment* section of today's action, some flexibility is possible for areas that have been issued a NO_x waiver based upon air quality modeling data. Please refer to that section for further discussion on this issue.

The NO_x budget provisions will be effective 90 days from November 14, 1995. In response to public comment, EPA has delayed this effective date to prevent difficulties in identifying appropriate NO_x budgets from disrupting conformity determinations that are currently underway.

EPA believes that *Sierra Club* v. *EPA*, 719 F.2d 436 (DC Cir. 1983), gives EPA the authority to delay the effective date of the NO_x budget provisions in today's action. EPA believes that *Sierra Club* provides a legal basis to allow grandfathering when there is an abrupt departure from requirements that affected parties have previously relied upon. Although EPA had previously announced that the NO_x budget changes to the transportation conformity rule would be contained in this action, comments on the proposal indicate that certain areas are not prepared for these provisions to be effective within the usual 30-day timeframe following publication of the final rule. Therefore, EPA finds good cause to make these provisions effective 90 days from November 14, 1995.

F. NO_x Waiver Authority

Like the interim final rule, the final rule changes the statutory authority for transportation conformity NO_x waivers from Clean Air Act section 182(f) to section 182(b)(1), for areas subject to section 182(b)(1). In general, NO_x waivers are findings by the EPA Administrator under Clean Air Act section 182(f) or 182(b) that additional reductions of NO_x would not contribute to attainment of the ozone national ambient air quality standards by the statutory deadline. The interim final rule will remain in effect until December 14, 1995, at which time the final rule will be effective and supersede the interim final rule. As a result, the requirements for NO_x waivers granted after August 29, 1995, remain the same and are not altered by today's action.

G. Conformity SIP Revision

A conformity SIP revision consistent with these amendments is required to be submitted to EPA 12 months from November 14, 1995. Section 176(c)(4)(C) of the Clean Air Act as amended in 1990 allowed States 12 months from the promulgation of the original transportation conformity rule to submit conformity SIP revisions. EPA believes that it is consistent with the statute to provide states a similar time period to revise their conformity SIPs in response to these rule revisions.

III. Response to Comments

Twenty comments on the proposed rule and interim final rule were submitted, including comments from MPOs, state and local air and transportation agencies, neighborhood associations, and environmental groups.

The majority of the comments supported the proposed rule and the interim final rule. A complete response to comments document is in the docket. Major comments and EPA responses are summarized here.

A. TCMs

Some comments suggested that TCMs from a submitted (and not yet approved) SIP should be allowed to proceed at any time, without regard to the conformity status of the transportation plan and TIP. However, Clean Air Act section 176(c) requires conformity to the ''applicable implementation plan.'' Clean Air Act section 302(q) defines an applicable implementation plan as a portion (or portions) of the current implementation plan which has (have) been approved or promulgated by EPA. Projects from a submitted SIP that has not yet been approved do not necessarily conform to the ''applicable'' (approved) SIP. In order for such projects, including TCMs, to conform, there must be a conforming transportation plan and TIP, as required by Clean Air Act sections 176(c)(2) (C) and (D). For these reasons, only TCMs which are included in an approved SIP are affected by today's rule change allowing implementation of TCMs in an approved SIP to proceed during a transportation plan and TIP conformity lapse.

Similar comments suggesting ways in which to increase the scope and impact of this final rule changes regarding TCMs are not possible due to the reasons already outlined above. For example, one commenter suggested that any new project with a demonstrated emission reduction benefit, regardless of whether it is in an approved SIP, should be allowed to proceed even if it was not in a previously conforming transportation plan and TIP. EPA could not make this change because the agency has no evidence that such projects conform to the approved SIP.

B. Grace Period for New Nonattainment Areas

One commenter opposed the 12-month grace period for newly designated nonattainment areas and stated that this grace period is not consistent with Clean Air Act section 176(c). As stated in the proposed rule, section 176(c)(3)(B)(i) allowed a similar grace period for 12 months after the date of enactment of the Clean Air Act Amendments of 1990. EPA continues to believe it is appropriate to implement section 176(c) so as to allow this same grace period for newly designated areas. The existence of the grace period in section 176(c) indicates that Congress clearly did not wish to immediately halt transportation activities upon application of section 176(c) to an area.

The commenter suggested that there is sufficient time during the redesignation process in which areas could plan ahead and prepare to meet conformity requirements upon being designated to a nonattainment area. However, as stated in the preamble of the proposed rule, conformity determinations take time and the 12-month grace period provides local and state transportation agencies with the temporary relief that is necessary for these agencies to complete future conformity requirements. Further, such agencies do not control the timing of redesignation requests by state air quality agencies.

The commenter also disagreed that *Sierra Club* v. *EPA*, 719 F.2d 436 (DC Cir. 1983), gave EPA the authority to grant such a grace period to newly designated nonattainment areas. EPA believes that *Sierra Club* provides a legal basis to allow grandfathering when there is an abrupt departure from requirements that affected parties have previously relied upon. Although the case did involve retroactivity, the legal analysis applies equally to grandfathering from new requirements, and EPA has historically relied on the case in this context. See, e.g., 54 FR 2214, 2219 (Jan. 19, 1989); 59 FR 13044, 13057 (March 18, 1994). Although the Court of Appeals did not uphold all of the grandfathering provisions in *Sierra Club*, the Court did uphold grandfathering when supported by reliance. Attainment areas have traditionally relied upon not being required to fulfill conformity requirements that are mandated for nonattainment areas. Immediate application of such requirements to newly designated areas without an appropriate transition period clearly represents a significant departure from past practice. The commenter points to Supreme Court case law indicating that if any reliance on prior law were enough to shield everyone from all changed requirements, all laws would be frozen forever. However, this case law does not prohibit limited grandfathering from new complex requirements for a short time period to allow areas time to complete activities necessary to comply with such requirements, where such areas had relied on past law that did not impose such requirements. Based on the Court's interpretations of reliance in *Sierra Club*, EPA believes that this case supports its authority to grant a 12-month grace period to newly designated nonattainment areas prior to subjecting such areas to transportation conformity requirements.

C. Grace Period for Determination of Conformity to Newly Submitted SIPs

Several commenters were concerned that the 18-month grace period before which a conformity determination is required for a newly submitted SIP was not extended to those areas that have already submitted a SIP revision. Specifically, the comments raised concerns surrounding the equity of the proposed grace period.

The proposed rule states that the grace period would begin upon the date of a new SIP's submission. This also applies to SIPs submitted prior to today's rule change. Therefore, although areas that have already submitted a SIP prior to this final action will not benefit from the grace period extension as much as areas that have not yet submitted a SIP, they will still get the full 18-month period from SIP submission to make a conformity determination. EPA believes that this final action makes the conformity rule more equitable because every area has the same time period in which to determine conformity to newly submitted SIPs. Prior to this final action, time periods for completing conformity determinations were calculated starting from SIP submittal deadlines.

One commenter stated that EPA did not provide adequate rationale in the preamble of the proposed rule regarding the selection of the length of this grace period. The commenter further suggested that 12 months would be a more appropriate grace period length and would be consistent with prior EPA policy regarding this issue. Based on experience with the transportation conformity rule to date, EPA continues to believe that 18 months reflects the most realistic timeframe required for nonattainment areas to determine conformity to newly submitted SIPs. Conformity determinations are typically completed by local transportation planners on an annual basis. If the grace period was 12 months instead of 18 months, a newly submitted SIP could be introduced into a local conformity cycle at a time in that cycle that is disruptive to the local transportation planning process. Such a disruption could necessitate that additional time be required to complete the conformity determination, which may then delay the implementation of local transportation projects. EPA's experience with the existing 12-month grace period has convinced the agency that 12 months is an unrealistic grace period in this context.

D. Alignment of Certain Conformity Lapses With Sanctions

All commenters that commented on this issue supported the alignment of conformity lapses due to SIP failures with Clean Air Act sanctions. In addition, some commenters advocated aligning lapses and sanction deadlines even in the case of SIP disapprovals without a protective finding. As utilized under transportation conformity regulations, a protective finding is a mechanism that would allow a submitted SIP's motor vehicle emissions budget to be used for conformity purposes even though the SIP does not fulfill all requirements in enforceable form, as stipulated by Clean Air Act section 110(a)(2)(A). This conclusion is based on a determination by EPA that a SIP would have been approvable with respect to requirements for emissions reductions if all of the section 110(a)(2)(A) requirements had been met. Thus, a protective finding allows an area to proceed with transportation planning and project implementation while the area revises the SIP. In contrast, a SIP that is disapproved without a protective finding does not contain an emissions budget that could be used for transportation conformity purposes. A protective finding only allows the SIP's motor vehicle emissions budget to be used for conformity purposes; it does not guarantee that the SIP will eventually be approved.

EPA has been aware of stakeholder concerns regarding conformity lapse following SIP disapprovals without protective findings, and as EPA has previously stated, this issue will be raised for comment in the preamble of the upcoming proposal of the third set of conformity amendments. EPA could not take final action on this issue today because it had never proposed to do so.

E. NO_X Budgets

Several commenters stated that consistency with a NO_X budget should not be required for areas that have received a NO_X waiver from EPA based on air quality modeling. NO_X waivers are findings by the EPA Administrator under Clean Air Act section 182(b) or 182(f) that additional reductions of NO_X would not contribute to attainment of the ozone national ambient air quality standards by the statutory deadline. NO_X waivers may be granted on the basis of modeling demonstrations or monitoring data.

For the reasons described in the preamble to the August 29, 1995, proposal, EPA continues to believe that the Clean Air Act requires consistency with NO_X motor vehicle emissions budgets in control strategy SIPs, regardless of whether a NO_X waiver has previously been granted. The demonstration typically utilized to justify a NO_X waiver does not necessarily address the level of NO_X emissions necessary for an area to attain and maintain the ozone standard. That is, a NO_X waiver's demonstration that additional NO_X reductions would not contribute to attainment does not necessarily mean that NO_X increases would not affect an area's ability to attain and maintain the ozone standard. The purpose of conformity to a NO_X budget is to prevent NO_X emissions from reaching levels that would threaten attainment or maintenance of the ozone standard.

The commenters opposing a NO_X budget test in areas with modeling-based NO_X waivers state that the attainment demonstrations in such areas do not include NO_X inventories or NO_X projections with sufficient accuracy to warrant their use in determining conformity. Although the attainment demonstration contains NO_X projections that EPA could treat as an ''implicit budget,'' areas may not have performed the modeling necessary to determine how high NO_X emissions could be while remaining consistent with attainment and maintenance of the ozone standard. The projections that could act as an implicit budget could thus be unnecessarily constraining, and exceeding those projections may not have real air quality consequences. Furthermore, commenters argue that if the modeling that would determine a maximum NO_X motor vehicle emissions budget is not a necessary part of the attainment demonstration, it should not be required solely for conformity purposes.

Although EPA is retaining in the final rule the requirement for consistency with NO_X emissions budgets for all ozone areas with control strategy SIPs, including areas that received NO_X waivers, EPA agrees that in some circumstances it is appropriate to interpret the control strategy SIP as not establishing a NO_X motor vehicle emissions budget. EPA may conclude in such circumstances that modeling-based sensitivity analyses included in the attainment or maintenance demonstration are sufficient to indicate that motor vehicle NO_X emissions could grow without limit over the transportation planning horizon because the area would still attain the ozone standard without jeopardizing attainment in other areas. In such a case, EPA would agree that the control strategy SIP does not establish a NO_X motor vehicle emissions budget, and the NO_X budget test would not have to be satisfied for transportation conformity purposes.

For example, EPA expects that it would be able to interpret the attainment demonstration as not establishing a NO_X motor vehicle emissions budget if it included modeling demonstrating that additional reductions of NO_X would increase peak ozone concentrations. In contrast, modeling that did not examine the effect of NO_X reductions would not be sufficient to show that the attainment demonstration did not establish a NO_X motor vehicle emissions budget. Also, areas with a SIP requirement to control NO_X emissions in order for downwind nonattainment areas to attain the ozone standard would have an established NO_X budget, because of the need to indicate the level of NO_X reductions required.

In addition, it is important to note that areas that are in nonattainment or maintenance for both PM_{10} and ozone may have a NO_X motor vehicle emissions budget established in the PM_{10} SIP, regardless of whether the area has a NO_X waiver for ozone purposes or the area's ozone attainment or maintenance SIP establishes a NO_X motor vehicle emissions budget.

EPA continues to believe that, in general, control strategy SIPs by their nature establish motor vehicle emissions budgets, whether or not these budgets are explicitly stated. Motor vehicle emissions budgets are implicitly a feature of control strategy SIPs, and a statement in the SIP that no motor vehicle emissions budget is established does not necessarily relieve the requirement to demonstrate consistency with the SIP's implicit budget. However, as described above, EPA believes that there are special circumstances under which EPA would agree that the attainment or maintenance SIP demonstrates that no motor vehicle emissions budget is necessary, and the budget test is not required for transportation conformity purposes.

EPA encourages areas that are developing SIPs to explicitly state the motor vehicle emissions budget(s) for each relevant pollutant or pollutant precursor. For SIPs that have already been submitted, agencies should work through the interagency consultation process to identify the motor vehicle emissions budget(s) that is (are) not explicitly stated. EPA will not consider a submitted SIP adequate for transportation conformity purposes unless it either includes explicit motor vehicle emissions budgets or adequate information to establish budgets, or EPA

has agreed that the SIP sufficiently demonstrates that a NO_X motor vehicle emissions budget is not necessary.

F. Additional Comments Not Addressed in the Proposal

Several commenters also raised concerns about aspects of the transportation conformity rule which are not relevant to this action, including the build/no-build test, non-federal projects, and adding projects to the transportation plan and TIP. These comments do not affect whether EPA should proceed with this final action, but EPA will be considering these and other issues, such as issues related to rural nonattainment areas, in the context of the third set of conformity rule amendments.

EPA did not address in this final rule the issues contained in the Environmental Defense Fund et al.'s Petition for Reconsideration relating to the November 24, 1993, transportation conformity rule that may still be outstanding. Many of the issues contained in this petition were beyond the scope of this rulemaking. The third set of conformity amendments will address several of these issues, and EPA intends to formally respond to others at a later date.

IV. Administrative Requirements

A. Administrative Designation

Executive Order 12866

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

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

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

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

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

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866. Therefore, this notice was not subject to OMB review under the Executive Order 12866.

B. Reporting and Recordkeeping Requirements

This rule does not contain any information collection requirements from EPA which require approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis (RFA).

EPA has determined that these regulations will not have a significant impact on a substantial number of small entities. This regulation affects federal agencies and metropolitan planning organizations, which by definition are designated only for metropolitan areas with a population of at least 50,000. These organizations do not constitute small entities.

Therefore, as required under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this regulation does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that to the extent this rule imposes any mandate within the meaning of the Unfunded Mandates Act, this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector. Therefore, EPA has not prepared a statement with respect to budgetary impacts.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 93

Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Ozone.

Dated: November 6, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, 40 CFR parts 51 and 93 are amended as follows:

PARTS 51 AND 93 —[AMENDED]

1. The authority citation for parts 51 and 93 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. The identical text of §§ 51.392 and 93.101 is amended by adding a definition in alphabetical order to read as follows:

§ . Definitions.

* * * * *

Protective finding means a determination by EPA that the control strategy contained in a submitted control strategy implementation plan revision would have been considered approvable with respect to requirements for emissions reductions if all committed measures had been submitted in enforceable form as required by Clean Air Act section 110(a)(2)(A).

* * * * *

3. The identical text of §§ 51.394 and 93.102 is amended by revising paragraph (b)(3)(i) and adding paragraph (d) to read as follows:

§ . Applicability.

* * * * *

(b) * * *

(3) * * *

(i) Volatile organic compounds and nitrogen oxides in ozone areas;

* * * * *

(d) *Grace period for new nonattainment areas.* For areas or portions of areas which have been in attainment for either ozone, CO, PM–10, or NO_2 since 1990 and are subsequently redesignated to nonattainment for any of these pollutants, the provisions of this subpart shall not apply for such pollutant for 12 months following the date of final designation to nonattainment.

4. Section 51.396(a) is amended by adding a sentence after the second sentence to read as follows:

§ 51.396 Implementation plan revision.

(a) * * * Further revisions to the implementation plan required by amendments to this subpart must be submitted within 12 months of the date of publication of such final amendments to this subpart. * * *

* * * * *

5. Section 51.420 is revised to read as follows:

§ 51.420 Criteria and procedures: Currently conforming transportation plan and TIP.

There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval. This criterion applies during all periods. It is satisfied if the current transportation plan and TIP have been found to conform to the applicable implementation plan by the MPO and DOT according to the procedures of this subpart.

(a) Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of § 51.400.

(b) This criterion is not required to be satisfied at the time of project approval for a TCM specifically included in the applicable implementation plan, provided that all other relevant criteria of this subpart are satisfied.

6. Section 93.114 is revised to read as follows:

§ 93.114 Criteria and procedures: Currently conforming transportation plan and TIP.

There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval. This criterion applies during all periods. It is satisfied if the current transportation plan and TIP have been found to conform to the applicable implementation plan by the MPO and DOT according to the procedures of this subpart.

(a) Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of § 93.104.

(b) This criterion is not required to be satisfied at the time of project approval for a TCM specifically included in the applicable implementation plan, provided that all other relevant criteria of this subpart are satisfied.

7. The identical text of §§ 51.422 and 93.115 are amended by adding a sentence to the end of paragraph (a) and by adding paragraph (d) as follows:

§ . Criteria and procedures: Projects from a plan and TIP.

(a) * * * Special provisions for TCMs in an applicable implementation plan are provided in paragraph (d) of this section.

* * * * *

(d) *TCMs.* This criterion is not required to be satisfied for TCMs specifically included in an applicable implementation plan.

8. The identical text of §§ 51.428 and 93.118 is amended by revising paragraph (b)(1)(ii) to read as follows:

§ . Criteria and procedures: Motor vehicle emissions budget (transportation plan).

* * * * *

(b) * * *

(1) * * *

(ii) NO_X as an ozone precursor;

* * * * *

9. Section 51.448 is amended by removing paragraph (g), redesignating paragraphs (h) and (i) as (g) and (h), and revising paragraphs (a) through (d) and the newly designated paragraph (g) to read as follows:

§ 51.448 Transition from the interim period to the control strategy period.

(a) *Control strategy implementation plan submissions.* (1) The transportation plan and TIP must be demonstrated to conform by 18 months from the date of the State's initial submission to EPA of each control strategy implementation plan establishing a motor vehicle emissions budget. If conformity is not determined by 18 months from the date of submission of such control strategy implementation plan, the conformity status of the transportation plan and TIP will lapse, and no new project-level conformity determinations may be made, until the transportation plan and TIP have been demonstrated to conform.

(2) For areas not yet in the control strategy period for a given pollutant, conformity shall be demonstrated using the motor vehicle emissions budget(s) in a submitted control strategy implementation plan revision for that pollutant beginning 90 days after submission, unless EPA declares such budget(s) inadequate for transportation conformity purposes. The motor vehicle emissions budget(s) may be used to determine conformity during the first 90 days after its submission if EPA agrees that the budget(s) are adequate for conformity purposes.

(b) *Disapprovals.* (1) If EPA disapproves the submitted control strategy implementation plan revision and so notifies the State, MPO, and DOT, which initiates the sanction process under Clean Air Act section 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse 120 days after EPA's disapproval, and no new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision fulfilling the same Clean Air Act requirements is submitted and conformity to this submission is determined.

(2) Notwithstanding paragraph (b)(1) of this section, if EPA disapproves the submitted control strategy implementation plan revision but makes a protective finding, the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions as a result of the disapproval are imposed on the nonattainment area under section 179(b)(1) of the Clean Air Act. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision fulfilling the same Clean Air Act requirements is submitted and conformity to this submission is determined.

(c) *Failure to submit and incompleteness.* For areas where EPA notifies the State, MPO, and DOT of the State's failure to submit or submission of an incomplete control strategy implementation plan revision, which initiates the sanction process under Clean Air Act section 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions are imposed on the nonattainment area for such failure under section 179(b)(1) of the Clean Air Act, unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator.

(d) *Federal implementation plans.* When EPA promulgates a federal implementation plan that contains motor vehicle emissions budget(s) as a result of a State failure, the conformity lapse imposed by this section because of that State failure is removed.

* * * * *

(g) *Nonattainment areas which are not required to demonstrate reasonable further progress and attainment.* If an area listed in § 51.464 submits a control strategy implementation plan revision, the requirements of paragraphs (a) and

(e) of this section apply. Because the areas listed in § 51.464 are not required to demonstrate reasonable further progress and attainment the provisions of paragraphs (b) and (c) of this section do not apply to these areas.

* * * * *

10. Section 93.128 is amended by removing paragraph (g), redesignating paragraphs (h) and (i) as (g) and (h), and revising paragraphs (a) through (d) and the newly designated paragraph (g) to read as follows:

§ 93.128 Transition from the interim period to the control strategy period.

(a) *Control strategy implementation plan submissions.* (1) The transportation plan and TIP must be demonstrated to conform by 18 months from the date of the State's initial submission to EPA of each control strategy implementation plan establishing a motor vehicle emissions budget. If conformity is not determined by 18 months from the date of submission of such control strategy implementation plan, the conformity status of the transportation plan and TIP will lapse, and no new project-level conformity determinations may be made, until the transportation plan and TIP have been demonstrated to conform.

(2) For areas not yet in the control strategy period for a given pollutant, conformity shall be demonstrated using the motor vehicle emissions budget(s) in a submitted control strategy implementation plan revision for that pollutant beginning 90 days after submission, unless EPA declares such budget(s) inadequate for transportation conformity purposes. The motor vehicle emissions budget(s) may be used to determine conformity during the first 90 days after its submission if EPA agrees that the budget(s) are adequate for conformity purposes.

(b) *Disapprovals.* (1) If EPA disapproves the submitted control strategy implementation plan revision and so notifies the State, MPO, and DOT, which initiates the sanction process under Clean Air Act section 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse 120 days after EPA's disapproval, and no new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision fulfilling the same Clean Air Act requirements is submitted and conformity to this submission is determined.

(2) Notwithstanding paragraph (b)(1) of this section, if EPA disapproves the submitted control strategy implementation plan revision but makes a protective finding, the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions as a result of the disapproval are imposed on the nonattainment area under section 179(b)(1) of the Clean Air Act. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision fulfilling the same Clean Air Act requirements is submitted and conformity to this submission is determined.

(c) *Failure to submit and incompleteness.* For areas where EPA notifies the State, MPO, and DOT of the State's failure to submit or submission of an incomplete control strategy implementation plan revision, which initiates the sanction process under Clean Air Act sections 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions are imposed on the nonattainment area for such failure under section 179(b)(1) of the Clean Air Act, unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator.

(d) *Federal implementation plans.* When EPA promulgates a federal implementation plan that contains motor vehicle emissions budget(s) as a result of a State failure, the conformity lapse imposed by this section because of that State failure is removed.

* * * * *

(g) *Nonattainment areas which are not required to demonstrate reasonable further progress and attainment.* If an area listed in § 93.136 submits a control strategy implementation plan revision, the requirements of paragraphs (a) and (e) of this section apply. Because the areas listed in § 93.136 are not required to demonstrate reasonable further progress and attainment the provisions of paragraphs (b) and (c) of this section do not apply to these areas.

* * * * *

§§ 51.452 and 93.130 [Amended]

11. The identical text of §§ 51.452 and 93.130 is amended by redesignating paragraph (b)(5) as paragraph (a)(6); and in paragraph (c)(1) by revising the references, ''paragraph (a)'' to read ''paragraph (b)'' in two places.

[FR Doc. 95–27949 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[KY–95–01; FRL–5330–2]

Clean Air Act Final Interim Approval of Operating Permits Program; Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating source category-limited (SCL) interim approval of the Operating Permits Program submitted by the Kentucky Natural Resources and Environmental Protection Cabinet for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: December 14, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE, Atlanta, Georgia 30365, on the 3rd floor of the Tower Building. Interested persons wanting to examine these documents, contained in EPA docket number KY–95–01, should make an appointment at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Yolanda Adams, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347–3555, Ext. 4149.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a

period of up to 2 years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal program.

On September 5, 1995, EPA proposed SCL interim approval of the operating permits program for the Commonwealth of Kentucky. *See* 60 FR 46072. The September 5, 1995 notice also proposed approval of Kentucky's interim mechanism for implementing section 112(g) and for delegation of section 112 standards as promulgated. EPA did not receive any comments on the proposal. In this action, EPA is promulgating SCL interim approval of Kentucky's operating permits program, and approving the section 112(g) and section 112(l) mechanisms noted above.

II. Final Action and Implications

A. Title V Operating Permits Program

The EPA is promulgating SCL interim approval of the operating permits program submitted by the Commonwealth of Kentucky on December 27, 1993, and as supplemented on November 15, 1994, April 14, 1995, May 3, 1995, and May 22, 1995. Kentucky's program substantially, but not fully, meets the requirements of part 70 and meets the interim approval requirements under 40 CFR 70.4. The Commonwealth must make the following changes to receive full approval: (1) revise the definitions of ''emissions unit'' and ''stationary source'' to include emissions of any pollutant listed under section 112(b) of the Act; (2) revise the definition of ''regulated air pollutant'' to include any pollutant subject to any requirements established under Section 112 of the Act; and (3) revise Rule 401 KAR 50:035 Section 5(2)(a) to provide for EPA review consistent with 40 CFR 70.8 in order to allow for requirements from preconstruction review permits to be incorporated into part 70 permits via administrative amendments.

The EPA can grant SCL interim approval to states whose programs do not provide for permitting all required sources if the state makes a showing that two criteria were met: (1) That there were ''compelling reasons'' for the exclusions and (2) that all required sources will be permitted on a schedule that ''substantially meets'' the requirements of part 70. EPA considers the omissions in Kentucky's definitions of ''emissions unit'', ''stationary source'', and ''regulated air pollutant'', as compelling reasons for granting SCL interim approval. Kentucky's SCL interim approval request included a revised transition schedule that demonstrates the Commonwealth will permit at least 60% of its sources and at least 80% of its emissions during the first three years. The revised transition plan demonstrates that all part 70 sources will be permitted on a schedule that substantially meets the requirements of part 70.

The scope of the Commonwealth's part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the Commonwealth of Kentucky, except Jefferson County and any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.,* 59 FR 55813, 55815–55818 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

This interim approval, which may not be renewed, extends until December 15, 1997. During this interim approval period, the Commonwealth of Kentucky is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the Commonwealth. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If the Commonwealth fails to submit a complete corrective program for full approval by June 16, 1997, EPA will start an 18-month clock for mandatory sanctions. If Kentucky then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Kentucky has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the Commonwealth, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that Kentucky had come into compliance. In any case, if, six months after application of the first sanction, Kentucky still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Kentucky's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the Commonwealth has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the Commonwealth, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that Kentucky has come into compliance. In all cases, if, six months after EPA applies the first sanction, the Commonwealth has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if Kentucky has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to Kentucky's program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the Commonwealth upon interim approval expiration.

B. Preconstruction Permit Program Implementing Section 112(g)

EPA is approving the use of Kentucky's preconstruction review program found in Rule 401 KAR 50:035 as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and Kentucky's adoption of rules specifically designed to implement section 112(g). This approval is limited to the implementation of the 112(g) rule and is effective only during any transition time between the effective date of the 112(g) rule and the adoption of specific rules by Kentucky to implement 112(g). The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the Commonwealth with adequate time to adopt regulations consistent with Federal requirements.

C. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a

program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the Commonwealth's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations applies to both existing and future standards and to sources covered by the part 70 program as well as non-part 70 sources.

III. Administrative Requirements

A. Docket

Copies of the Commonwealth's submittal and other information relied upon for the final interim approval are contained in docket number KY–95–01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: October 31, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–28066 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[IN001; FRL–5331–2]

Clean Air Act Final Interim Approval of Operating Permits Program; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final interim approval.

SUMMARY: The USEPA is promulgating an interim approval of the operating permits program submitted by Indiana for the purpose of complying with Federal requirements which mandate that States develop, and submit to USEPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: The effective date of this action is December 14, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: USEPA Region 5, 77 West Jackson Boulevard, AR–18J, Chicago, Illinois, 60604. Please contact Sam Portanova at (312) 886–3189 to arrange a time if inspection of the submittal is desired.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–3189.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under Title V of the Clean Air Act (''the Act'') as amended (1990), USEPA has promulgated regulations which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the USEPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These regulations are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires States to develop, and submit to USEPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to USEPA by November 15, 1993, and that USEPA act to approve or disapprove each program within 1 year after receiving the submittal. 40 CFR 70.4(e)(2), however, allows the Administrator to extend the review period of a State's submittal if the State's submission is materially altered during the 1-year review period. This additional review period may not extend beyond 1 year following receipt of the revised submission.

The USEPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, USEPA may grant the program interim approval for a period of up to 2 years. If USEPA has not fully approved a program by 2 years after the November 15, 1993, date, or by the end of an interim program, it must establish and implement a Federal program.

On May 22, 1995, USEPA proposed an interim approval of the operating permits program for Indiana (see 60 FR 27064) and received public comments on the proposal. In this document, USEPA is taking final action to promulgate an interim approval of the operating permits program for Indiana.

II. Final Action and Implications

A. Analysis of State Submission

The USEPA is promulgating an interim approval of the operating permits program submitted by Indiana on August 10, 1994. Indiana's program substantially meets the requirements of part 70; however, certain issues must be addressed in the State's submittal before USEPA can grant full approval.

For more detailed information on the analysis of the State's submission, please refer to the May 22, 1995, proposed interim approval of the Indiana Title V program (see 60 FR 27064) and the technical support document (TSD) included with the docket of the proposed interim approval.

1. Regulations and Program Implementation

a. *Applicability.* The Indiana program meets the requirements of 40 CFR 70.2 and 70.3 for applicability in 326 IAC 2–7–2. Please refer to the proposed interim approval and the TSD included with the docket of the proposed interim approval for more information regarding the language in 326 IAC 2–7–2.

b. Permit Applications. A deficiency in the State's permit application requirements exists concerning insignificant activities, which are defined in 326 IAC 2–7–1(20). In the Indiana program, the insignificant activity threshold level for sulfur dioxide (SO_2) is 10 pounds per hour (lb/hr) or 50 pounds per day (lb/day) and the insignificant activity threshold level for hazardous air pollutants (HAP) is 4 tons per year (tpy) for one HAP or 10 tpy of any combination of HAPs. USEPA

proposed interim approval for these threshold levels in the May 22, 1995, Federal Register.

USEPA is promulgating interim approval to the SO_2 and HAP insignificant activity levels and promulgating full approval to the volatile organic compounds, particulate matter, carbon monoxide, nitrogen oxides, and lead insignificant activity levels. The rationale for the interim approval status is provided in the proposed interim approval and the TSD included with the docket of the proposed interim approval.

c. Permit issuance, renewal, reopenings and revisions. The Indiana program meets the requirements of 40 CFR 70.7 and 70.8 for permit issuance, renewal, reopenings, and public participation and the requirements of 40 CFR 70.4(b)(12) for operational flexibility. Please refer to the proposed interim approval and the TSD included with the docket of the proposed interim approval for more information regarding the language in 326 IAC 2–7–11 for administrative permit amendments.

In the May 22, 1995, notice, USEPA proposed interim approval with respect to the State's threshold levels for group processing of permits (326 IAC 2–7–12(c)). In that notice, USEPA stated that Indiana program's threshold level for minor permit modification (MPM) group processing eligibility was not as stringent as the part 70 threshold level. To obtain full approval, USEPA stated that Indiana must establish a group processing threshold consistent with 40 CFR 70.7(e)(3)(i), or demonstrate that an alternative threshold would alleviate severe administrative burden and result in trivial environmental impact. The May 22, 1995, notice stated that ''if EPA's concerns are addressed by a change in the State's final regulations or by a State demonstration before final action on this notice, then EPA can fully approve the State's group processing threshold levels.''

In an August 30, 1995, letter to USEPA, Indiana submitted a demonstration that an alternative threshold would alleviate severe administrative burden and would result in trivial environmental impact. In this letter, Indiana noted that its Title V regulation requires the State to provide public participation for all MPMs, including group processing MPMs. Since part 70 does not require public participation for MPMs, the State requirement is more stringent and will require public participation for many more permit modifications than the Federal rule requires. Indiana's group processing threshold level will allow the State to consolidate more of its MPM public notice and comment periods. Although staff review of modifications as individuals or as a group may not significantly differ, the administrative savings incurred by the State to provide public notice of these permits on an individual basis would be significant. Under its current permit programs, the State processes approximately 115–125 permit exemptions per year based on the stated group processing thresholds; and the State estimates that a majority of these might have to undergo individual processing under a part 70 threshold.

With regard to environmental impact, the State's letter also notes that under its program, more modifications than required by part 70 would be subject to permitting authority review and public notice. The level and result of permitting authority review should not be impacted by individual or group processing. In fact, since group processing actions must be completed within 180 days as opposed to 90 days, there may be opportunity for greater review and consideration. In addition, increased opportunity for public comment, whether as individual or group modifications, could result in enhanced environmental benefits, but at the very least will not directly result in adverse environmental impacts. Based on these considerations, USEPA believes the State has met the required justification for a different group processing threshold and is promulgating full approval for the Indiana MPM group processing threshold levels.

2. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or Commitments for Section 112 Implementation. Indiana has demonstrated in its Title V program submittal adequate legal authority to implement and enforce all section 112 requirements through Title V permits. This legal authority is contained in Indiana's enabling legislation and in regulatory provisions defining ''applicable requirements'' and stating that the permit must incorporate all applicable requirements. USEPA has determined that this legal authority is sufficient to allow Indiana to issue permits that assure compliance with all section 112 requirements.

The USEPA is accepting the above legal authority as an adequate demonstration that Indiana is able to carry out all section 112 activities relative to Title V sources. For further rationale on this interpretation, please refer to the proposed interim approval, the TSD accompanying the proposed interim approval, and the April 13, 1993, guidance memorandum titled ''Title V Program Approval Criteria for section 112 activities,'' signed by John Seitz, Director of the Office of Air Quality Planning and Standards.

b. Implementation of Section 112(g) Upon Program Approval. As a condition of approval of the Title V program, Indiana is required to implement section 112(g) of the Act. Indiana has promulgated a ''MACT Rule'' in 326 IAC 2–1–3.3. The purpose of this regulation is to provide Indiana the necessary mechanism to implement section 112(g).

According to the Federal Register interpretive notice published on February 14, 1995 (60 FR 8333), the requirements of section 112(g) will not become effective until after USEPA has promulgated a regulation addressing that provision. The Federal Register notice sets forth in detail the rationale for this interpretation. At the time of Indiana's program submittal and USEPA's subsequent review period, USEPA had not promulgated a federal regulation containing the specific requirements of section 112(g).

The section 112(g) interpretive notice explains that USEPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal regulation so as to allow States time to adopt regulations implementing the Federal regulation, and that USEPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until USEPA provides for such an additional postponement of section 112(g), Indiana must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) regulation and adoption of implementing State regulations. Imposition of case-by-case determinations of maximum achievable control technology (MACT) or offsets under section 112(g) will require the use of a mechanism for establishing federally enforceable restrictions on a source-specific basis.

For this reason, USEPA is promulgating approval of Indiana's MACT regulation (326 IAC 2–1–3.3) under the authority of Title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between promulgation of the section 112(g) regulation and adoption by Indiana of regulations implementing the provisions of section 112(g). However, since the approval is for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if USEPA decides in the final section 112(g) regulation that sources are not

subject to the requirements of the regulation until State regulations are adopted. The USEPA is limiting the duration of this proposal to 18 months following promulgation by USEPA of the section 112(g) regulation. Once promulgated by USEPA, the 112(g) regulation will serve as the mechanism for establishing federally enforceable case-by-case MACT emission limits for HAPs. USEPA is interpreting Indiana's legal authority and commitment (Enclosure H, page 33 of the Indiana program submittal) to mean that, upon promulgation of the section 112(g) regulation, the State will expeditiously adopt regulations consistent with the provisions of 112(g).

Although section 112(l) generally provides authority for approval of State air toxics programs, Title V and section 112(g) provide authority for this limited approval because of the direct linkage between implementation of section 112(g) and Title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purposes of section 110 or any other provision under the Act.

c. Program for Delegation of Section 112 Standards as Promulgated. The requirements for a Title V program approval, specified in 40 CFR 70.4(b), also encompass section 112(l)(5) requirements for approval of a State program for delegation of section 112 standards as promulgated by USEPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the USEPA is promulgating approval, under section 112(l)(5) and 40 CFR 63.91, of Indiana's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. This program approval applies to both existing and future standards, but is limited to sources covered by the part 70 program.

Indiana has informed USEPA that it intends to accept delegation of section 112 standards through rule adoption. The details of this delegation mechanism will be set forth in a Memorandum of Agreement between Indiana and USEPA expected to be completed prior to approval of Indiana's section 112(l) program for delegations.

d. Limiting HAP Emissions Through a Federally Enforceable State Operating Permit (FESOP) Program. On August 18, 1995, USEPA published a Federal Register notice promulgating a direct-final approval of the Indiana FESOP regulation which would establish federally enforceable limits on sources' potential to emit. If USEPA does not receive any comments on this notice by September 18, 1995, the approval will become effective on October 17, 1995, and Indiana will have the ability to place federally enforceable limits on HAPs in addition to criteria pollutants through a FESOP permit. The federal enforceability of HAP limits in a FESOP permit is addressed in the August 18, 1995, Federal Register notice.

e. Title IV. Indiana's program contains adequate authority to issue permits which reflect the requirements of Title IV and its implementing regulations. 326 IAC 21–1–1 incorporates by reference 40 CFR part 72, 75, 76, 77, and 78. Indiana's program submittal contains a commitment to revise its regulations as necessary to accommodate federal revisions and additions to Title IV and the Acid Rain regulations once they are promulgated.

B. Response to Public Comments

The USEPA received comments from two parties. The USEPA's responses to these comments are summarized in this section.

1. Comment by Mobil Oil Company

Mobil Oil Company commented that it supports the proposed interim approval of the Indiana Title V program. Mobil, however, urges USEPA to expeditiously approve a federally enforceable state operating permit (FESOP) program for the State of Indiana so that sources will have a federally enforceable mechanism to limit potential to emit so as to stay below the Title V threshold level.

USEPA agrees that a FESOP program may provide a useful mechanism for reducing the permitting burden on sources that can limit potential to emit to below the Title V threshold level. Indiana has submitted a FESOP program to USEPA as a proposed revision to the State implementation plan and USEPA has published a direct-final approval notice for the Indiana FESOP program in the August 18, 1995, Federal Register.

2. Comment by Eli Lilly and Company

Eli Lilly and Company (Lilly) commented that it supports the proposed interim approval of the Indiana Title V program. Lilly, however, commented on a definition that was not addressed in the proposed interim approval. Lilly wants USEPA to clarify that the definitions of ''Title I modification'' and ''case-by-case determination of an emission limit or other standard,'' as used in 326 IAC 2–7, do not include minor new source review (NSR) requirements. This is commonly known as the ''narrow definition of a Title I modification.'' Such a definition would allow minor NSR modifications to be processed through the minor permit modification (MPM) procedure of 326 IAC 2–7–12 or the operational flexibility procedures of 326 IAC 2–7–20.

In an August 29, 1995, letter to USEPA, Indiana has stated that, it developed the State Title V regulation to allow flexibility in this definition. Indiana also stated that it did not indicate at any time during the regulation development process that it would include minor NSR modifications as ''Title I modifications.'' The August 29, 1995, letter states that, since the use of the narrow definition of ''Title I modification'' is not a USEPA interim approval issue and USEPA stated in a June 20, 1995, letter that it plans to adopt the narrow definition in upcoming supplemental rulemaking, Indiana will be employing the narrow definition in the implementation of its Title V program. Consistent with actions taken on other Title V programs, USEPA is accepting Indiana's intention to use the narrow definition of ''Title I modification'' and is not identifying this interpretation as an interim approval issue in this notice.

C. Options for Approval/Disapproval and Implications

The USEPA is promulgating an interim approval to the operating permits program submitted by Indiana on August 10, 1994. The State must make the following changes to receive full approval: The State must amend its insignificant activities levels for SO_2 and HAPs to levels which assure that large sources are included in Title V review. Indiana's program is not fully approvable because of this deficiency. The program, however, substantially meets the requirements of part 70 because Indiana's regulations and legislation comply with all other part 70 requirements.

D. Federal Oversight and Sanctions

This interim approval, which may not be renewed, extends for a period of up to 2 years from the effective date of this promulgation. During the interim approval period, the State is protected from sanctions for failure to have a program, and USEPA is not obligated to promulgate a Federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon interim approval, as does

the 3-year time period for processing the initial permit applications. Because the interim approval automatically expires 2 years after promulgation of a final interim approval, the State may submit its interim corrections at any time. However, the State may not submit its corrections any later than 18 months after promulgation of final interim approval. The USEPA will then have 6 months to promulgate a final action.

Following final interim approval, if the State failed to submit a complete corrective program for full approval by 6 months before expiration of the interim approval, USEPA would start an 18-month clock for the mandatory imposition of section 179(b) sanctions. Section 179(b) of the Act mandates the impositions of the following sanctions: (1) 2 to 1 emission offsets for new construction in nonattainment areas and (2) restriction on federal funding of highway projects.

If the State then failed to submit a corrective program that USEPA found complete before the expiration of that 18-month period, USEPA would be required to apply the emission offset sanction, which would remain in effect until USEPA determined that the State had submitted a complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In any case, if, 6 months after the application of the first sanction, the State still had not submitted a corrective program that USEPA found complete, the highway sanction would be required.

If, following final interim approval, USEPA were to disapprove the State's complete corrective program, USEPA would be required to apply the emission offset sanction on the date 18 months after the effective date of the disapproval, unless, prior to that date, the State had submitted a revised program and USEPA had determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In all cases, if, 6 months after USEPA applied the first sanction, the State had not submitted a revised program that USEPA had determined corrected the deficiencies that prompted disapproval, the highway sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if a State has not timely submitted a complete corrective program or USEPA had disapproved a submitted corrective program. Moreover, if USEPA has not granted full approval to a State program by the expiration of an interim approval USEPA must promulgate, administer and enforce a Federal permits program for that State upon interim approval expiration.

III. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final regulation on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA may certify that the regulation 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.

Operating permits program approvals under section 502 of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal operating permits program approval does not impose any new requirements, I certify that it 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 a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning operating permits programs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, USEPA 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 tribunal governments in the aggregate, or to the private sector, of $100 million or more. In such cases, under Section 205, USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Also in such cases, Section 203 requires USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

USEPA has determined that the final 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.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: October 27, 1995.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. Appendix A to part 70 is amended by adding the entry for Indiana in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Indiana

(a) The Indiana Department of Environmental Management: submitted on August 10, 1994; interim approval effective on November 14, 1995; interim approval expires November 14, 1997.

(b) (Reserved)

* * * * *

[FR Doc. 95–28067 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7170

[OR–943–1430–01; GP5–126; OR–50874, OR–51194]

Withdrawal of Public Lands To Protect the Floras Lake and Lost Lake Addition to the New River Area of Critical Environmental Concern; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 182.38 acres of public lands from surface entry and mining until April 28, 2013, for the Bureau of Land Management to protect the Floras Lake and Lost Lake Addition to the New River Area of Critical Environmental Concern. The lands will be open to mineral leasing.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Floras Lake and Lost Lake Addition to the existing New River Area of Critical Environment Concern:

Willamette Meridian

Floras Lake

T. 31 S., R. 15 W.,
Sec. 7, lot 1;
Sec. 8, lots 3, 4, 5, and 6.

To include any accretion of land, the area described contains approximately 111.48 acres in Curry County.

Lost Lake

T. 29 S., R. 15 W.,
Sec. 35, N½NE¼NE¼;
Sec. 36, NW¼NW¼ and that portion of the NE¼NW¼ beginning at the southwest corner of the NW¼NE¼NW¼ of sec. 36, T. 29 S., R. 15 W., and running thence north along the west line of the NE¼NW¼ of said sec. 36, a distance of 300 feet; thence east parallel to the north line of said sec. 36, a distance of 250 feet; thence south parallel to the west line of the NE¼NW¼ of said sec. 36, a distance of 300 feet; thence west along the south boundary of the NW¼NE¼NW¼ of said sec. 36, a distance of 250 feet to the point of beginning;

And Beginning at the southwest corner of the NE¼NW¼ of sec. 36, T. 29 S., R. 15 W., proceeding thence east 634 feet; thence north 420 feet to Berg Road; thence westerly along said road 52 feet, more or less to the southwest corner of property conveyed in Book 193, Page 489, Deed Records of Coos County, Oregon; thence north 242 feet, more or less, to the northwest corner of property conveyed in Book 193, Page 489, Deed Records of Coos County, Oregon; thence west 523 feet to the west line of the NE¼NW¼ of said section; thence south 662 feet to the southwest corner of the said NE¼NW¼ and the point of beginning, Saving and Excepting that part subject to the right of way of the said Berg Road.

The area described contains 70.90 acres in Coos County.

2. At 8:30 a.m. on November 14, 1995, the lands will be opened to application and offers under the mineral leasing laws and the Geothermal Steam Act.

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

4. This withdrawal will expire April 28, 2013, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: October 27, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–27988 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–33–P

43 CFR Public Land Order 7171

[CA–010–1430–01; CACA 36065]

Partial Revocation of Executive Order Dated February 25, 1919; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 4.19 acres of public lands withdrawn for the Bureau of Land Management's Power Site Reserve No. 707. The lands are no longer needed for this purpose, and the revocation is necessary to facilitate completion of a land exchange under Section 206 of the Federal Land Policy and Management Act of 1976. The lands have been and will remain open to mineral leasing. The Federal Energy Regulatory Commission has concurred with this action.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA–931.4), 2800 Cottage Way, Sacramento, CA 95825, 916–979–2858.

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

1. The Executive Order dated February 25, 1919, which withdrew lands for Power Site Reserve No. 707, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 3 N., R. 13 E.,
Sec. 32, lots 23 to 26, inclusive (originally described in the Executive Order as lot 10 except for patented mineral entries).

The areas described aggregate 4.19 acres in Calaveras County.

2. The lands are temporarily segregated by a pending land exchange and will not be opened at this time.

3. The State of California has waived its right of selection in accordance with the provisions of Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818 (1988), as amended.

Dated: October 27, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–27987 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–40–P

43 CFR Public Land Order 7172

[NM–932–1430–01; NMNM–42918]

Partial Revocation of Executive Order No. 5907; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Executive Order No. 5907 insofar as it affects 60.82 acres of public land withdrawn for Public Water Reserve No. 146. The land is no longer needed for this purpose. The land has been leased since 1976 to the New Mexico State Park and Recreation Commission for the Villanueva State Park. The revocation is needed to convert the lease to a patent to convey the land to the New Mexico State Park and Recreation Commission under the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 (1988).

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Jeanette Espinosa, BLM New Mexico

State Office, P.O. Box 27115, Santa Fe, New Mexico 87502, 505–438–7597.

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

1. Executive Order No. 5907 dated August 18, 1932, which withdrew public land for Public Water Reserve No. 146, is hereby revoked insofar as it affects the following described land:

New Mexico Principal Meridian

T. 12 N., R. 15 E.,
Sec. 15, lots 5 and 6.

The area described contains 60.82 acres in San Miguel County.

2. The land described above is hereby made available for conveyance under the Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 (1988).

Dated: October 27, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–27989 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–FB–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 91–273; FCC 95–417]

Notification of Common Carriers of Service Disruptions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This *Order on Reconsideration* (Order) amends the Commission's rules regarding the reporting of telephone network outages in accordance with requests for reconsideration filed in response to the *Second Report and Order.* Previously the rules required carriers to report, *inter alia*, fire-related incidents impacting 1000 or more of a carrier's lines and outages affecting major airports and 911 facilities. Under the previous rule, outages affecting 911 were to be reported if they disrupted 25% or more of the lines to a Public Service Answering Point (PSAP) and outages affecting major airports were to be reported if they were ''likely to be of media interest.'' The present Order alters these aspects of the outage reporting rule.

For 911 outages, the Order replaces the requirement that carriers report all outages that disrupt more than 25% of the lines to any PSAP. The old requirement was difficult to apply. The new rules simplify the system.

Reports will hereafter be required in the following situations: If, for 24 hours or more, one or more PSAPs cannot be reached by 911 callers, and each such isolated PSAP serves fewer than 30,000 access lines, an initial report of the outage is due within 120 minutes of the carrier's first knowledge of such an outage; if, for at least 30 minutes, an E911 Tandem fails to relay 911 calls to one or more PSAPs, an initial report is due within 120 minutes, regardless of the number of access lines served by that tandem; if, for at least 30 minutes, an end office serving 50,000 or more access lines fails to relay 911 calls, or one or more PSAPs serving in the aggregate 50,000 or more access lines cannot be reached by 911 callers, an initial report is due within 120 minutes; or if, for at least 30 minutes, an end office serving from 30,000 to 50,000 access lines is cut off from 911 service, or one or more PSAPs serving in the aggregate 30,000 to 50,000 access lines cannot be reached by 911 callers, an initial report is due within 3 days. Final reports of all these outages are due within 30 days.

The Order also eliminates the requirement that carriers report any outage affecting a major airport that is ''likely to be of media interest.'' This rule was too subjective. The new rule requires that carriers report any outage affecting a major airport that ''has received any media attention of which the carrier's reporting personnel are aware.''

The Order denies the request of Pacific Bell that the Commission clarify that the obligation to report fire-related incidents does not apply to telephone poles and aerial cables that are consumed in fires. This requirement has not proved burdensome to carriers and will supply the Commission with valuable information.

EFFECTIVE DATE: April 12, 1996.

FOR FURTHER INFORMATION CONTACT: Robert E. Kimball, (202) 418–2339, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in CC Docket No 91–273, FCC 95–417, adopted October 4, 1995, and released October 30, 1995. The item is available for inspection and copying during normal hours in the Commission's FCC Reference Center (room 230), 1919 M St., NW., Washington, D.C., or a copy may be purchased from the duplicating contractor, International Transcription Service, Inc. (202) 857–3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037. The Order will be published in the FCC Record.

OMB Review

Implementation of this collection of information will be subject to approval by the Office of Management and Budget.

Title: Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions (Section 63.100): Order on Reconsideration.

OMB Number: 3060–0484.

Expiration Date: 6/30/96.

Action: Revised collections.

Respondents: Business or other for profit.

Frequency of Response: On occasion. Initial report due 120 minutes or 3 days after incident depending on number of potentially affected customers and nature of disruption. Final report due twenty-eight or thirty days after initial report, depending on nature of disruption.

Estimated Annual Burden: For the entire reporting requirement inclusive of the amendments, the estimated burden remains the same as that approved by the OMB for the *Second Report and Order,* 59 FR 40264, August 8, 1994. 200 responses; 5 hours each; 1000 hours total. The information to be furnished is generally gathered by carriers during outages and will be less than is presently being provided, so the requirement is not burdensome.

Paperwork Reduction: Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Room 234, Paperwork Reduction Project (3060–0484), Washington, D.C. and to the Office of Management and Budget, Paperwork Reduction Project (3060–0484), Washington, D.C. 20503.

Needs and Uses: Section 63.100 of the Commission's Rules, 47 CFR § 63.100, is amended to provide for the collection of information which we believe is essential to our mission of ensuring that the public is protected from major disruptions to telephone services. The amendments modify 47 CFR Section 63.100 to require that local exchange or interexchange common carriers or competitive access providers that

operate either transmission or switching facilities and provide access service or interstate or international telecommunications service report outages that affect 30,000 or more customers or that affect special facilities and report fire-related incidents impacting 1000 or more lines. With such reports the FCC can monitor and take effective action to ensure network reliability. The present amendments provide for the replacement of the requirement that carriers report 911 outages that disrupt 25% or more of the lines serving any PSAP with a less burdensome requirement that will, nevertheless, supply the Commission with all necessary 911 outage information. The present amendment also replaces the requirement that carriers report outages affecting major airports that are likely to attract media attention with a less burdensome requirement that will supply the Commission with all necessary information on major outages affecting airports.

Analysis of Proceeding

In requiring carriers to report 911 outages that disrupt more than 25% of the lines serving any PSAP, the previous rules were supposed to simplify the criteria under which carriers had voluntarily reported special facilities outages prior to the *Second Report and Order* (59 FR 40264, August 8, 1994). A subcommittee of the Network Reliability Council, a Federal Advisory Committee providing reporting recommendations to the Federal Communications Commission, suggested that carriers report, *inter alia*, any ''outage of a loop facility containing 75% or more of the lines to the PSAP.'' Prior to the *Second Report and Order*, confusion among carriers submitting voluntary reports seemed to result from the multiplicity of other 911 reporting criteria suggested by the subcommittee, especially the criteria involving tandem or tandem-affecting failures. During the two years of voluntary reporting under the subcommittee's suggestions, the Commission received no indication that carriers were having difficulty determining the percentage of lines affected. By applying a lower percentage standard—25%—and eliminating all other 911 reporting criteria, the *Second Report and Order* attempted to clarify the 911 reporting standards, obtain the same amount of data, better measure the relative impact of 911 outages and motivate carriers to take greater cognizance of those routes that serve 911 PSAPs. In the present Order, however, commenters have demonstrated that determinations of the exact percentage of lines affecting a particular PSAP involve greater difficulties than had been anticipated.

On the basis of the comments submitted in this proceeding and comparisons of 911 outage reports received before and after the *Second Report and Order* went into effect, the present Orders concludes that the 911 outage reporting requirements adopted in the *Second Report and Order* have produced a far greater number of 911 reports and a far greater reporting burden for some carriers than anticipated. In the five months following September 7, 1994, the effective date of the *Second Report and Order*, the Commission received 64 reports of outages affecting 911 services. In the five months prior to the September 7, 1994 effective date, carriers using the TRG Guideline standards reported only seven 911-affecting outages. Non-911 outages reported since September 7, 1994 have not significantly increased. Commission analyses of 911 reports do not reveal any common causes of 911 outages relating to network vulnerability that account for this increase.

Some 911 reports received since the effective date of the *Second Report and Order* appear to be the result of carriers preferring to err on the side of over-inclusiveness where they are unable to determine accurately the percentage of lines serving PSAPs that may have been affected by an outage. Numerous initial reports, not included in the totals above, have been withdrawn when carriers were subsequently able to determine with greater accuracy the effects of the outages reported. The most pronounced reason, however, for the increased 911 outage reporting is that carriers in less populated areas serve a very large number of small, dispersed PSAPs. Eleven of the sixty-four 911 outages reported since September 7, 1994 occurred in a single state where there are approximately 560 PSAPs. Approximately 80% of these PSAPs are manned by only one or two operators. Twenty of the sixty-four 911 outages were reported by a single carrier serving an area encompassing over 700 PSAPs. Nearly 600 of these PSAPs are served by fewer than three voice connections, including connections maintained solely to provide redundancy. Failure of a single line to any PSAP served by no more than three lines will generate an outage report under the standards set forth in the *Second Report and Order* even if the failed line is provided solely for redundancy. In these circumstances the ''outage'' will have no effect at all on PSAP operators or customers. Half of the 911 outages reported under these standards have been reported by the two carriers (including those carriers' subsidiaries) serving the largest number of predominantly rural areas.

The Order finds that, because of the disproportionate number of very small rural PSAPs, the criteria for reporting 911 outages are unnecessarily broad to achieve the rule's intended purpose. The effect of the rule is to require the greatest amount of reporting for those PSAPs serving the fewest number of lines. This was not the object of the rule. It is clear from the NRC's E911 Focus Group Report that outages affecting 911 service were believed to be especially important because each 911 system was thought to represent a uniquely vulnerable point in the telecommunications network. An E911 PSAP was viewed as a gateway through which the whole variety of possible requests for emergency help would converge, be rapidly evaluated, and connected with the nearest and most appropriate public safety services. The rapid nationwide deployment of these increasingly complex and concentrated systems justified federal interest in discovering any common threats to their reliability. In rural areas where PSAPs are numerous and very small, where, for example the PSAP is a telephone in the local fire department, such convergence and vulnerability is more limited. The large number of 911 outage reports proceeding from these areas does not provide the Commission with significant, new information or promote the stated objectives of 911 outage reporting in the *Second Report and Order.*

Burdensome federal reporting requirements may also increase the costs of 911 service reliability. Under the present reporting standard, for example, providing a redundant line to a PSAP will increase the probability that additional outages will have to be reported. The costs of such reporting could increase the costs of the line. Since the reliability of 911 service in rural areas will often depend on whether local governments can afford to deploy redundant lines, the federal reporting requirements could make it less likely that reliability will be increased in this way. The particular expenses carriers incur as providers of 911 service capabilities should not be inflated by a requirement that they monitor, analyze, tabulate, and report 911 outages that are numerous, not because of any real threat to reliability, but only because the PSAPs in certain areas are, by necessity, small, separate and widely dispersed. The cost of providing 911 service reliability should

not be augmented by unnecessary federal reporting requirements.

The problem of unnecessary 911 outage reporting can be fairly resolved without ignoring outages that affect smaller PSAPs. No statistical base of comparison will be sacrificed if a longer reporting threshold is established for outages that isolate the smaller PSAPs likely to be found outside major urban areas. A duration of 30 minutes or more for an outage in a rural area will not necessarily have the same significance for purposes of analyses as an outage of 30 or more minutes in an urban area. Restoration times for small installations over widely dispersed areas are likely to be longer due to their remoteness from vendors and from the more sophisticated equipment or technical help often needed to diagnose and to restore service. An outage lasting just 30 minutes in a rural area, for example, is likely to proceed from different causes and involve simpler solutions than an outage lasting the same amount of time in an urban area. A longer reporting threshold for smaller PSAPs will, however, alleviate the disproportionate burden the present 911 requirements impose on carriers serving such PSAPs. This order, therefore, amends Section 63.100(a)(4) of our rules, altering the duration threshold for reporting smaller outage affecting PSAPs.

The amendments herein adopted replace the percentage standard, which has proven confusing and difficult to apply, by redefining 911 reportable outages as those that lead to isolation of one or more PSAP(s) for 24 hours or more, if the isolated PSAP(s) collectively serve fewer than 30,000 access lines and no alternate routing has been invoked. The amendments define 911 outages requiring a report as those for which loss of call processing capabilities in the E911 tandem(s) continues for 30 minutes or more, regardless of the number of customers affected, if no alternate routing has been invoked. The amendments require reporting of both these types of 911 outages within 2 hours of the carrier's first knowledge that the outage is reportable. This will resolve the problems of reporting outages affecting smaller PSAPs while enabling the Commission to continue monitoring such outages at a more reasonable level.

Previously, the rules allowed use of the blocked calls standard to determine whether the numerical thresholds had been reached for LEC tandem outages. In the case of 911 outages, however, it is more practical to require reporting of larger 911 outages according to the number of access lines served by the affected PSAP, regardless of the number of blocked calls. Carriers have had considerable difficulty determining the number of blocked 911 calls during outages. 911 outages are also less likely to be predictable on the basis of historical time-of-day traffic loads, the alternative method of determining blocked calls provided for in the *Second Report and Order.* The number of access lines, on the other hand, is easily determined and will ensure maximum coverage of larger 911 outages. The amendments herein require reporting of larger 911 outages according to the number of access lines served by the affected PSAP, regardless of the number of blocked calls.

To make as accessible and clear as possible the 911 outage reporting requirements under both the special facilities subsection and the numerical thresholds subsection of section 63.100 of the Commission's Rules, the amendments change the definition of ''special facilities'' to remove reference to 911 in that paragraph and consolidate all 911 reporting rules in a separate new subsection, 47 CFR 63.100(h). To make application of this new subsection as specific as possible, the amendments complete the definition of reportable 911 outages in section 63.100(a)(4) by including outages for which there is: (1) isolation of one or more PSAP(s) for 30 or more minutes, if the isolated PSAP(s) collectively serve(s) 30,000 or more access lines and no alternate routing has been invoked; or (2) isolation of an end office switch or host/remote cluster from 911 services for 30 minutes or more, if these installations collectively serve 30,000 or more access lines and no alternate routing has been invoked. For 911 outages, only those that fall within these two categories or those described in the paragraph above will be reportable under the amendments.

Under the previous rule, the time periods for initially reporting outages at the 50,000 and 30,000 potentially-affected-customers thresholds are 2 hours and 3 days, respectively. To avoid confusion, the amendments herein establish parallel reporting periods for 911 outages affecting 50,000 and 30,000 customers respectively. Whether these thresholds have been reached will be determined by the number of access lines served by the isolated 911 installations. The amendments set a 3 day deadline for filing initial reports of outages isolating 911 installations serving 30,000 to 50,000 lines and 2 hours for those serving 50,000 or more access lines.

Finally, the amendments change the information requirements by eliminating the sentence, ''Carriers must indicate, when 911 is one of those services, whether more than 25% of the lines to any PSAP were disrupted and there was no automatic rerouting to an alternate PSAP.'' Any known effect on 911 services attributable to any outage reportable under other criteria is to be described under the information requirement that carriers specify the ''types of services affected.'' The amendments make this clear.

In establishing an exemption for reporting 911 outages in situations where there is automatic rerouting to an alternate PSAP, the *Second Report and Order* attempted to avoid the reporting of 911 outages that had no real impact on 911 customers. The phrase ''automatic rerouting to an alternate PSAP,'' however, has resulted in some confusion and overreporting. Therefore, the present Order eliminates that phrase and, instead, requires 911 outage reports only where rerouting to the same or an alternate PSAP location did not occur. This will make it clear that an outage is reportable if there is a rerouting capability that is not used, but not reportable when calls are successfully rerouted.

Since the *Second Report and Order* went into effect on September 7, 1994, few outages affecting major airports have been reported. None has been reported because of the likelihood that it would attract media interest. Commenters have shown that attempting to estimate the newsworthiness of an outage, along with the other reporting and restoration efforts at hand, is an unreasonable task to impose on telecommunications technicians. The Commission's role as a source of information to which the public can turn when concerned about matters involving telecommunications, however, the Commission needs to know if an outage affecting a major airport does, in fact, receive media attention. The Order amends Section 63.100(a)(6) of the Commission's rules, therefore, to require the reporting of any outage affecting a major airport that ''has received any media attention of which the carrier's reporting personnel are aware.''

The reporting requirement triggered when an outage arises because of a fire can give us and the industry valuable information about such vulnerabilities, particularly if alternative technologies, such as underground cable, could significantly improve reliability. For these reasons, the Order declines, at this time, to modify the reporting requirement for fire-related incidents.

Ordering Clauses

Accordingly, pursuant to Sections 1, 4(i), and 201 of the Communications Act

of 1934, as amended, 47 U.S.C. 151, 154 and 201, Section 63.100 of the Commission's Rules, 47 CFR 63.100, IS AMENDED as set forth below, effective April 12, 1996.

It is Further Ordered, that, the Secretary shall cause a summary of this *Order* to be published in the Federal Register which shall include a statement describing how members of the public may obtain the complete text of this Commission decision. The Secretary shall also provide a copy of this *Order* to each state utility commission.

List of Subjects in 47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements, Service disruptions.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

1. The authority citation for part 63 is revised to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 403 and 533, unless otherwise noted.

2. Section 63.100 is amended by revising paragraphs (a)(3), (a)(4), and (a)(6); in paragraphs (b), (c), (d) and (e) by removing the sentence ''Carriers must indicate, when specifying the types of service affected by any reportable outage, when 911 is one of those services, whether more than 25% of the lines to any PSAP were disrupted and there was no automatic rerouting to an alternate PSAP.'' and adding in its place ''When specifying the types of services affected by any reportable outage, carriers must indicate when 911 service was disrupted and rerouting to alternative answering locations was not implemented.''; and adding paragraph (h) to read as follows:

§ 63.100 Notification of service outage.

(a) * * *

(3) *Special offices and facilities* are defined as major airports, major military installations, key government facilities, and nuclear power plants. 911 special facilities are addressed separately in paragraph (a)(4) of this section.

(4) *An outage which potentially affects a 911 special facility* is defined as a significant service degradation, switch or transport, where rerouting to the same or an alternative answering location was not implemented, and involves one or more of the following situations:

(i) Isolation of one or more Public Service Answering Points (PSAPs) for 24 hours or more, if the isolated PSAPs collectively serve less than 30,000 or more access lines, based on the carrier's database of lines served by each PSAP; or

(ii) Loss of call processing capabilities in the E911 tandem(s), for 30 minutes or more, regardless of the number of customers affected; or

(iii) Isolation of one or more PSAP(s), for 30 or more minutes, if the isolated PSAPs collectively serve 30,000 or more access lines, based on the carrier's database of lines served by each PSAP; or

(iv) Isolation of an end office switch or host/remote cluster, for 30 minutes or more, if the switches collectively serve, 30,000 or more access lines.

* * * * *

(6) *An outage which ''potentially affects'' a major airport* is defined as an outage that disrupts 50% or more of the air traffic control links or other FAA communications links to any major airport, any outage that has caused an Air Route Traffic Control Center (ARTCC) or major airport to lose it radar, any ARTCC or major airport outage that has received any media attention of which the carrier's reporting personnel are aware, any outage that causes a loss of both primary and backup facilities at any ARTCC or major airport, and any outage to an ARTCC or major airport that is deemed important by the FAA as indicated by FAA inquiry to the carrier management personnel.

* * * * *

(h)(1) Any local exchange or interexchange common carrier or competitive access provider that operates transmission or switching facilities and provides access services or interstate or international telecommunications services, the experiences an outage on any facilities that it owns, operates or leases that potentially affects 911 services must notify the Commission within the applicable period shown in the chart in this paragraph (h)(1) if such outage meets one of the following conditions, as defined in paragraph (a)(4) of this section:

Condition	Lines affected	Duration	Period
Loss of E911 Tandem capability	No limit	30 minutes or more	120 minutes.
Isolation of PSAP(s)	Under 30,000 access lines served	24 hours or more	120 minutes.
Isolation of PSAP(s)	50,000 or more access lines served	30 minutes or more	120 minutes.
Isolation of PSAP(s)	30,000 to 50,000 access lines served	30 minutes or more	3 days.
Isolation of EO switch, host/remotes from 911	50,000 or more access lines served	30 minutes or more	120 minutes.
Isolation of EO switch, host/remotes from 911	30,000 to 50,000 access lines served	30 minutes or more	3 days.

(2) Satellite carriers and cellular carriers are exempted from the reporting requirement in this paragraph (h). Notification must be served on the Commission's Monitoring Watch Officer, on duty 24 hours a day in the FCC headquarters building in Washington, D.C., or on a secondary basis it may be served on the Commission's Watch Officer on duty at the FCC's facility at Grand Island, Nebraska. The notification must be by facsimile or other record means delivered within the notification period indicated above from the time of the carrier's first knowledge that the service outage ''potentially affects a 911 special facility'' as described in paragraph (a)(4) of this section and summarized in the chart in paragraph (h)(1) of this section and the service outage has continued for the duration indicated in paragraph (a)(4) of this section and summarized in the chart in paragraph (h)(1) of this section. Notification shall identify a contact person who can provide further information, the telephone number at which the contact person can be reached, and the information known at the time notification is made about the service outage including: the date and estimated time (local time at the location of the outage) of commencement of the outage; the geographic area affected; the estimated number of customers affected; the types of services affected; the duration of the outage, *i.e.* time elapsed from the estimated commencement of the outage

until restoration of full service; the estimated number of blocked calls during the outage; the apparent or known cause of the incident, including the name and type of equipment involved and the specific part of the network affected; methods used to restore service; and the steps taken to prevent recurrences of the outage. The report shall be captioned Initial Service Disruption Report. Lack of any of the information in this paragraph (h)(2) shall not delay the filing of this report. Not later than thirty days after the outage, the carrier shall file with the Chief, Common Carrier Bureau, a Final Service Disruption Report providing all available information on the service outage, including any information not contained in its Initial Service Disruption Report and detailing specifically the root cause of the outage and listing and evaluating the effectiveness and application in the immediate case of any best practices or industry standards identified by the Network Reliability Council to eliminate or ameliorate outages of the reported type.

[FR Doc. 95–27300 Filed 11–13–95; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 60, No. 219
Tuesday, November 14, 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

Consolidated Farm Service Agency

7 CFR Part 782

RIN 0560–AE37

End-Use Certificate Program

AGENCY: Consolidated Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Consolidated Farm Service Agency (CFSA) is proposing to amend the regulations found at 7 CFR part 782 which govern the End-Use Certificate Program. The End-Use Certificate Program is administered in accordance with section 321(f) of the North American Free Trade Agreement Implementation Act. This rule proposes to amend reporting requirements, reporting deadlines, and the required notification process in a manner that will increase program effectiveness and efficiency for government and affected industries. If adopted, the provisions of this regulation would simplify the reporting burden placed on importers, subsequent buyers, end users and exporters by extending reporting deadlines and incorporating alternative reporting methods.

Other minor revisions to the regulations are proposed as well.

DATES: Written comments must be received on or before December 14, 1995 in order to be assured of consideration.

ADDRESSES: Comments concerning this proposed rule must be mailed to Deputy Administrator, Commodity Operations, CFSA, P.O. Box 2415, Washington, DC 20013–2415. All written comments will be available for public inspection in Room 5962, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 5 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Acting Deputy Director, Warehouse and Inventory Division, CFSA, Box 2415, Washington, DC 20013–2415; telephone (202) 720–5647 or FAX (202) 690–0014.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778. The provisions of this proposed rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Analysis is needed.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

This rule proposes to amend the reporting requirements by extending reporting deadlines and incorporating alternative reporting methods. Since February 27, 1995, the effective date of the end-use certificate program, CFSA has determined that entities required to file form CFSA–750, End-Use Certificate for Wheat, and form CFSA–751, Wheat Consumption and Resale Report, have encountered some difficulty in meeting the requirement that these forms be filed with the Kansas City Commodity Office (KCCO) within 10 workdays following the date of entry, or the date of resale, as applicable. This proposal to increase the reporting requirement from 10 workdays following the date of entry or resale, as applicable, to 15 workdays following the date of entry or resale will provide increased flexibility to the entity that is required to file the report without decreasing the efficiency of the program on the part of the government. Additionally, numerous requests have been received by CFSA to permit facsimile transmission and computer generation of forms CFSA–750, End-Use Certificate for Wheat, and CFSA–751, Wheat Consumption and Resale Report. In an attempt to utilize technology that is currently available, CFSA is proposing that such report submissions will be acceptable under the End-Use Certificate Program. While all of the entities that are required to file forms CFSA–750 and CFSA–751 have the potential of being affected by these proposed changes in reporting requirements, no entities will be adversely affected.

The changes proposed in this rule do not impact recordkeeping requirements.

The reporting requirements for CFSA–750 and CFSA–751 were previously approved by the Office of Management and Budget (OMB) and assigned OMB control number 0560–0151.

These revised reporting requirements will be submitted to OMB for approval under the provisions of 44 U.S.C. 35. Send comments regarding this collection of information to: Department of Agriculture, Clearance Officer, Office of Information Resources Management, Room 404–W, Washington, DC 20250, and Regulatory Affairs of OMB, Attention: Desk Officer for USDA, Room 3201, New Executive Office Building, Washington, DC 20503.

Regulatory Flexibility Act

On January 26, 1995, CFSA published a final rule that established program requirements for the End-Use Certificate Program. At that time, a Regulatory Flexibility Analysis was prepared to discuss the impact of the implementation of the End-Use Certificate Program. A copy of this Regulatory Flexibility Analysis is available upon request from Helen Linden, Warehouse and Inventory Division, CFSA, P.O. Box 2415, Washington, DC 20013–2415; telephone: (202) 690–4321.

The changes that are proposed in this rule are intended to reduce the reporting burden for all businesses, including small businesses. Because these proposed changes will not have an adverse impact on a substantial number of small businesses, a Regulatory Flexibility Assessment is not required for this proposed rule.

Background

This rule proposes to amend the regulations at 7 CFR part 782 with respect to the U.S. End-Use Certificate Program. Since February 27, 1995, the effective date for the implementation of the End-Use Certificate Program, several items have been identified that could improve the effectiveness and the efficiency of the End-Use Certificate Program.

The final rule published on January 26, 1995, at 60 FR 5087, did not include a specific time requirement for importers and subsequent buyers to inform subsequent buyers or end users that wheat being purchased is of Canadian origin, and as such, is subject to these regulations. In some instances, importers are delivering Canadian wheat to subsequent buyers and end users through grain handlers. CFSA has found that this method of transporting Canadian wheat results in some grain handlers acquiring title to a portion of the wheat, thus becoming either a subsequent buyer or end user. The general interpretation of existing regulations by affected parties is that the importer or subsequent buyer has 10 days to provide a copy of the form End-Use Certificate for Wheat, ASCS–750, to the subsequent buyer or exporter, which mirrors the requirement for submitting forms to the Kansas City Commodity Office (KCCO). This delay in notification has resulted in situations where subsequent buyers and end users have either commingled Canadian wheat with U.S. origin wheat or resold Canadian wheat before they were informed that the wheat is of Canadian origin. Therefore, CFSA proposes to amend the regulations at 7 CFR part 782 to require importers and subsequent buyers to provide immediate notification to purchasers and grain handlers when wheat being sold is of Canadian origin.

Secondly, in an effort to simplify and expedite the receipt of reports, this proposed rule would extend the time requirements for filing form ASCS–750 with KCCO from 10 to 15 workdays following the date of entry and incorporate provisions which will permit the electronic transmission and computer generation of required forms.

Finally, this proposed rule includes nomenclature changes to revise form numbers ASCS–750 and ASCS–751 to CFSA–750 and CFSA–751, respectively.

For the reasons set out in the preamble, 7 CFR part 782 is proposed to be amended as follows:

PART 782—END-USE CERTIFICATE PROGRAM

1. The authority citation for part 782 continues to read as follows:

Authority: 19 U.S.C. 3391(f).

2. In part 782 all references to ''ASCS–750'' are revised to read ''CFSA–750.''

3. In part 782 all references to ''ASCS–751'' are revised to read ''CFSA–751.''

4. Section 782.2 is amended to add the following definition immediately following the definition for ''Entry'':

§ 782.2 Definition.

* * * * *

Grain handler means an entity other than the importer, exporter, subsequent buyer, or end user that handles wheat on behalf of an importer, exporter, subsequent buyer, or end user.

* * * * *

5. Section 782.4 is revised to read as follows:

§ 782.4 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 0560–0151.

6. Section 782.12 is amended by:

A. Removing the number ''10'' in the first sentence of paragraph (a) and adding the number ''15'' in its place,

B. Removing paragraph (a)(8),

C. Redesignating paragraphs (a)(9) and (a)(10) as paragraphs (a)(8) and (a)(9), respectively,

D. Redesignating paragraphs (b), (c), and (d) as paragraphs (d), (e), and (f), respectively, and revising newly redesignated paragraph (e) to read as set forth below,

E. Adding new paragraphs (b) and (c) to read as follows:

§ 782.12 Filing CFSA–750, End-Use Certificate for Wheat.

* * * * *

(b) Importers may provide computer generated form CFSA–750, provided such computer generated forms:

(1) Are approved in advance by KCCO,

(2) Contain a KCCO assigned serial number, and

(3) Contain all of the information required in paragraphs (a)(1) through (a)(9) of this section.

(c) KCCO will accept form CFSA–750 submitted through the following methods:

(1) Mail service, including express mail,

(2) Facsimile machine, and

(3) Other electronic transmissions, provided such transmissions are approved in advance by KCCO. The importer remains responsible for ensuring that electronically transmitted forms are received in accordance with paragraph (a) of this section.

* * * * *

(e) Distribution of form CFSA–750 will be as follows:

(1) If form CFSA–750 is submitted to KCCO in accordance with paragraph (c)(1) of this section, the original shall be forwarded to Kansas City Commodity Office, Warehouse License and Contract Division, P.O. Box 419205, Kansas City, MO 64141–6205, by the importer,

(2) If form CFSA–750 is submitted to KCCO in accordance with paragraphs (c)(2) or (c)(3) of this section, the original form CFSA–750 that is signed and dated by the importer in accordance with paragraph (d) of this section shall be maintained by the importer,

(3) One copy shall be retained by the importer,

(4) The importer shall provide a photocopy to the end user or, if the wheat is purchased for purposes of resale, the subsequent buyer(s).

* * * * *

7. Section 782.13 is amended by:

A. Redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by removing the number ''10'' in the new paragraph (d) and adding the number ''15'' in its place,

B. Adding paragraph (b) to read as follows:

§ 782.13 Importer Responsibilities.

* * * * *

(b) Immediately notify each subsequent buyer, grain handler, or end user that the wheat being purchased or handled originated in Canada and may only be commingled with U.S.-produced wheat by the end user or when loaded onto a conveyance for direct delivery to the end user or a foreign country.

* * * * *

8. Section 782.15 is amended by:

A. Removing the number ''10'' in paragraph (a)(1) and adding the number ''15'' in its place, and

B. Adding paragraphs (e), (f), and (g) to read as follows:

§ 782.15 Filing CFSA–751, Wheat Consumption and Resale Report.

* * * * *

(e) Filers may provide computer generated form CFSA–751, provided such computer generated forms:

(1) Are approved in advance by KCCO, and

(2) Contain the information required in paragraphs (b)(1) through (b)(9).

(f) KCCO will accept form CFSA–751 submitted through the following methods:

(1) Mail service, including express mail,

(2) Facsimile machine, and

(3) Other electronic transmissions, provided such transmissions are approved in advance by KCCO. The importer remains responsible for ensuring that electronically transmitted forms are received in accordance with this section.

(g) Distribution of form CFSA–751 will be as follows:

(1) If form CFSA–751 is submitted to KCCO in accordance with paragraph (f)(1) of this section, the original shall be forwarded to Kansas City Commodity Office, Warehouse License and Contract Division, P.O. Box 419205, Kansas City, MO 64141–6205, by the importer, end user, exporter, or subsequent buyer,

(2) If form CFSA–751 is submitted to KCCO in accordance with paragraphs (f)(2) or (f)(3) of this section, the original form CFSA–751 that is signed and dated by the importer, end user, exporter, or subsequent buyer in accordance with paragraph (b)(8)(v) or (b)(9)(iv) of this section shall be maintained by the importer, end user, exporter, or subsequent buyer,

(3) One copy shall be retained by the importer, end user, exporter, or subsequent buyer.

* * * * *

9. Section 782.17 is amended by:

A. Redesignating paragraph (b) as paragraph (c), and

B. Adding a new paragraph (b) to read as follows:

§ 782.17 Wheat purchased for resale.

* * * * *

(b) The importer or subsequent buyer shall immediately notify each subsequent buyer, grain handler, exporter, or end user that the wheat being purchased or handled originated in Canada and may only be commingled with U.S.—produced wheat by the end user or when loaded onto a conveyance for direct delivery to the end use or a foreign country.

* * * * *

Signed at Washington, DC, on November 3, 1995.

Grant Buntrock,

Administrator, Consolidated Farm Service Agency.

[FR Doc. 95–27817 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

8 CFR Parts 292 and 292a

[EOIR: 109N; AG Order No. 1196–95]

RIN 1125–ZA00

Executive Office for Immigration Review; Representation and Appearance

AGENCY: Department of Justice.

ACTION: Request for public comment.

SUMMARY: This request for comment seeks input regarding possible changes in the qualifications required of an organization before it may be recognized by the Executive Office for Immigration Review (EOIR) to represent persons before the Immigration and Naturalization Service (Service), the Board of Immigration Appeals (Board), and the Immigration Court. Specifically, comments are requested regarding whether the requirement that recognized organizations may charge only ''nominal fees'' should be changed.

DATES: Comments must be submitted on or before December 14, 1995.

ADDRESSES: Comments may be submitted to General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION:

Background

Under the present version of 8 CFR 292.2, non-profit religious, charitable, social service, or similar organization may designate representatives to practice before the Service, the Immigration Court, and the Board if the organization has applied for and received recognition from the Board. To gain such recognition, an organization must establish to the satisfaction of the Board that—

(1) It charges only nominal fees for its services and assesses no excessive membership dues, and

(2) It has adequate knowledge, information, and experience to represent its clients in immigration matters.

The requirement that a recognized organization may charge only nominal fees has been a requirement for recognition by the Board since 1975. The requirement has existed to ensure that recognized organizations are in fact charitable, are serving low-income or indigent clients, and are not representing their clients for profit.

The term ''nominal fees'' has not been specifically defined, but rather interpretation has been left to a case-by-case analysis. However, the Board has stated that the ''imposition of nominal fees was not intended as a means through which an organization could fund itself.'' *Matter of American Paralegal Academy, Inc.,* 19 I&N Dec. 386 (BIA 1986). The Board has also stated that the fact that an organization's fees are ''substantially less than those charged by law firms is not a proper standard for consideration since such organizations are not law firms.'' *Id.* Beyond this, little concrete guidance regarding the meaning of nominal fees has been provided in the 20 years since the term first appeared in the regulation. Traditionally, however, the term has been narrowly construed to permit recognized organizations to charge only minimal amounts for their services.

The nominal fees restriction has been criticized by some as constituting a barrier to affordable, quality legal services to poor aliens. It has been asserted that some organizations, well-qualified to represent aliens, do not even attempt to gain recognition from the Board because of the nominal fee restriction, and that many other recognized organizations are unable to meet the demand for their services due to the financial constraints imposed by the nominal fees restriction.

On the other hand, other groups have suggested that an increase in nominal fees charged by recognized organizations may place them in competition with members of the bar for clients who can afford legal services. This arguably exceeds the scope of the ''recognized organization'' program, which was intended to address the needs for pro bono representation. It also creates certain issues with respect to oversight by the Board of the performance and fee charging policies of recognized organizations.

The issues raised by the nominal fees regulation have recently become the focus of additional attention. Many recognized organizations have stated that they are losing funding as charitable contributions dwindle and sentiment against providing legal aid to aliens grows. A number of organizations have informed EOIR that they have closed completely or have scaled back their immigration programs. At the same time, some organizations assert, the need for services to low-income aliens has been steadily growing. The perceived hardship imposed by the nominal fee restriction on both

recognized organizations and their clients has been the impetus for a renewed effort to change or eliminate the restriction.

Request for Comments

The concerns outlined above have led EOIR to formally request comments on possible changes to the nominal fee and accreditation provisions of 8 CFR 292.2. The outlined concerns are not considered to be comprehensive, and those responding are invited to address these and any additional areas of concern they may have regarding the nominal fee issue. For example, EOIR also seeks comments on the following:

1. Should the nominal fee restriction be retained, but more broadly interpreted, so as to permit higher fees to be charged?

2. If the nominal fee restriction is changed, or is eliminated from the regulation, what should replace it?

3. Should recognized organizations be able to fund themselves, in whole or in part, through imposition of fees? If so, what would be an appropriate level of such funding?

4. What safeguards should exist to ensure that recognized organizations are in fact operating in the best interests of their clientele and not for profit?

A concern that is frequently raised in discussing change or elimination of the nominal fee requirement is that the requirement guards against the proliferation of unregulated immigration consultants or ''notarios,'' who are operating for profit, and who frequently provide poor advice or otherwise take advantage of their clients. The concern is that if larger fees may be charged by recognized organizations, more unscrupulous organizations may apply for and gain recognition by the Board. Those arguing in favor of changing the regulation, on the other hand, contend that such questionable organizations are more likely to exist where there are inadequate quality legal services available. They argue that these organizations take advantage of the fact that many aliens cannot afford lawyers, that legal services are not available, and that aliens therefore turn to unqualified and sometimes dishonest organizations for advice and help.

Parties on each side of this argument, however, agree that if the nominal fee regulation is changed or eliminated, some safeguards should be put in place to carefully regulate the recognition of organizations before the Board. Comments are requested regarding how best to do this. The following are ideas on which comments are invited:

(a) Should an organization be required to show that it has both non-profit and tax-exempt status, within the meaning of the Internal Revenue Code?

(b) Should an organization be required to show that it serves only low-income clients? Should the term low-income be defined, and if so, how?

(c) Should an organization be required to provide, as part of the application for recognition, proof of where they receive their funding? Once recognized, should they also be required to provide annual reports which include the sources of their revenue, their fee schedules, their income guidelines, and proof that they serve only, or primarily, low-income clients?

(d) Should an organization be required to vary its fees depending on ability to pay?

(e) Should there be formal procedures requiring recognized organizations to show continuing compliance with any applicable regulation? Should recognized organizations be required to be re-recognized periodically, as is the case with accredited representatives?

(f) In requests for reaccreditation of accredited representatives of recognized organizations, should there be a requirement that Immigration Judges before whom the representative practices be consulted? Should the local bar be notified of reaccreditation applications, with opportunity to comment?

(g) Should there be formal procedures for filing complaints against recognized organizations or accredited representatives? Should the regulation provide that any attorney or advocate may report suspected abuse?

5. Should the regulation regarding lists of free legal services, at 8 CFR part 292a, be amended to allow including organizations and/or individuals who provide low cost legal services? Should private attorneys be permitted to have their names on this list, provided their fees are within the range accepted:

As mentioned above, EOIR welcomes all comments regarding any of the concerns identified in this notice as well as any other comments regarding possible changes in the qualifications required of an organization for recognition by EOIR to represent persons before the Service, the Board, and the Immigration Court.

Dated: November 6, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–28011 Filed 11–13–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–47–AD]

Airworthiness Directives; de Havilland Model DHC–3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 90–12–08, which currently requires the following on de Havilland Model DHC–3 airplanes: repetitively inspecting (using dye penetrant methods) the tailplane main rib forward flanges and the main rib forward lower flanges at the tailplane front attachment fitting for cracks and repairing any cracked flange. The proposed action would retain the repetitive inspections currently required by AD 90–12–08, and would allow the provision of incorporating a certain modification as terminating action for these repetitive inspections. The proposed action is prompted by the Federal Aviation Administration's determination that installing new angles and plates on the tailplane root ribs on de Havilland Model DHC–3 airplanes provides an equivalent level of safety to the repetitive inspections required by AD 90–12–08. The actions specified by the proposed AD are intended to prevent failure of the tailplane structure caused by cracked tailplane main rib forward flanges or main rib forward lower flanges at the tailplane front attachment fitting, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Comments must be received on or before January 12, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–47–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Bombardier Inc., (the parent company of de Havilland) Bombardier Regional Aircraft Division, Garrett Boulevard, Downsview, Ontario, Canada M3K 1Y5; telephone (416) 633–7310. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Casale, Aerospace Engineer, FAA, New York Aircraft Certification Office, 10 5th St., 3rd Floor, Valley Stream, New York 11581; telephone (516) 256–7521; facsimile (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–47–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–47–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 90–12–08, Amendment 39–6622 (55 FR 1450, January 16, 1990), currently requires the following on de Havilland Model DHC–3 airplanes: repetitively inspecting (using dye penetrant methods) the tailplane main rib forward flanges and the main rib forward lower flanges at the tailplane front attachment fitting for cracks and repairing any cracked flange. Accomplishment of the actions required by AD 90–12–08 is in accordance with de Havilland Service Bulletin (SB) No. 3/46, Revision B, dated December 1, 1989.

Since issuance of AD 90–12–08, de Havilland has developed tailplane root rib angles and plates of improved design (Modification 3/935). When incorporated, Modification 3/935 eliminates the need for the repetitive inspections required by AD 90–12–08.

Bombardier, Inc. (the parent company of de Havilland) has issued de Havilland SB No. 3/50, Revision A, dated February 17, 1995, which specifies procedures for incorporating Modification 3/935 on de Havilland Model DHC–3 airplanes.

Transport Canada, which is the airworthiness authority for Canada, classified this service bulletin as mandatory and revised Transport Canada AD CF–89–20 to the R1 level, dated February 22, 1995, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement between Canada and the United States. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above.

After examining the findings of Transport Canada and reviewing all available information related to the incidents described above including the referenced service information, the FAA has determined that (1) incorporating Modification 3/935 provides an equivalent level of safety to the repetitive inspections required by AD 90–12–08; and (2) AD action should be taken to prevent failure of the tailplane structure caused by cracked tailplane main rib forward flanges or main rib forward lower flanges at the tailplane front attachment fitting, which, if not detected and corrected, could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other de Havilland Model DHC–3 airplanes of the same type design that do not have Modification 3/935 incorporated, the proposed AD would supersede AD 90–12–08 with a new AD that would (1) retain the requirement of repetitively inspecting the tailplane main rib forward flanges and the main rib forward lower flanges at the tailplane front attachment fitting for cracks and repairing any cracked flange; and (2) allowing for the provision of incorporating Modification 3/935 as terminating action for the repetitive inspections. Accomplishment of the proposed inspections would be in accordance with de Havilland SB No. 3/46, Revision B, dated December 1, 1989. Accomplishment of the proposed modification would be in accordance with de Havilland SB No. 3/50, Revision A, dated February 17, 1995.

The FAA estimates that 49 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 35 workhours per airplane to accomplish the proposed inspection and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $102,900 or $2,100 per airplane. This figure represents the cost of the initial inspection, and does not reflect the costs for repetitive inspections or possible repairs. The FAA has no way of determining how many tailplane main rib forward or main rib forward lower flanges may need repaired or how many repetitive inspections each owner/operator of the affected airplanes would incur over the life of the airplane.

The FAA has issued alternative methods of compliance (AMOC) to the repetitive inspection requirement of AD 90–12–08 for owners/operators of three de Havilland Model DHC–3 airplanes. These AMOC's consist of the incorporation of a certain design modification in the tailplane root rib area of the affected airplanes. These AMOC's would remain in effect for the proposed AD, which would eliminate the inspection costs for these three airplanes. With this in mind, the cost of the proposed AD would be reduced by $6,300 from $102,900 to $96,600.

The compliance time of the proposed AD is in calendar time instead of hours time-in-service (TIS). In developing the compliance time of AD 90–12–08, the FAA utilized calendar time because it was unknown whether the rib flange cracking was a result of in-flight loads (flight hours) or loads associated with ground gusts. With this in mind, airplanes with lower usage may experience a cracked rib flange before an airplane with higher usage. For this reason, calendar time rather than flight hours was judged to be an appropriate inspection basis. This situation still exists and in order to maintain the repetitive inspection continuity between AD 90–12–08 and the proposed AD, a compliance based on calendar time is proposed.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g); 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 90–12–08, Amendment 39–6622 (55 FR 1450, January 16, 1990), and by adding the following new AD:

De Havilland: Docket No. 95–CE–47–AD; Supersedes AD 90–12–08, Amendment 39–6622.

Applicability: Model DHC–3 Airplanes (all serial numbers), certificated in any category, that do not have Modification 3/935 incorporated in accordance with de Havilland Service Bulletin (SB) number (No.) 3/50, Revision A, dated February 17, 1995.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it. Compliance: Within the next 3 calendar months after the effective date of this AD, unless already accomplished (compliance with AD 90–12–08), and thereafter at intervals not to exceed 24 calendar months.

To prevent failure of the tailplane structure caused by cracked tailplane main rib forward flanges or main rib forward lower flanges at the tailplane front attachment fitting, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Inspect, using dye penetrant methods, the tailplane main rib forward flanges and the main rib forward lower flanges at the tailplane front attachment fitting in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 3/46, Revision B, dated December 1, 1989.

(b) Prior to further flight, repair any tailplane main rib forward flange or main rib forward lower flange found cracked during any inspection required by this AD. Accomplish this repair in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of de Havilland SB No. 3/46, Revision B, dated December 1, 1989.

(c) Installing tailplane root rib angles and plates of improved design (Modification 3/935) in accordance with de Havilland SB 3/50, Revision A, dated February 17, 1995, terminates the repetitive inspection requirement of this AD. Modification 3/935 may be incorporated at any time provided that any tailplane main rib forward flange or main rib forward lower flange found cracked during any inspection required by this AD is repaired.

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

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), 10 5th St., 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

(f) Alternative methods of compliance approved in accordance with AD 90–12–08 (superseded by this action) are considered approved as alternative methods of compliance with this AD.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to Bombardier Inc., Bombardier Regional Aircraft Division, Garrett Boulevard, Downsview, Ontario, Canada M3K 1Y5; telephone (416) 633–7310; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 90–12–08, Amendment 39–6622.

Issued in Kansas City, Missouri, on November 6, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27984 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 18 and 75

RIN 1219–AA75

High-Voltage Longwall Equipment Standards for Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In response to requests from the mining community for additional time in which to prepare comments, the Mine Safety and Health Administration (MSHA) is extending the period for public comment on its proposed rule addressing the use of high-voltage longwall equipment in production areas of underground coal mines.

DATES: All comments must be submitted on or before December 18, 1995.

ADDRESSES: Send comments to MSHA, Office of Standards, Regulations and Variances, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203. Commenters are encouraged to submit comments on a computer disk along with a hard copy.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, 703–235–1910.

SUPPLEMENTARY INFORMATION: On October 18, 1995, MSHA published a document in the Federal Register (60 FR 53891) announcing the reopening of the rulemaking record on its proposed standard allowing the use of high-voltage longwall equipment in underground coal mines. The comment period was scheduled to close on November 17, 1995. By this document, the Agency is extending the comment period to December 18, 1995. All interested parties are encouraged to submit comments prior to that date.

Dated: November 7, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95–27975 Filed 11–13–95; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 206 and 260

Bidding Systems for Leases in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: Due to requests for additional time the Minerals Management Service (MMS) extends by 30 days the comment period for a notice of proposed rulemaking (NPR) that was published in the Federal Register on August 23, 1995. The NPR is concerned with an amendment to change the bidding systems for newly issued leases under the Outer Continental Shelf Lands Act.

DATES: MMS will consider all comments we receive by November 22, 1995. We will begin reviewing comments at that time and may not fully consider comments we receive after November 22, 1995.

ADDRESSES: Comments should be mailed or hand delivered to the Department of the Interior; Minerals Management Service, Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070–4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Chief Economic Evaluation Branch, telephone (703) 787–1636.

Dated: November 6, 1995.

Richard J. Glynn,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 95–28037 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–MR–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[PROO1; FRL–5331–1]

Clean Air Act Proposed Full Approval of Operating Permits Program: the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: The EPA proposes full approval of the operating permits program submitted by the Commonwealth of Puerto Rico for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources.

DATES: Comments on this proposed action must be received in writing by December 14, 1995.

ADDRESSES: Written comments should be addressed to Steven C. Riva, Chief, Permitting and Toxics Support Section, at the New York Region II Office listed below. Copies of the State's submittal and other supporting information used in developing the proposed full approval as well as the Technical Support Document are available for inspection during normal business hours at the following locations:

EPA Region II, 290 Broadway, 21st Floor, New York, New York 10007–1866, Attention: Steven C. Riva.

EPA Region II, Caribbean Field Office, Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, Stop 22, San Juan, Puerto Rico 00907–4127, Attention: Jose Ivan Guzman.

Puerto Rico Environmental Quality Board, Air Programs Area, Eurobank Building, 431 Ponce de Leon Avenue, Hato Rey, PR 00910, Attention: Francisco Claudio.

FOR FURTHER INFORMATION CONTACT: Christine Fazio, Permitting and Toxics Support Section, at the above EPA office in New York or at telephone number (212) 637–4015. Jose Ivan Guzman of the Caribbean Field Office can be reached at (809) 729–6951, extention 223.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act (''the Act'') as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

The Chairman of the Environmental Quality Board (EQB) submitted a part 70 permitting program for the Commonwealth of Puerto Rico with a letter requesting EPA's approval on November 15, 1993 and a supplemental package on March 22, 1994. The program contains a description of how the EQB intends to implement the program consistent with the requirements of the Act and 40 CFR part 70. The program includes supporting documentation such as evidence of the procedurally correct adoption of the permitting rule, permit application forms, and a sample permit form. On April 11, 1994 the Attorney General of Puerto Rico submitted a legal opinion stating that EQB has adequate legal authority to carry out the program. On September 29, 1995, EQB submitted a revised regulation which included minor changes to the regulation submitted on March 22, 1994. The EPA intends to develop an implementation agreement with Puerto Rico which will define EPA's and EQB's responsibilities and commitments for administering the program, although this proposed action does not depend on the implementation agreement.

2. Regulations and Program Implementation

Puerto Rico's part 70 permitting regulation is contained in Part I, Rule 102; Part II, Rule 206; Part VI, Rules 601 through 610; and Appendices A through E of the Regulation For The Control Of Atmospheric Pollution (RCAP) dated September 1995. Puerto Rico's regulation meets the main requirements of Part 70 as described below:

a. applicability (40 CFR 70.2 and 70.3): Sources required to obtain a permit under Puerto Rico's regulation are defined as ''Title V sources'' and

include all major part 70 sources. The rule defers non-major sources until the Administrator completes a rulemaking to determine how the title V program should be structured for non-major sources and the appropriateness of any permanent exemptions. The regulation permanently exempts any source that would be required to obtain a permit solely because it is subject to Standards of Performance for New Residential Wood Heaters or the National Emission Standard for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation. (Rules 102 and 601 of the RCAP)

b. permit content (40 CFR 70.6): Rule 603 requires that each permit contain emission limitations and standards to ensure compliance with all applicable requirements. Permits may also contain certain operational flexibility requirements such as terms and conditions for reasonably anticipated operating scenarios (including worst-case operational scenarios) and for the trading of emissions increases and decreases (to the extent the applicable requirements provide for such trading) in the permitted facility. Such operational flexibility provisions are explained more fully in Rules 603 and 607 of the RCAP.

c. public participation (40 CFR 70.7): The public will be provided with notice of, and an opportunity to comment on, draft permits relating to initial permit issuance, permit renewals, and significant modifications (Rule 609 of the RCAP).

d. permit modifications (40 CFR 70.7): Sources may apply for expedited permit changes for minor permit modifications. Significant modifications must undergo all part 70 permit issuance procedures (Rule 606 of the RCAP).

e. EPA oversight (40 CFR 70.8): Each permit, renewal, and minor or significant modification is subject to EPA oversight and veto (Rule 609 of the RCAP).

f. insignificant activities (40 CFR 70.5): The lists of insignificant activities can be found at Rule 206 and Appendix B of the RCAP (the two lists are different). Insignificant activities which need not be described in the permit application include sources on the two lists provided no applicable requirements apply to the source and the source emits 2 tons per year or less of a criteria pollutant or 5 tons per year or less of any combination of criteria pollutants; and 2 tons per year or the de minimis rates for hazardous air pollutants listed in Appendix E (whichever is lower). For insignificant activities exempted because of size or production rate, a list of such insignificant activities must be included in the permit application. In addition, any unit with allowable emission rates less than certain quantities identified in Item P of Appendix B (e.g., from 1 to 2 tpy depending on pollutant) can be listed on the permit application as an insignificant activity if no applicable requirements apply to the unit.

g. enforcement authority (40 CFR 70.11): Article 17 of Law No. 9 of June 18, 1970 as amended on November 12, 1993 (''Law No. 9'') directly provides for enforcement and penalties for civil and criminal violations of permits and rules. Penalties will be assessed up to $25,000 per day per violation.

h. complete application forms (40 CFR 70.5): Rule 602 defines what elements must be in an application in order for it to be complete. All information is included in EQB's permit application.

i. variance provisions: Part III, Rule 301 of the RCAP contains provisions for EQB to approve variances from the strict application of substantive requirements of the Puerto Rico regulation, except for NSPS and NESHAP requirements. Rule 301 also states that no variance will be approved by EQB unless it has been approved by EPA. Under Rule 302, EQB may provide for an emergency variance of up to 90 days under very special circumstances such as to avoid an imminent health threat. EPA regards Rules 301 and 302 as wholly external to the program submitted for approval under part 70. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a federally enforceable part 70 permit, except where such relief is granted through the procedures allowed by part 70. A part 70 permit may be issued or revised (consistent with part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A part 70 permit may also incorporate, via part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.''

3. Permit Fee Demonstration

Puerto Rico's workload analysis and fee demonstration shows that the state will collect sufficient revenue to implement the Title V program. Puerto Rico will collect permit fees beginning at $25 adjusted by the Consumer Price Index (base year 1989) per ton of allowable emissions of regulated pollutants. However, the state-owned utility will be capped at a fee of $1 million per year for its existing facilities and the state hospital is exempt from fees. Puerto Rico's fee demonstration and regulation (Rule 610 of the RCAP) state that Puerto Rico may raise fees if necessary in the future. Furthermore, Article 11 of Law No. 9 requires that sufficient fees be collected to cover the direct and indirect expenses necessary to develop, administer and enforce Puerto Rico's Title V program, including the Small Business Technical and Environmental Compliance Assistance Program as required by section 507 of the Act. Article 11 of Law No. 9 establishes a special account which is independent and separate from any other account in Puerto Rico and must be used only for the Air Quality Program.

4. Provisions Implementing Section 112 of the Act

a. authority for Section 112 Implementation: Puerto Rico has demonstrated in its title V program submittal adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in Puerto Rico's enabling legislation (Article 12 of Law No. 9) and in regulatory provisions defining ''applicable requirements'' and stating that the permit must incorporate all applicable requirements. EPA has determined that this is sufficient to allow Puerto Rico to issue permits that assure compliance with all section 112 requirements. The Attorney General's legal opinion also certifies that EQB has authority to implement the air toxics program and to accept automatic delegation of future national emission standards for hazardous air pollutants. Rule 110(A)(2) of the Regulation for the Control of Atmospheric Pollution (RCAP) provides that NESHAPs when promulgated by the EPA Administrator will become effective as part of Puerto Rico's rules and regulations. Rule 604 of the RCAP provides for the following section 112 requirements:

i. case-by-case MACT determinations: In the event that no applicable emissions limitations have been established by the Administrator, EQB will make case-by-case Maximum Achievable Control Technology (MACT) determinations as required under sections 112 (j) and (g) of the Act.

ii. early reductions: Rule 604 authorizes EQB to issue permits with an alternate emission limit under the Act's section 112(i)(5) early reductions program.

iii. implementation of section 112(r): Rule 604 requires sources subject to section 112(r) of the Act to prepare and submit risk management plans. A source must submit an annual certification ensuring the proper implementation of the risk management plan.

b. implementation of section 112(g): The EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponing of section 112(g), Puerto Rico must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and the adoption of Puerto Rico rules implementing EPA's section 112(g) regulations.

The EPA is proposing to approve Puerto Rico's preconstruction permitting program found in Rule 203 of the RCAP under the authority of title V and part 70 solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between title V approval and adoption of a State rule implementing EPA's section 112(g) regulations. Furthermore, EQB has provided broad language in its regulation that will allow the implementation of 112(g) immediately after EPA establishes and adopts final guidelines (Rule 604 of the RCAP). EQB defines the de minimis levels under Appendix E based on the 112(g) draft rule but stipulates if the final 112(g) rule differs in any way, the federal de minimis levels prevail (Rule 102 of the RCAP—definition of de minimis).

c. Section 112(l): Requirements for approval specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as they apply to part 70 sources. Section 112(l)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, an expeditious compliance schedule, and adequate enforcement ability, which are also requirements under part 70. In a letter dated December 29, 1994, EQB requested delegation through 112(l) of all existing 112 standards and all future 112 standards for both part 70 and non-part 70 sources and infrastructure programs. In the letter, EQB demonstrated that they have sufficient legal authorities, adequate resources, the capability for automatic delegation of future standards, and adequate enforcement ability for implementation of section 112 of the Act for both part 70 sources and non-part 70 sources. Therefore, the EPA is proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 to Puerto Rico for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs that are unchanged from Federal rules as promulgated.

Puerto Rico commits to appropriately implementing the existing and future requirements of sections 111, 112 and 129 of the Act, and all MACT standards promulgated in the future, in a timely manner.

B. Options for Approval/Disapproval and Implications

The EPA is proposing full approval of the operating permits program submitted to EPA by the Commonwealth of Puerto Rico on November 15, 1993 and supplemented on March 18, 1994, April 8, 1994, and September 29, 1995. Among other things, Puerto Rico has demonstrated that the program will be adequate to meet the minimum elements of a State operating permits program as specified in 40 CFR part 70.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 to Puerto Rico for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and infrastructure programs under section 112 that are unchanged from Federal rules as promulgated.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed full approval. Copies of the State's submittal and other information relied upon for the proposed full approval are contained in a docket maintained at the EPA Regional Offices located in New York and San Juan and at the EQB. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and

(2) to serve as the record in case of judicial review. The EPA will consider any comments received by December 14, 1995.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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 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 proposed 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.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 30, 1995.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 95–28065 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 60, No. 219
Tuesday, November 14, 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

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

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's (FCS) intention to request OMB review of the National Food Stamp Program Survey.

DATES: Comments on this notice must be received by January 16, 1996.

ADDRESSES: Send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to: Michael E. Fishman, Acting Director, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

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.

FOR FURTHER INFORMATION CONTACT: Michael E. Fishman, (703) 305–2117.

SUPPLEMENTARY INFORMATION:

Title: National Food Stamp Program Survey.

OMB Number: Not yet assigned.

Expiration Date: N/A

Type of Request: New collection of information.

Abstract: In response to the National Performance Review's call for customer surveys, this study will conduct a nationally, representative survey of Food Stamp Program participants. Data will be collected in order to understand recipients' needs and views on a variety of matters. Potentially eligible households not currently participating in the program will also be interviewed as will the general public. The four major substantive components are: stigma and customer service; nutrition education needs; access to food stores; and hunger measurement.

The study includes three surveys: 1) a screener survey to be administered to the general public to identify households participating in and/or eligible to participate in the Food Stamp Program; 2) a telephone survey of food stamp participants and potentially eligible participants, and 3) a two-part, intensive survey of food stamp participants. Each of the data collection instruments will be administered to each respondent only once.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 5 minutes for the screener survey; 45 minutes for the telephone survey; and, 150 minutes for the in-person survey.

Respondents: For the screener survey, the respondents are: the general public residing in households with telephones. For the telephone interview, the respondents are low-income households (with telephones) with incomes below 150 percent of the poverty level. For the intensive, in-person survey, the respondents are food stamp program participants.

Estimated Number of Respondents: For the screener, 8,000 respondents are estimated. For the telephone interview 2,000 respondents are estimated. For in-person interviews, 1000 respondents are estimated.

Estimated Number of Responses per Respondent: one.

Estimated Total Annual Burden on Respondents: 4,670 hours. Copies of this information collection can be obtained from Margaret Andrews, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Dated: November 2, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–28048 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–30–U

Collection Requirements Submitted for Public Comment and Recommendations: Nutrition Education and Training (NET) Inventory Survey

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's (FCS) intention to request OMB review of the Nutrition Education and Training Inventory Survey.

DATES: Comments on this notice must be received by January 16, 1996.

ADDRESSES: Send comments regarding the accuracy of the burden estimate, ways to minimize burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information to: Michael E. Fishman, Acting Director, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

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.

FOR FURTHER INFORMATION CONTACT: Michael E. Fishman, (703) 305–2117.

SUPPLEMENTARY INFORMATION:

Title: The Nutrition Education and Training Inventory Survey

OMB Number: Not yet assigned.

Expiration Date: N/A

Type of Request: New collection of information.

Abstract: This project provides a national description of the Nutrition and Education Training (NET) program. This description includes information about nutrition education needs that States have identified. It was developed by reviewing and compiling the information that all States provide in their annual NET State Plans. In addition to the national description, FCS will conduct a NET Inventory survey of all State NET coordinators to supplement the information gained from the State Plans. The data collection instrument will be administered to each respondent only once.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 20 minutes.

Respondents: The respondents are State NET coordinators.

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: one.

Estimated Total Annual Burden on Respondents: 18 hours. Copies of this information collection can be obtained from Leslie Christovich, Office of Analysis and Evaluation, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Dated: November 2, 1995.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–28030 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–30–U

ASSASSINATION RECORDS REVIEW BOARD

Formal Determinations on Release of Records

AGENCY: Assassination Records Review Board.

ACTION: Notice of Formal Determinations.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on October 24, 1995, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions on a document-by-document basis in the Federal Register within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel and Associate Director for Research and Analysis, Assassination Records Review Board, Second Floor, 600 E Street, N.W., Washington, D.C. 20530, (202) 724–0088, fax (202) 724–0457.

SUPPLEMENTARY INFORMATION: This notice complies with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. 2107.9(c)(4)(A) (1992). On October 24, 1995, the Review Board made formal determinations on records it reviewed under the JFK Act. These determinations are listed below. The assassination records are identified by the record identification number assigned in the President John F. Kennedy Assassination Records Collection database maintained by the National Archives. For each document, the number of releases of previously redacted information is noted as well as the number of sustained postponements.

REVIEW BOARD DETERMINATIONS

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
FBI Documents				
124–10005–10133	4	0	Open in Full	N/A
124–10018–10362	1	0	.....do	N/A
124–10018–10489	2	0	.....do	N/A
124–10018–10490	9	0	.....do	N/A
124–10020–10093	12	0	.....do	N/A
124–10027–10000	6	0	.....do	N/A
124–10027–10021	4	0	.....do	N/A
124–10027–10029	2	0	.....do	N/A
124–10027–10032	3	0	.....do	N/A
124–10027–10044	3	0	.....do	N/A
124–10027–10059	3	0	.....do	N/A
124–10027–10072	2	2	Postponed in Part	2017
124–10027–10144	9	9	.....do	2017
124–10027–10147	1	0	Open in Full	N/A
124–10027–10375	2	0	.....do	N/A
124–10027–10395	1	0	.....do	N/A
124–10058–10367	3	0	.....do	N/A
124–10079–10122	2	0	.....do	N/A
124–10143–10067	6	0	.....do	N/A
124–10145–10290	2	0	.....do	N/A
124–10145–10295	4	0	.....do	N/A
124–10151–10053	3	0	.....do	N/A
124–10159–10393	1	0	.....do	N/A
124–10170–10462	10	9	Postponed in Part	2017
124–10173–10250	3	0	Open in Full	N/A
124–10178–10125	2	0	.....do	N/A
124–10178–10400	1	0	.....do	N/A
124–10183–10144	6	0	.....do	N/A
124–10183–10170	3	0	.....do	N/A
124–10228–10329	2	0	.....do	N/A
124–10234–10272	6	0	.....do	N/A
124–10239–10247	4	0	.....do	N/A
124–10243–10082	3	0	.....do	N/A
124–10245–10456	6	0	.....do	N/A
124–10248–10316	1	0	.....do	N/A
124–10264–10156	6	0	.....do	N/A
124–10264–10160	2	0	.....do	N/A
124–10272–10037	1	0	.....do	N/A

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
CIA Documents				
104–10015–10002	4	0	Open in Full	N/A
104–10015–10004	3	0	.....do	N/A
104–10015–10007	0	1	Postponed in Part	12/1995
104–10015–10018	3	0	Open in Full	N/A
104–10015–10028	2	0	.....do	N/A
104–10015–10029	1	0	.....do	N/A
104–10015–10045	1	1	Postponed in Part	12/1995
104–10015–10064	2	3	.....do	12/1995
104–10015–10065	3	3	.....do	12/1995
104–10015–10083	2	0	Open in Full	N/A
104–10015–10085	7	0	.....do	N/A
104–10015–10107	0	1	Postponed in Part	12/1995
104–10015–10116	5	1	.....do	12/1995
104–10015–10123	4	1	.....do	12/1995
104–10015–10124	6	1	.....do	12/1995
104–10015–10130	4	0	Open in Full	N/A
104–10015–10168	13	1	Postponed in Part	2005
104–10015–10202	4	0	Open in Full	N/A
104–10015–10207	6	0	.....do	N/A
104–10015–10217	8	2	Postponed in Part	12/1995
104–10015–10218	1	2	.....do	12/1995
104–10015–10219	1	1	.....do	12/1995
104–10015–10221	1	2	.....do	12/1995
104–10015–10222	9	1	.....do	12/1995
104–10015–10224	1	2	.....do	12/1995
104–10015–10228	1	2	.....do	12/1995
104–10015–10229	2	2	.....do	12/1995
104–10015–10231	1	2	.....do	12/1995
104–10015–10236	0	2	.....do	12/1995
104–10015–10246	12	0	Open in Full	N/A
104–10015–10251	4	1	Postponed in Part	12/1995
104–10015–10252	4	2	.....do	12/1995
104–10015–10253	1	2	.....do	12/1995
104–10015–10254	8	2	.....do	12/1995
104–10015–10256	4	1	.....do	12/1995
104–10015–10257	12	1	.....do	12/1995
104–10015–10260	10	1	.....do	12/1995
104–10015–10262	4	0	Open in Full	N/A
104–10015–10265	2	0	.....do	N/A
104–10015–10266	6	0	.....do	N/A
104–10015–10267	2	0	.....do	N/A
104–10015–10268	4	0	.....do	N/A
104–10015–10270	2	0	.....do	N/A
104–10015–10271	3	0	.....do	N/A
104–10015–10272	3	0	.....do	N/A
104–10015–10273	40	0	.....do	N/A
104–10015–10274	4	0	.....do	N/A
104–10015–10275	2	0	.....do	N/A
104–10015–10276	2	0	.....do	N/A
104–10015–10277	2	0	.....do	N/A
104–10015–10278	2	0	.....do	N/A
104–10015–10283	6	0	.....do	N/A
104–10015–10284	5	0	.....do	N/A
104–10015–10285	5	0	.....do	N/A
104–10015–10286	4	0	.....do	N/A
104–10015–10287	7	0	.....do	N/A
104–10015–10288	6	0	.....do	N/A
104–10015–10289	7	0	.....do	N/A
104–10015–10290	5	0	.....do	N/A
104–10015–10291	4	0	.....do	N/A
104–10015–10292	5	0	.....do	N/A
104–10015–10293	5	0	.....do	N/A
104–10015–10294	10	0	.....do	N/A
104–10015–10295	1	0	.....do	N/A
104–10015–10296	4	0	.....do	N/A
104–10015–10297	7	0	.....do	N/A
104–10015–10299	2	0	.....do	N/A
104–10015–10301	2	0	.....do	N/A

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
104–10015–10306	3	0	.....do	N/A
104–10015–10307	6	0	.....do	N/A
104–10015–10308	3	0	.....do	N/A
104–10015–10309	1	0	.....do	N/A
104–10015–10310	1	0	.....do	N/A
104–10015–10312	1	0	.....do	N/A
104–10015–10313	4	0	.....do	N/A
104–10015–10315	1	0	.....do	N/A
104–10015–10317	1	0	.....do	N/A
104–10015–10318	2	0	.....do	N/A
104–10015–10319	2	0	.....do	N/A
104–10015–10320	1	0	.....do	N/A
104–10015–10322	4	0	.....do	N/A
104–10015–10323	7	0	.....do	N/A
104–10015–10324	10	0	.....do	N/A
104–10015–10325	9	0	.....do	N/A
104–10015–10326	6	0	.....do	N/A
104–10015–10327	10	0	.....do	N/A
104–10015–10328	3	0	.....do	N/A
104–10015–10329	3	0	.....do	N/A
104–10015–10332	5	0	.....do	N/A
104–10015–10333	13	0	.....do	N/A
104–10015–10334	34	0	.....do	N/A
104–10015–10335	5	0	.....do	N/A
104–10015–10336	3	0	.....do	N/A
104–10015–10337	5	0	.....do	N/A
104–10015–10338	5	0	.....do	N/A
104–10015–10340	1	0	.....do	N/A
104–10015–10341	2	0	.....do	N/A
104–10015–10347	4	0	.....do	N/A
104–10015–10349	5	0	.....do	N/A
104–10015–10351	5	0	.....do	N/A
104–10015–10352	6	0	.....do	N/A
104–10015–10354	2	0	.....do	N/A
104–10015–10355	3	0	.....do	N/A
104–10015–10357	2	0	.....do	N/A
104–10015–10361	3	0	.....do	N/A
104–10015–10363	3	0	.....do	N/A
104–10015–10366	1	0	.....do	N/A
104–10015–10367	4	0	.....do	N/A
104–10015–10368	3	0	.....do	N/A
104–10015–10369	9	0	.....do	N/A
104–10015–10370	4	0	.....do	N/A
104–10015–10371	9	0	.....do	N/A
104–10015–10391	3	0	.....do	N/A
104–10015–10393	8	0	.....do	N/A
104–10015–10406	10	0	.....do	N/A
104–10015–10407	3	0	.....do	N/A
104–10015–10409	4	0	.....do	N/A
104–10015–10419	4	0	.....do	N/A
104–10015–10426	5	0	.....do	N/A
104–10015–10427	1	0	.....do	N/A
104–10015–10429	1	0	.....do	N/A
104–10015–10430	4	0	.....do	N/A
104–10015–10434	7	0	.....do	N/A
104–10015–10437	3	2	Postponed in Part	12/1995
104–10015–10438	8	2	.....do	12/1995
104–10015–10439	2	2	.....do	12/1995
104–10015–10440	0	2	.....do	12/1995
104–10015–10441	10	2	.....do	12/1995
104–10015–10442	0	2	.....do	12/1995
104–10015–10443	10	2	.....do	12/1995
104–10015–10445	1	2	.....do	12/1995
104–10015–10446	4	2	.....do	12/1995
104–10015–10447	2	0	Open in Full	N/A
104–10015–10449	13	1	Postponed in Part	12/1995
104–10016–10002	8	0	Open in Full	N/A
104–10016–10003	3	1	Postponed in Part	12/1995
104–10016–10004	1	1	.....do	12/1995
104–10016–10008	6	0	Open in Full	N/A

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
104–10016–10009	2	0	.....do	N/A
104–10016–10010	4	0	.....do	N/A
104–10016–10018	1	0	.....do	N/A
104–10016–10028	2	0	.....do	N/A
104–10016–10029	3	0	.....do	N/A
104–10016–10031	5	0	.....do	N/A
104–10016–10038	17	0	.....do	N/A
104–10016–10039	2	0	.....do	N/A
104–10016–10041	4	0	.....do	N/A
104–10016–10043	14	0	.....do	N/A
104–10016–10046	4	0	.....do	N/A
104–10016–10049	5	0	.....do	N/A
104–10017–10015	7	0	.....do	N/A
104–10017–10016	2	0	.....do	N/A
104–10017–10020	5	0	.....do	N/A
104–10017–10026	1	0	.....do	N/A
104–10017–10028	5	0	.....do	N/A
104–10017–10029	4	0	.....do	N/A
104–10017–10030	7	0	.....do	N/A
104–10017–10032	3	0	.....do	N/A
104–10017–10054	1	0	.....do	N/A
104–10017–10059	4	0	.....do	N/A
104–10017–10060	7	0	.....do	N/A
104–10017–10064	7	0	.....do	N/A
104–10017–10066	5	0	.....do	N/A
104–10017–10067	8	0	.....do	N/A
104–10017–10070	8	0	.....do	N/A
104–10017–10071	16	0	.....do	N/A
104–10017–10083	3	0	.....do	N/A
104–10017–10085	11	0	.....do	N/A
104–10018–10011	3	2	Postponed in Part	12/1995
104–10018–10013	0	1	.....do	12/1995
104–10018–10039	2	0	Open in Full	N/A
104–10018–10043	1	1	Postponed in Part	12/1995
104–10018–10044	3	0	Open in Full	N/A
104–10018–10047	5	0	.....do	N/A
104–10018–10053	1	2	Postponed in Part	12/1995
104–10018–10054	1	2	.....do	12/1995
104–10018–10057	4	1	.....do	12/1995
104–10018–10058	2	0	Open in Full	N/A
104–10018–10066	13	1	Postponed in Part	12/1995
104–10018–10067	4	1	.....do	12/1995
104–10018–10068	2	0	Open in Full	N/A
104–10018–10069	0	1	Postponed in Part	12/1995
104–10018–10078	6	0	Open in Full	N/A
104–10018–10079	4	2	Postponed in Part	12/1995
104–10018–10081	3	2	.....do	12/1995
104–10018–10085	7	0	Open in Full	N/A
104–10018–10086	3	2	Postponed in Part	12/1995
104–10018–10097	5	2	.....do	12/1995
104–10018–10098	1	2	.....do	12/1995
104–10018–10100	1	2	.....do	12/1995
104–10018–10101	6	0	Open in Full	N/A
104–10018–10102	2	0	.....do	N/A
104–10018–10105	8	0	.....do	N/A
104–10018–10107	6	0	.....do	N/A
104–10018–10109	3	0	.....do	N/A
104–10018–10110	3	0	.....do	N/A
104–10052–10087	83	1	Postponed in Part	2005
104–10062–10002	92	0	Open in Full	N/A
HSCA Documents				
180–10060–10435	5	3	Postponed in Part	2017
180–10060–10436	11	10	.....do	2017
180–10060–10437	12	5	.....do	2017
180–10060–10438	6	4	.....do	2017
180–10060–10439	10	4	.....do	2017
180–10060–10440	11	9	.....do	2017
180–10060–10441	7	6	.....do	2017

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
180–10060–10442	18	6	.....do	2017
180–10060–10443	24	12	.....do	2017
180–10060–10444	5	2	.....do	2017
180–10060–10445	10	9	.....do	2017
180–10060–10446	23	15	.....do	2017
180–10060–10447	7	4	.....do	2017
180–10060–10448	4	2	.....do	2017
180–10060–10449	11	5	.....do	2017
180–10060–10450	9	3	.....do	2017
180–10060–10451	5	3	.....do	2017
180–10060–10452	12	10	.....do	2017
180–10060–10453	10	4	.....do	2017
180–10060–10454	8	3	.....do	2017
180–10060–10455	6	2	.....do	2017
180–10060–10456	5	3	.....do	2017
180–10060–10457	9	2	.....do	2017
180–10060–10458	12	8	.....do	2017
180–10060–10459	9	8	.....do	2017
180–10060–10460	7	2	.....do	2017
180–10060–10461	18	4	.....do	2017
180–10060–10462	9	8	.....do	2017
180–10060–10463	19	15	.....do	2017
180–10060–10464	10	9	.....do	2017
180–10060–10465	9	5	.....do	2017
180–10060–10466	6	0	Open in Full	N/A
180–10060–10467	11	8	Postponed in Part	2017
180–10060–10468	14	10	.....do	2017
180–10060–10469	14	5	.....do	2017
180–10060–10470	6	3	.....do	2017
180–10060–10471	7	4	.....do	2017
180–10060–10472	10	7	.....do	2017
180–10060–10473	6	4	.....do	2017
180–10060–10474	6	2	.....do	2017
180–10060–10475	17	7	.....do	2017
180–10060–10476	10	4	.....do	2017
180–10060–10477	11	5	.....do	2017
180–10060–10478	5	3	.....do	2017
180–10060–10479	4	3	.....do	2017
180–10060–10480	13	5	.....do	2017
180–10060–10481	4	2	.....do	2017
180–10060–10482	4	2	.....do	2017
180–10060–10483	12	9	.....do	2017
180–10060–10484	4	2	.....do	2017
180–10060–10485	7	5	.....do	2017
180–10060–10486	21	6	.....do	2017
180–10060–10487	10	8	.....do	2017
180–10060–10488	12	10	.....do	2017
180–10060–10489	9	3	.....do	2017
180–10060–10490	13	4	.....do	2017
180–10060–10491	6	4	.....do	2017
180–10060–10492	7	4	.....do	2017
180–10060–10493	5	3	.....do	2017
180–10060–10494	13	11	.....do	2017
180–10060–10495	8	7	.....do	2017
180–10060–10496	32	3	.....do	2017
180–10060–10497	6	3	.....do	2017
180–10060–10498	8	1	.....do	2017
180–10060–10499	9	6	.....do	2017
180–10068–10298	3	1	.....do	2017
180–10068–10299	14	9	.....do	2017
180–10068–10300	16	1	.....do	2017
180–10068–10301	11	6	.....do	2017
180–10068–10302	14	6	.....do	2017
180–10068–10303	10	5	.....do	2017
180–10068–10304	5	2	.....do	2017
180–10068–10305	6	3	.....do	2017
180–10068–10306	4	2	.....do	2017
180–10068–10307	6	4	.....do	2017
180–10068–10308	11	10	.....do	2017
180–10068–10309	3	1	.....do	2017

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
180–10068–10310	15	13	.....do	2017
180–10068–10311	3	2	.....do	2017
180–10068–10312	11	6	.....do	2017
180–10068–10313	7	3	.....do	2017
180–10068–10314	5	3	.....do	2017
180–10068–10315	6	3	.....do	2017
180–10068–10316	20	4	.....do	2017
180–10068–10317	10	5	.....do	2017
180–10068–10318	5	2	.....do	2017
180–10068–10319	7	3	.....do	2017
180–10068–10320	7	4	.....do	2017
180–10068–10321	5	4	.....do	2017
180–10068–10322	14	5	.....do	2017
180–10068–10323	20	6	.....do	2017
180–10068–10324	8	4	.....do	2017
180–10068–10325	7	4	.....do	2017
180–10068–10326	8	7	.....do	2017
180–10068–10327	5	3	.....do	2017
180–10068–10328	5	4	.....do	2017
180–10068–10329	6	5	.....do	2017
180–10068–10330	5	3	.....do	2017
180–10068–10331	5	2	.....do	2017
180–10068–10332	6	2	.....do	2017
180–10068–10333	12	5	.....do	2017
180–10068–10334	13	9	.....do	2017
180–10068–10335	3	2	.....do	2017
180–10068–10336	7	5	.....do	2017
180–10068–10337	8	6	.....do	2017
180–10068–10338	13	5	.....do	2017
180–10068–10339	8	4	.....do	2017
180–10068–10340	14	2	.....do	2017
180–10068–10341	10	3	.....do	2017
180–10068–10342	12	11	.....do	2017
180–10068–10343	3	1	.....do	2017
180–10068–10344	10	8	.....do	2017
180–10068–10345	17	8	.....do	2017
180–10068–10346	15	4	.....do	2017
180–10068–10347	4	2	.....do	2017
180–10068–10348	20	8	.....do	2017
180–10068–10349	11	10	.....do	2017
180–10068–10350	6	4	.....do	2017
180–10068–10351	9	8	.....do	2017
180–10068–10352	13	7	.....do	2017
180–10068–10353	13	9	.....do	2017
180–10068–10354	4	3	.....do	2017
180–10068–10355	7	2	.....do	2017
180–10068–10356	13	8	.....do	2017
180–10068–10357	9	8	.....do	2017
180–10068–10358	6	2	.....do	2017
180–10068–10359	4	3	.....do	2017
180–10068–10360	6	2	.....do	2017
180–10068–10361	6	3	.....do	2017
180–10068–10362	4	2	.....do	2017
180–10068–10363	11	9	.....do	2017
180–10070–10143	7	4	.....do	2017
180–10070–10144	5	3	.....do	2017
180–10070–10145	9	6	.....do	2017
180–10070–10146	12	7	.....do	2017
180–10070–10147	5	2	.....do	2017
180–10070–10148	15	7	.....do	2017
180–10070–10149	9	7	.....do	2017
180–10070–10150	9	4	.....do	2017
180–10070–10151	7	0	Open in Full	N/A
180–10070–10152	6	3	Postponed in Part	2017
180–10070–10153	7	5	.....do	2017
180–10070–10154	7	3	.....do	2017
180–10070–10155	4	2	.....do	2017
180–10070–10156	4	2	.....do	2017
180–10070–10157	6	3	.....do	2017
180–10070–10158	4	2	.....do	2017

REVIEW BOARD DETERMINATIONS—Continued

Record No.	ARRB releases	Sustained postponements	Status of document	Next review date
180–10070–10159	8	7	.....do	2017
180–10070–10160	12	6	.....do	2017
180–10070–10161	7	6	.....do	2017
180–10070–10162	16	6	.....do	2017
180–10070–10163	11	9	.....do	2017
180–10070–10164	18	8	.....do	2017
180–10070–10165	9	4	.....do	2017
180–10070–10166	7	2	.....do	2017
180–10070–10167	9	5	.....do	2017
180–10070–10168	12	5	.....do	2017
180–10070–10169	2	1	.....do	2017
180–10070–10170	6	4	.....do	2017
180–10070–10171	9	5	.....do	2017
180–10070–10172	10	6	.....do	2017
180–10070–10173	6	4	.....do	2017
180–10070–10174	7	6	.....do	2017
180–10070–10175	9	8	.....do	2017
180–10070–10176	12	6	.....do	2017
180–10071–10000	7	4	.....do	2017
180–10071–10001	12	11	.....do	2017
180–10073–10093	0	1	.....do	2017
180–10074–10328	0	1	.....do	2017
180–10074–10480	0	1	.....do	2017
180–10076–10478	1	0	Open in Full	N/A
180–10078–10301	1	0	.....do	N/A
180–10089–10031	1	0	.....do	N/A
180–10091–10227	0	1	Postponed in Part	2017
180–10091–10228	0	8	.....do	2017
180–10100–10129	0	1	.....do	2017
180–10104–10220	0	1	.....do	2017
180–10105–10388	0	1	.....do	2017
180–10105–10391	0	1	.....do	2017
180–10107–10131	1	1	.....do	2017
180–10111–10046	0	1	.....do	2017
180–10113–10246	0	1	.....do	2017
180–10113–10257	0	1	.....do	2017
180–10113–10258	0	1	.....do	2017
180–10113–10400	0	1	.....do	2017
180–10114–10118	0	1	.....do	2017
180–10118–10061	0	1	.....do	2017
180–10147–10257	5	2	.....do	2017
180–10147–10258	5	3	.....do	2017
180–10147–10259	4	2	.....do	2017
180–10147–10260	4	3	.....do	2017
180–10147–10261	8	6	.....do	2017
180–10147–10262	5	2	.....do	2017
180–10147–10263	5	2	.....do	2017
180–10147–10264	5	3	.....do	2017
180–10147–10265	4	2	.....do	2017
180–10147–10266	5	3	.....do	2017
180–10147–10267	5	2	.....do	2017

On August 29, 1995, the Assassination Records Review Board made a formal determination to release some postponements in records identified by RIF numbers 124–10085–10330 and 124–10085–10333. Subsequent to those determinations, but before the records were released to the public, the Review Board was provided additional information in support of the proposed postponements. Based upon that additional evidence, the Review Board decided to withdraw its determinations and to reconsider its decisions at a later date.

The Assassination Records Review Board reviewed portions of a document (RIF number 180–10110–10484) created by the Staff of the House Select Committee on Assassinations entitled Oswald in Mexico City (commonly identified as the Lopez Report). The Review Board voted to open in full the following pages that previously had contained redactions: O1, A3, 6–9A, 13, 15, 18, 32, 33, 36, 37, 40, 41, 43, 48, 61, 73, 81, 89, 92–99, 102, 107–110, 112–116, 118, 122, 132, 137–139, 142–149, 153, 154, 158, 159, 172, 173, 180, 181, 183, 184A, 198, 207–210, 222, 223, 239, 243, 245–248, 251, 253, 301, 305, 307, F9A, F17, F25, F27, F30, F32, F39, F42, F60, F71–F74.

These decisions opened up 232 previous postponements. The Review Board made no decisions with respect to the remaining pages, which will be considered in forthcoming meetings.

Dated: November 7, 1995.
David G. Marwell,
Executive Director.
[FR Doc. 95–27986 Filed 11–13–95; 8:45 am]
BILLING CODE 6118–01–D

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 950727195–5195–01]

Privacy Act: Amendment of System of Records, Commerce/Dept-18

AGENCY: Commerce.

ACTION: Notice.

SUMMARY: This notice establishes the Office of White House Liaison as the location for employee personnel files, not covered by Privacy Act notices of other agencies, of political appointees in the Department of Commerce. The new location will facilitate records management of COMMERCE/DEPT-18 records and will facilitate access to the records by the individuals whose records are being maintained.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Daniel J. Rooney: (202) 482–4115.

SUPPLEMENTARY INFORMATION: The Office of White House Liaison is added as a location for Privacy Act COMMERCE/DEPT-18 records of Department of Commerce employees who are political appointees. The COMMERCE/DEPT-18 System location ''i'' is relabeled system location ''j'' and a new system location ''i'' is added: For political appointees in the Department of Commerce: Office of White House Liaison, U.S. Department of Commerce, Room 5717, Washington, DC 20230. This is not a significant alteration of a system of records under OMB Circular A–130.

Authority: 5 U.S.C. 552a.

Daniel J. Rooney,
Management Analyst, Office of Executive Assistance Management, Department of Commerce.
[FR Doc. 95–28096 Filed 11–13–95; 8:45 am]
BILLING CODE 3510–FE–M

Bureau of Export Administration

Action Affecting Export Privileges; Julia Freedman

In the Federal Register of Monday, July 3, 1995, the Bureau of Export Administration published an Order at 34507. This notice is being published to correct the name of the city listed in the caption and text in that order. The address is as follows:

Julia Freedman, Rue de Vieux-Marche 3, Nyon, Switzerland

Dated: November 2, 1995.
William A. Reinsch,
Under Secretary for Export Administration.
[FR Doc. 95–27976 Filed 11–13–95; 8:45 am]
BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Docket 70–95]

Foreign-Trade Zone 83—Huntsville, AL; Application for Subzone Status, MagneTek, Inc., Plant (Fluorescent Ballasts and Components), Madison, AL

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Huntsville-Madison County Airport Authority, grantee of FTZ 83, requesting special-purpose subzone status for the electronic fluorescent lighting ballasts and components manufacturing facility of MagneTek, Inc., located in Madison, Alabama. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 3, 1995.

The plant (80,000 sq.ft. on 36 acres) is located at 1430 Wall-Triana Highway in Madison (Madison County), Alabama, some 12 miles southwest of Huntsville. The facility (484 employees) is used to produce electronic fluorescent lighting ballasts (HTS# 8504.10.00) and related printed circuit assemblies (HTS# 8504.90.60). The electronic ballasts are used in the manufacture of commercial fluorescent lighting equipment. Components and materials sourced from abroad (about 20% of finished product value) include: wire, capacitors, resistors, diodes, semiconductors, printed and integrated circuits, switches, fuses, insulators, voltage limiters, surge suppressors, transformers, rectifiers, inductors, thermostats, flux, solder bars, and tape (duty rate range: free — 9.8%).

Zone procedures would exempt MagneTek from Customs duty payments on the foreign components used in export production. On its domestic sales, the company would be able to choose the lower duty rate that apply to finished electronic fluorescent lighting ballasts and printed circuit assemblies (3.0%) for the foreign inputs noted above. The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 16, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 29, 1996).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, Suite 204, 2850 Wall-Triana Highway, Huntsville, AL 35824

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: November 3, 1995.
John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 95–28092 Filed 11–13–95; 8:45 am]
BILLING CODE 3510–DS–P

[Docket 69–95]

Foreign-Trade Zone 105, Providence/ North Kingston, Rhode Island; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the State of Rhode Island Department of Economic Development, grantee of Foreign-Trade Zone 105, Providence and North Kingston, Rhode Island, requesting authority to expand its zone to include a site in the City of Warwick, Rhode Island, within the Providence Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 2, 1995.

FTZ 105 was approved on September 13, 1984 (Board Order 270, 49 FR 37133, 9/21/84). The zone project includes 2 sites in the Providence Customs port of entry: *Site 1* (12 acres)—within the Port of Providence, a 185-acre commercial and industrial intermodal facility owned by the City of Providence; and *Site 2* (900 acres)—within the Economic Development Corporation's 2000-acre Quonset Point/Davisville Industrial Park, North Kingston.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site (proposed *Site 3*—43 acres) at the Airport Business Center, adjacent to the T.F. Green State Airport, Warwick. This zone site would become part of the City of Warwick's economic development and industrial revitalization efforts.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited for interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 16, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period January 29, 1996. A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, 49 Pavilion Avenue, Providence, Rhode Island 02905

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: November 3, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–28091 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 71–95]

Foreign-Trade Zone 199, Texas City, TX Proposed Foreign-Trade Subzone Marathon Oil Company (Oil Refinery Complex) Texas City, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Texas City Foreign Trade Zone Corporation, grantee of FTZ 199, requesting special-purpose subzone status for the oil refinery complex of Marathon Oil Company, located in Texas City, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 6, 1995.

The refinery complex (200 acres) consists of 2 sites in Galveston County, Texas City, Texas: *Site 1* (170 acres)—main refinery and petrochemical feedstock complex located at 1320 Loop 197 South in east Texas City; and *Site 2* (30 acres/859,300 barrel capacity)—South Tank Farm located at Dock Road and Loop 197 South across from the refinery.

The refinery (74,000 barrels per day; 260 employees) is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, blending stock, distillates, residual fuels, and naphthas. Petrochemicals include methane, ethane, propane, butane, benzene, toluene, xylene, propylene. Refinery by-products may include sulfur and petroleum coke. Some six percent of the crude oil (90 percent of inputs), and some feedstocks and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from 5.25¢ to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 16, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 29, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, #1 Allen Center, Suite 1160, 500 Dallas, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: November 6, 1995.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 95–28098 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–588–607]

Amorphous Silica Filament Fabric From Japan, Revocation of the Antidumping Duty Order

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

ACTION: Notice of revocation of antidumping duty order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping duty order on amorphous silica filament fabric from Japan because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Leon McNeill or Michael Panfeld, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–4236.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR 353.25(d)(4)(iii)).

On July 31, 1995, the Department published in the Federal Register (60 FR 38989) its notice of intent to revoke the antidumping duty order on amorphous silica filament fabric from Japan (September 23, 1987). Additionally, as required by 19 CFR 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2 (k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on amorphous silica filament fabric from Japan is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of amorphous silica filament fabric from Japan. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item numbers 7019.20.50 and 7019.20.20. The HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of amorphous silica filament fabric from Japan entered, or withdrawn from warehouse, for consumption on or after September 1, 1995. Entries made during the period August 1, 1994, through July 31, 1995, will be subject to automatic assessment in accordance with 19 CFR 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 1, 1995, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR 353.25(d).

Dated: November 2, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–28089 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

Initiation of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of initiation of new shipper antidumping duty administrative review, Certain Compact Ductile Iron Waterworks Fittings and Glands (CDIW), from the People's Republic of China (PRC), A–570–820.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of the antidumping duty order on CDIW from the PRC which has a September anniversary date. In accordance with Department Regulations, we are initiating this administrative review.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a timely request from Beijing M Star Pipe Corp., Ltd. (BMSP), in accordance with interim regulation 19 CFR 353.22(h) (1995), for a new shipper review of the antidumping duty order on CDIW from the PRC which has a September anniversary date. BMSP has certified that it did not export CDIW to the U.S. during the period of investigation (POI), and that it is not affiliated with any exporter or producer which did export CDIW during the POI. This certification is in accordance with section 751(a)(2)(B)) of the Tariff Act of 1930 as amended, and the Department's interim regulations, 19 CFR 353.22(h). Therefore, we are initiating the new shipper review as requested. However, it is the Department's usual practice with non-market economies to require information regarding de jure and de facto government control over a company's export activities to establish its eligibility for an antidumping duty rate separate from the country-wide rate. Accordingly we will issue a separate rates questionnaire to BMSP and seek additional information from the PRC government (as appropriate), allowing 30 days for response. If the responses from BMSP and the PRC government indicate adequately that BMSP is not subject to de jure and de facto government control with respect to its exports of CDIW, the review will proceed. If, on the other hand, BMSP does not demonstrate its eligibility for a separate rate, BMSP will be deemed to be affiliated with other companies that exported during the POI that did not establish their entitlement to a separate rate, and the review will be terminated.

Initiation of Review

In accordance with 19 CFR 353.22(h), we are initiating a new shipper review of the antidumping duty order on CDIW from the PRC. If this review proceeds normally, we will issue the final results of review not later than July 31, 1996.

Antidumping duty proceeding	Period to be reviewed
People's Republic of China: Certain Compact Ductile Iron Waterworks Fittings and Glands, A–570–820, Beijing M Star Pipe Corp., Ltd	02/01/95–08/31/95

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion or termination of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise in accordance with section 751(a)(2)(B)(iii) and 19 CFR 353.22 (h)(4) (1995).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended and 19 CFR 353.22(h).

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–28097 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–007]

High Capacity Pagers From Japan, Revocation of the Antidumping Duty Order

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

ACTION: Notice of revocation of antidumping duty order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping duty order on high capacity pagers from Japan because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Michael Panfeld, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 482–0650.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no

longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR 353.25(d)(4)(iii)).

On August 1, 1995, the Department published in the Federal Register (60 FR 39153) its notice of intent to revoke the antidumping duty order on high capacity pagers from Japan (August 16, 1983). Additionally, as required by 19 CFR § 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on high capacity pagers from Japan is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of high capacity pagers from Japan. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item numbers 8527.90.80 and 8531.80.00. The HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of high capacity pagers from Japan entered, or withdrawn from warehouse, for consumption on or after August 1, 1995. Entries made during the period August 1, 1994, through July 31, 1995, will be subject to automatic assessment in accordance with 19 CFR § 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after August 1,, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR 353.25(d).

Dated: November 2, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–28088 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–833–803]

Titanium Sponge From Georgia, Revocation of the Antidumping Finding

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

ACTION: Notice of revocation of antidumping finding.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping finding on titanium sponge from Georgia because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: David Genovese or Michael Panfeld, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping finding if the Secretary concludes that the finding is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping finding when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR § 353.25(d)(4)(iii)).

On August 1, 1995, the Department published in the Federal Register (60 FR 39153) its notice of intent to revoke the antidumping finding on titanium sponge from Georgia (August 28, 1968). Additionally, as required by 19 CFR § 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping finding on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2 (k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping finding on titanium sponge from Georgia is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping finding in accordance with 19 CFR § 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of titanium sponge from Georgia. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item number 8108.10.50.10.. The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of titanium sponge from Georgia entered, or withdrawn from warehouse, for consumption on or after August 1, 1995. Entries made during the period August 1, 1994, through July 31, 1995, will be subject to automatic assessment in accordance with 19 CFR § 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after August 1, 1995, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR § 353.25(d).

Dated: November 2, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–28090 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–122–404]

Live Swine From Canada; Amended Final Results of Administrative Review in Accordance With Decision on Remand

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

ACTION: Notice of amended final results of countervailing duty administrative review.

SUMMARY: On September 27, 1995, the Binational North American Free Trade Agreement (NAFTA) Panel (''Panel'') affirmed the Department of Commerce's (''the Department'') remand results of the sixth administrative review of the countervailing duty order on live swine from Canada, as amended. The Panel also approved the Department's Consent

Notice of Motion Requesting Termination of Panel Review With Respect to Weanlings, and the Request of Pryme for an individual review. On October 10, 1995, the NAFTA Secretariat, United States Section, provided a Notice of Final Panel Action in this proceeding. As a result, the Department is amending the final results of the sixth administrative review of the countervailing duty order on Live Swine from Canada for purposes of the entries subject to the Panel's review and for cash deposit purposes.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Maria MacKay, 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 March 16, 1994 (59 FR 12243), the Department published the final results of its sixth administrative review of the countervailing duty order on Live Swine from Canada covering the period from April 1, 1990 through March 31, 1991. These results were challenged by the Canadian Pork Council, Pryme Pork, Ltd. (''Pryme''), Earle Baxter Trucking LQ., and P. Quintaine & Son, Ltd. before a Binational Panel pursuant to Article 1904 of the NAFTA and 19 U.S.C. § 1516a(g). Pursuant to 19 U.S.C. § 1516a(g)(5)(C), P. Quintaine & Son, Ltd., Earle Baxter Trucking LQ., and Pryme requested that the Department continue suspension of liquidation of entries covered by the sixth administrative review.

The Panel issued its decision on May 30, 1995, and therein remanded for certain issues to the Department for reconsideration. Live Swine from Canada, USA–94–1904–01. In particular, the Panel directed the Department to reinstate the subclass for sows and boars, and to calculate a separate countervailing duty (CVD) rate for sows and boars.

Pursuant to this remand order, the Department submitted to the Panel its final results of redetermination on August 14, 1995, which reinstated the sows and boars subclass and provided a separate CVD rate for sows and boars. In addition, the Department filed, pursuant to Rule 71(2), a Consent Notice of Motion Requesting Termination of Panel Review With Respect to Weanlings and the Request of Pryme for an Individual Review.

After discovering a ministerial error in its calculations, the Department submitted amended final results of redetermination on September 1, 1995, in which it found the countervailing duty rate for sows and boars to be *de minimis.*

On September 27, 1995, the Panel affirmed the Department's remand results, as amended, and approved the Consent Notice of Motion. Based upon the Panel's order affirming the Department's determination on remand, the Department has established a countervailing duty rate for sows and boars and has recalculated the countervailing duty rate for all other Live Swine from Canada for purposes of the entries for which liquidation was suspended subject to the Panel's review. In addition, the Department has assigned a *de minimis* CVD rate to Pryme, pursuant to the Consent Notice of Motion.

The subsidy rates contained herein are those determined by the Department in its final remand results, as amended. They are: for sows and boars, CAN$0.0036 per kilogram. This rate is *de minimis.* For all live swine, other than sows and boars, CAN$0.0296 per kilogram.

Amended Final Results of Review

The Department will instruct the Customs Service to liquidate without regard to countervailing duties all shipments of live swine from Canada produced by Pryme Pork, Ltd. exported on or after April 1, 1990 and on or before March 31, 1991. In addition, the Department will instruct the Customs Service to liquidate entries of merchandise produced/exported by P. Quintaine & Son, Ltd., and Earle Baxter Trucking LQ., exported on or after April 1, 1990 and on or before March 31, 1991 as follows: to liquidate without regard to countervailing duties all shipments of sows and boars and to assess CAN$0.0296 per kilogram on entries of all other live swine.

The Department will also instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero on all shipments of live swine from Canada produced by Pryme Pork, Ltd. entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Futhermore, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero on all shipments of sows and boars from Canada and CAN$0.0296 per kilogram on shipments of all other live swine from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This amended notice of final results is published in accordance with 19 U.S.C. § 1675(a)(1), 19 U.S.C. § 1516a(g)(5)(B), 19 CFR § 355.22 and 19 CFR § 356.8(a).

Dated: November 6, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–28081 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–P

Columbia University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

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.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 95–011. *Applicant:* Columbia University in the City of New York, New York, NY 10027. *Instrument:* High Energy Xenon Flashlamp System, Model XF-10. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* See notice at 60 FR 13700, March 14, 1995. *Reasons:* The foreign instrument provides: (1) stored electrical energy to 340J, (2) anti-reflection coated quartz optics for focusing, and (3) optical/electrical shielding. *Advice Received From:* National Institutes of Health, April 28, 1995.

Docket Number: 95–013. *Applicant:* University of Illinois at Urbana-Champaign, Urbana, IL 61801. *Instrument:* Eye Tracking System, Model EYELINK. *Manufacturer:* SR Research Ltd., Canada. *Intended Use:* See notice at 60 FR 16619, March 31, 1995. *Reasons:* The foreign instrument provides: (1) a sampling rate of 250 Hz, (2) spatial resolution of eye position to 0.005 and (3) real-time detection of saccades as small as 0.3° over a horizontal range of ± 30° and a vertical

range of ± 20°. *Advice Received From:* National Institutes of Health, April 28, 1995.

Docket Number: 95–014. *Applicant:* University of Wisconsin-Milwaukee, Milwaukee, WI 53211. *Instrument:* Mass Spectrometer, Model Autospec 3000. *Manufacturer:* Fisons Instruments, Inc., United Kingdom. *Intended Use:* See notice at 60 FR 16619, March 31, 1995. *Reasons:* The foreign instrument provides: (1) trisector (EBE) double focusing geometry, (2) liquid secondary ion MS capability and (3) mass range to 3000. *Advice Received From:* National Institutes of Health, April 28, 1995.

Docket Number: 95–015. *Applicant:* Georgia State University, Atlanta, GA 30303. *Instrument:* ICP Mass Spectrometer, Model SOLA. *Manufacturer:* Finnigan MAT, United Kingdom. *Intended Use:* See notice at 60 FR 16619, March 31, 1995. *Reasons:* The foreign instrument provides: (1) sub-ng/liter detection limits for liquids and sub-ppb for solids across the periodic table, (2) Faraday and electron multiplier detectors and (3) an accelerating cone providing high light element sensitivity (e.g. Li > 100MHz/ppm). *Advice Received From:* National Institutes of Health.

Docket Number: 95–042. *Applicant:* University of California, Santa Cruz, CA 95064. *Instrument:* Mass Spectrometer System. *Manufacturer:* Europa Scientific, United Kingdom. *Intended Use:* See notice at 60 FR 31144, June 13, 1995. *Reasons:* The foreign instrument provides: (1) dual isotope capabilities for carbon and nitrogen, (2) automated C/N module, and (3) mass spectrometer precision of 0.2 per mil for carbon and 0.5 per mil for nitrogen. *Advice Received From:* National Institutes of Health, September 14, 1995.

Docket Number: 95–052. *Applicant:* Dartmouth College, Hanover, NH 03755-3571. *Instrument:* ICP Mass Spectrometer, Model ELEMENT. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 60 FR 37051, July 19, 1995. *Reasons:* The foreign instrument provides: (1) high mass resolution providing detection of <0.1 ng/l of Indium at three times standard deviation of background at resolution 300, and (2) low detection limit analysis of the elements Ca, Fe, As, G and V. *Advice Received From:* National Institutes of Health, September 21, 1995.

Docket Number: 95–054. *Applicant:* California State University, Long Beach, CA 90840. Instrument: Real-Time 4 Camera System, Model VICON 370. *Manufacturer:* Oxford Metrics, Ltd., United Kingdom. *Intended Use:* See notice at 60 FR 39710, August 3, 1995. *Reasons:* The foreign instrument provides comprehensive kinetic and kinematic analysis of human cyclical movement using infra-red strobed and shuttered video images of special markers placed on joint centers of the body. *Advice Received From:* National Institutes of Health, September 22, 1995.

Docket Number: 95–057. *Applicant:* University of Connecticut, Storrs, CT 06269-1020. *Instrument:* Fiber-Electron Manipulator System. *Manufacturer:* Thomas Recording, Germany. *Intended Use:* See notice at 60 FR 39711, August 3, 1995. *Reasons:* The foreign instrument provides: (1) independently manipulated microelectrodes at inter-electrode distances of 256μm and (2) microelectrode shaft diameter of 80μm permitting non-interfering simultaneous measurement of cortical neurons. *Advice Received From:* National Institutes of Health, September 22, 1995.

Docket Number: 95–058. *Applicant:* University of Maryland, College Park, MD 20742. *Instrument:* Scanning Electron Microscope, Model XL-40. *Manufacturer:* Philips, The Netherlands. *Intended Use:* See notice at 60 FR 39711, August 3, 1995. *Reasons:* The foreign instrument is a specially modified scanning electron microscope (SEM) serving as a platform for a focused ion beam column with the ion beam's scanning, scan amplifier and vacuum controlled by the SEM's computer. *Advice Received From:* National Institutes of Health, September 22, 1995.

The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–28093 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–F

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: 95–093. *Applicant:* Florida International University, University Park, Miami, FL 33199. *Instrument:* Stopped-Flow System. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The system consists of accessories to a spectrophotometer and will be used to study the fast kinetics of chemical reactions. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95–094. *Applicant:* North Carolina State University, Campus Box 7212, Raleigh, NC 27695-7212. *Instrument:* Stopped-Flow Spectrophotometer, Model SX.17MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The instrument will be used to analyze genetically engineered proteins with substitutions of tyrosine and other amino acids. The objective of the experiments will be to understand the function of Fe(III)-tyrosine in ferritin, Nature's anti-rust protein important in normal blood formation and anemia. Predoctoral and postdoctoral trainees will learn the techniques for rapid kinetic analysis of protein reactions in the course BCH 690. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95–095. *Applicant:* Norfolk State Univerity, 2401 Corprew Avenue, Norfolk, VA 23504. *Instrument:* Electron Paramagnetic Resonance Spectrometer System, Model EMX 10/2.7. *Manufacturer:* Bruker, Germany. *Intended Use:* The instrument will be used for studies of single crystals such as neodymium doped in fluorides and other crystals doped with rare-earth or transition metal ions that will be grown in a crystal growth facility. These studies will involve spin densities and crystal defects experiments, orientation experiments for looking at angular dependence and experiments to examine the ion environment. In addition, the instrument will be used for educational purposes in the courses Chemistry 363L - Physical Chemistry Laboratory and Physics 450 - Advanced Laboratory. *Application Accepted by*

Commissioner of Customs: October 5, 1995.

Docket Number: 95–096. *Applicant:* Arizona State University, Botany Department, Life Sciences Building - E Wing Rm 218, Tempe, AZ 85287-1601. *Instrument:* Fluorescence Measuring System, Model PAM 101. *Manufacturer:* Heinz Walz GmbH, Germany. *Intended Use:* The instrument will be used to measure the kinetics of Q_A reduction and reoxidation in wild-type and genetically engineered mutants of a cyanobacterium, in which photosystem II, the part of photosynthesis with which Q_A is associated, has been altered. A major objective of this work is to elucidate how specific changes in the protein environment surrounding Q_A alter the properties of this cofactor. In addition, the instrument will be used for graduate education in the courses BOT 592 and 792 and MCB 592 and 792. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95–097. *Applicant:* Johns Hopkins University, 3400 N. Charles Street, Baltimore, MD 21218. *Instrument:* Stopped-Flow Spectrophotometer, Model SX.17MV. *Manufacturer:* Applied Photophysics Ltd., United Kingdom. *Intended Use:* The instrument will be used to study the structure and function of a set of three bacterial heat shock proteins that act as molecular chaperones in mediating several aspects of protein metabolism, including protein folding, protein transport, and assembly and disassembly of protein complexes. *Application Accepted by Commissioner of Customs:* October 5, 1995.

Docket Number: 95–098. *Applicant:* Research Foundation of SUNY at Albany, AD 335, 1400 Washington Avenue, Albany, NY 12222. *Instrument:* Formaldehyde Monitor. *Manufacturer:* Aero Laser GmbH, Germany. *Intended Use:* The instrument will be used to measure ambient concentrations during regional pollution episodes in rural locations of the northeastern U.S. In this research program both undergraduate and graduate students in atomospheric chemistry will study the formation of formaldehyde and its role in atmospheric photooxidation processes leading to ozone formation. In addition, the instrument will be used to train undergraduate students and technicians in its use and application in quality monitoring networks. *Application Accepted by Commissioner of Customs:* October 12, 1995.

Docket Number: 95–099. *Applicant:* National Institute of Standards and Technology, Building 222, Room A113, Gaithersburg, MD 20899. *Instrument:* Rotating Sample Stage for Ion Microscope. *Manufacturer:* Kore Technology, United Kingdom. *Intended Use:* The instrument is an accessory for a Cameca ion microscope which will be used to improve the depth resolution of secondary ion mass spectrometry sputter depth profiles. *Application Accepted by Commissioner of Customs:* October 12, 1995.

Docket Number: 95–101. *Applicant:* Rutgers University, P.O. Box 69999, Piscataway, NJ 08855. *Instrument:* Chlorophyll Fluorescence Measuring System, Model PAM 101. *Manufacturer:* Walz (Mess- und Regeltechnik), Germany. *Intended Use:* The instrument will be used to characterize the kinetics of fluorescence for chlorophyll *a* in whole cells of microalgae in studies of how photosynthetic light reactions are modulated by stochastic light environment. The instrument will also be used in undergraduate courses in marine microbiology and primary productivity in the world's ocean to demonstrate the dramatic physiological plasticity of the microalgae which is central to understanding the dynamic ocean environment in which they live. *Application Accepted by Commissioner of Customs:* October 13, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–28094 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–F

University of Rhode Island, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

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 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.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 95–081. *Applicant:* University of Rhode Island, Narragansett, RI 02882-1997. *Instrument:* ICP Mass Spectrometer, Model Element. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 60 FR 50554, September 29, 1995. *Reasons:* The foreign instrument provides a double focusing magnetic sector analyzer with a sensitivity of 2.0 x 10^7 ions per second per ppm of indium at resolution 300.

Docket Number: 95–083. *Applicant:* Continuous Electron Bean Accelerator Facility, Newport News, VA 23606. *Instrument:* Gas Cherenkov Counters for Hall A Magnetic Spectrometers. *Manufacturer:* CEA/DSM, France. *Intended Use:* See notice at 60 FR 50554, September 29, 1995. *Reasons:* The foreign instrument provides specially designed counters for atomic particle identification with an efficiency of 99.9%.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–28095 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DS–F

National Institute of Standards and Technology

Visiting Committee on Advanced Technology; Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Institute of Standards and Technology's Visiting Committee on Advanced Technology (NIST) will meet on Tuesday, December 5, 1995, from 1:00 a.m. to 5:00 p.m., and on Wednesday, December 6, 1995, from 8:30 a.m. to 11:45 a.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. On December 5, 1995, the agenda will include presentations of

NIST programs; the facilities construction program; the strategic planning for the Information Technology Laboratory; and a laboratory tour. On December 6, 1995, the agenda will include presentations on Investing in Public Technology Companies; report of the Board on Assessment on NIST programs; and a report on the NIST Laboratory Role.

DATES: The meeting will convene December 5, 1995, at 1:00 p.m. and will adjourn at 11:45 a.m. on December 6, 1995.

ADDRESSES: The meeting will be held in Lecture Room A (seating capacity 70, includes 36 participants), Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Chris E. Kuyatt, Visiting Committee Executive Director, NIST, Gaithersburg, Maryland 20899, telephone number (301) 975–6090.

Dated: November 7, 1995.

Samuel Kramer,

Associate Director.

FR Doc. 95–28083 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–13–M

Patent and Trademark Office

Notice of Hearings and Request for Comments on Issues Relating to Patent Protection for Nucleic Acid Sequences

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearings and request for comments.

SUMMARY: The Patent and Trademark Office (PTO) will hold public hearings, and it requests comments, on issues relating to patent protection for nucleic acid sequences. Interested members of the public are invited to testify at public hearings and to present written comments on any of the topics outlined in the supplementary information section of this notice.

DATES: Public hearings will be held on Wednesday, November 29, 1995, from 9:00 a.m. until 1:00 p.m., and Thursday, December 7, 1995, from 9:00 a.m. until 1:00 p.m.

Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than Monday, November 27, 1995, for the November 29 hearing, or Tuesday, December 5, 1995, for the December 7 hearing.

Speakers may provide a written copy of their testimony for inclusion in the record of the proceedings no later than Monday, December 18, 1995.

Written comments will be accepted by the PTO until December 18, 1995.

Written comments and transcripts of the hearings will be available for public inspection on or about Monday, January 22, 1996.

ADDRESSES: The November 29 hearing will be held from 9:00 a.m. until 1:00 p.m. at the University of California, San Diego, The Mandeville Auditorium/ Recital Hall, Muir Campus, La Jolla, California.

The December 7 public hearing will be held from 9:00 a.m. until 1:00 p.m. in Suite 912, Commissioner's Conference Room, Crystal Park Building No. 2, 2121 Crystal Drive, Arlington, Virginia.

Requests to testify should be sent to Esther Kepplinger by telephone at (703) 306–2714, by facsimile transmission at (703) 308–6879, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231. No request for oral testimony will be accepted through electronic mail.

Written comments should be addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, marked to the attention of Esther Kepplinger. Comments may also be submitted by facsimile transmission at (703) 308–6879, with a confirmation copy mailed to the above address, or by electronic mail over the Internet to ''sequence@suspto.gov.''

Written comments and transcripts of the hearings will be maintained for public inspection in Suite 520 of Crystal Park One, 2011 Crystal Drive, Arlington, Virginia. Transcripts and comments provided in machine readable format will also be available through anonymous file transfer protocol (ftp) via the internet (address: sequence@suspto.gov).

FOR FURTHER INFORMATION CONTACT: Esther Kepplinger by telephone at (703) 306–2714, by facsimile transmission to (703) 308–6879, by electronic mail at ekepplin@uspto.gov, or by mail marked to her attention addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

I. Background

With the growth of the biotechnology industry have come significant changes in the process of research, development and commercialization of biotechnology inventions. For at least a decade, patent applications claiming nucleic acid sequences, such as genes composed of deoxyribonucleic acid (''DNA''), have been examined and granted patent rights by the PTO. These sequences typically encode known proteins or proteins for which applicant discovered a function. Scientific and technological advances have permitted researchers to identify large numbers of gene fragments rapidly. Armed with databases containing the sequences of known genes, they can identify a novel sequence. The ease of sequencing large numbers of random nucleic acid fragments has resulted in the filing of a growing number of patent applications each claiming thousands of nucleic acid sequences. This is a serious problem for the PTO. While the PTO has recently acquired sophisticated and costly hardware and software necessary to search applications containing such sequences, their examination will significantly burden the existing system and may necessitate the acquisition of many additional, expensive, massively parallel processor computers to complete examination in a reasonable time.

PTO estimates that the computer search time for one hundred sequences is about fifteen hours and the examiner time for evaluating the sequence search results is about sixty-five hours. The estimated cost for computer search time for one hundred sequences is $1500. Although the number of cases involving large numbers of sequences presently before the PTO is small, it is estimated that the cost to search and examine these cases will be $8 million. These estimates represent searches by a massively parallel processor computer of commercially available databases.

Applications that claim excessively long sequences present similar challenges, since the claimed sequence must be broken up into numerous smaller sequences in order to be searched.

An additional issue has been raised relating to what is known as the Human Genome Initiative (HGI).

The HGI is a project to obtain the entire DNA sequence in the human genome. Many of the benefits expected from the HGI are due to the characterization of expressed nucleic acid sequences in the human genome and their protein products.

Some individuals believe that expressed nucleic acid sequences in the human genome should not be patentable because of the possibility that a patent to a gene fragment could preclude future use of the gene or its protein product. This, it is argued, could inhibit future research efforts to isolate the entire gene or to develop medically beneficial protein compounds. Others believe that

the benefits of the patent system should not be withheld from this area of technology, because research and development would be drastically curtailed due to the inability to protect capital investments or to reap financial rewards from those investments. Appropriate policies must be established to address these challenges.

II. Issues for Public Comment

Interested members of the public are invited to testify or to present written comments related to the above topics, including the following issues:

1. Is there a more cost-effective way to examine applications containing large numbers of sequences or excessively long sequences, in view of the PTO's limited human and computer resources?

2. How should the significantly higher cost associated with searching applications claiming large numbers of sequences or excessively long sequences be underwritten? For example:

(a) By fees from all applications?

(b) By fees from the biotechnology industry applications only?

(c) By fees from those specific applications involving large numbers of sequences or extraordinarily long sequences?

3. Will the patenting of a complete genome of an organism inhibit rather than promote advancement of the biotechnology arts? If so, why?

4. Will the patenting of human genome fragments inhibit rather than promote advancement of the biotechnology arts? If so, why?

III. Guidelines for Oral Testimony

Individuals wishing to testify at the hearings must adhere to the following guidelines:

1. Requests to testify must include the speaker's name, affiliation, title, phone number, fax number, mailing address, and Internet mail address (if available).

2. Speakers will be provided between seven and fifteen minutes to present their remarks. The exact amount of time allocated per speaker will be determined after the final number of parties testifying has been determined. All efforts will be made to accommodate requests for additional time for testimony presented before the day of the hearing.

3. Requests to testify may be accepted on the date of the hearing if sufficient time is available on the schedule. No one will be permitted to testify without prior approval.

A schedule providing approximate times for testimony will be provided to all speakers the morning of the day of the hearing.

Speakers are advised that the schedule for testimony may be subject to change during the course of the hearings.

IV. Guidelines for Written Comments

Written comments should include the following information:

1. Name and affiliation of the individual responding.

2. If applicable, an indication of whether comments offered represent views of the respondent's organization or are the respondent's personal views.

3. If applicable, information on the respondent's organization, including the type of organization (e.g., business, trade group, university, non-profit organization) and general areas of interest.

Information that is provided pursuant to this notice will be made part of the public record. In view of this, parties should not provide information they do not wish publicly disclosed. Parties who would like to rely on confidential information to illustrate a point being made are requested to summarize or otherwise provide the information in a way that will permit its public disclosure.

Parties offering testimony or written comments should provide their comments in machine readable format, if possible. Such submissions should be provided by electronic mail messages over the Internet, or on a 3.5″ floppy disk formatted for use in either a Macintosh or MS–DOS based computer. Machine readable submissions should be provided as unformatted text (e.g., ACSII or plain text), or formatted text in one of the following file formats: Microsoft Word (Macintosh, DOS or Windows versions) or WordPerfect (Macintosh, DOS or Windows versions).

V. Guidelines for Comments via Internet

Comments received via the Internet should include the same information requested in the guidelines set out for written comments.

VI. Other Information

Questions regarding the facilities and lodging in the La Jolla, California, area should be directed to the University of California, San Diego, Special Events, by phone at (619) 534–6386, or by fax to (619) 534–0905. Parking permits are required for on-campus parking and may be purchased in advance through the Parking Office or on November 29 at Information booths at the university. Questions regarding parking should be directed to the Special Events Parking Office at (619) 534–9682, or by fax to (619) 534–9685.

Dated: November 8, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95–28053 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–16–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Fiji

November 7, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 338/339/638/639 and the sublimit for 338–S/339–S/638–S/639–S are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 16622, published on March 31, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 7, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 27, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Fiji and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on November 15, 1995, you are directed to amend the March 27, 1995 directive to increase the limit for the following categories, as provided for under the current bilateral textile agreement between the Governments of the United States and the Republic of Fiji:

Category	Adjusted twelve-month limit [1]
338/339/638/639	1,122,476 dozen of which not more than 848,039 dozen shall be in Categories 338–S/339–S/638–S/639–S [2].

[1] The limit has not been adjusted to account for any imports exported after December 31, 1994.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.95–28086 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DR–F

Announcing Settlement on Import Limits and Guaranteed Access Levels and Amending Visa Requirements for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

November 7, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending a limit and restraint period and directing Customs to begin signing form ITA–370P.

EFFECTIVE DATE: November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated October 19, 1995, the Governments of the United States and the Republic of Guatemala agreed, pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC), to establish a limit for Categories 342/642 for the periods May 31, 1995 through December 31, 1995; January 1, 1996 through December 31, 1996; January 1, 1997 through December 31, 1997; and January 1, 1998 through May 30, 1998. The governments also agreed to establish Guaranteed Access Levels (GALs) for Categories 342/642 for the periods January 1, 1996 through December 31, 1996; January 1, 1997 through December 31, 1997; and January 1, 1998 through May 30, 1998.

Beginning on November 15, 1995, the U.S. Customs Service will start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 342/642 that are destined for Guatemala and subject to the GAL established for Categories 342/642 for the period beginning on January 1, 1996 and extending through December 31, 1996. These products are governed by Harmonized Tariff item number 9802.00.8015 and chapter 61 Statistical Note 5 and chapter 62 Statistical Note 3 of the Harmonized Tariff Schedule. Interested parties should be aware that shipments of cut parts in Categories 342/642 must be accompanied by a form ITA–370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in Guatemala in order to qualify for entry under the Special Access Program.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to amend the current level and restraint period for Categories 342/642, and to begin signing the first section of form ITA–370P. Also, visa requirements are being amended to include the coverage of merged Categories 342/642.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 55 FR 3079, published on January 30, 1990; and 60 FR 44316, published on August 25, 1995.

Requirements for participation in the Special Access Program are provided in Federal Register notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; 54 FR 50425, published on December 6, 1989; and 55 FR 3079, published on January 30, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 7, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on August 22, 1995 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Guatemala and exported during the twelve-month period beginning on May 31, 1995 through May 30, 1996.

Effective on November 15, 1995, you are directed, pursuant to the Memorandum of Understanding dated October 19, 1995 between the Governments of the United States and the Republic of Guatemala, the

Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, to amend the current restraint period for Categories 342/642 to end on December 31, 1995 at a level of 285,685 dozen [1].

Effective on November 15, 1995, you are directed to amend the directive dated January 24, 1990 to require a visa for goods in Categories 342 and 642 which are produced or manufactured in Guatemala and exported from Guatemala on and after November 15, 1995. Shipments of goods in Categories 342 and 642 may be visaed as merged Categories 342/642 or the correct category corresponding to the actual shipment. Goods exported during the period November 15, 1995 through December 14, 1995 shall not be denied entry for lack of a visa.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

Beginning on November 15, 1995, the U.S. Customs Service is directed to start signing the first section of the form ITA–370P for shipments of U.S. formed and cut parts in Categories 342/642 that are destined for Guatemala and re-exported to the United States on and after January 1, 1996.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–28087 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

November 7, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6716. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for carryover and swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 17335, published on April 5, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 7, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on November 14, 1995, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
239	498,895 kilograms.
331	460,466 dozen pairs.
340	897,045 dozen.
341	225,563 dozen.
347/348	1,113,701 dozen of which not more than 631,176 dozen shall be in Category 347 and not more than 490,915 dozen shall be in Category 348.
604	910,142 kilograms.
631	501,771 dozen pairs.
635	290,762 dozen.
639	3,544,625 dozen.
648	1,647,109 dozen.

[1] The limit has not been adjusted to account for any imports exported after May 30, 1995.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–28084 Filed 11–13–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Applications of the Chicago Board of Trade for Designation as a Contract Market in Futures and Options on Illinois, Indiana, Nebraska, Ohio, and U.S. Corn Yield Insurance

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in corn yield insurance futures and futures options based on four states, Illinois, Indiana, Nebraska, and Ohio, and the entire United States. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before December 14, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., N.W., Washington, DC 20581. Reference should be made to the CBT contract markets in futures and options on Illinois, Indiana, Nebraska, Ohio, and U.S. corn yield insurance.

FOR FURTHER INFORMATION CONTACT: Please contact Fred Linse of the Division of Economic Analysis,

Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., N.W., Washington, DC 20581, telephone 202–418–5273.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

Other materials submitted by the CBT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., N.W., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on November 7, 1995.

Blake Imel,

Acting Director.

[FR Doc. 95–28038 Filed 11–13–95; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0064]

Request for Public Comments Regarding OMB Clearance Entitled Organization and Direction of Work

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0064).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Organization and Direction of Work. This OMB clearance currently expires on March 31, 1996.

DATES: *Comment Due Date:* January 16, 1996.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the justification, should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0064, Organization and Direction of Work, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer and keep current a chart showing the general executive and administrative organization, the personnel to be employed in connection with the work under the contract, and their respective duties. The chart is used in administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *.75* hours per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *50;* responses per respondent, *1;* total annual responses, *50;* preparation hours per response, *.75;* and total response burden hours, *38.*

Dated: November 7, 1995.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 95–28023 Filed 11–13–95; 8:45 am]

BILLING CODE 6820–EP–M

[OMB Control No. 9000–0004]

Request for Public Comments Regarding OMB Clearance Entitled Architect-Engineer and Related Services Questionnaire (SF 254)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0004).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Architect-Engineer and Related Services Questionnaire (SF 254). This OMB clearance currently expires on March 31, 1996.

DATES: *Comment Due Date:* January 16, 1996.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the justification, should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0004, Architect-Engineer and Related Services Questionnaire (SF 254), in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

Standard Form 254 is used by all Executive agencies to obtain uniform information about a firm's experience in architect-engineering (A–E) projects. The form is submitted annually as required by 40 U.S.C. 541–544 by firms

wishing to be considered for Government A–E contracts. The information obtained on this form is used to determine if a firm should be solicited for A–E projects.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *1* hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondent, *5,000*; responses per respondent, *7*; total annual responses, *35,000*; preparation hours per response, *1*; and total response burden hours, *35,000*.

Dated: November 7, 1995.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 95–28019 Filed 11–13–95; 8:45 am]

BILLING CODE 6820–EP–M

[OMB Control No. 9000–0060]

Request for Public Comments Regarding OMB Clearance Entitled Accident Prevention Plans and Recordkeeping

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0060).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Accident Prevention Plans and Recordkeeping. This OMB clearance currently expires on March 31, 1996.

DATES: *Comment Due Date:* January 16, 1996.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the justification, should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0060, Accident Prevention Plans and Recordkeeping, in all correspondence.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

The clause ''Accident Prevention'' (48 CFR 52.236–13) requires Federal construction contractors to keep records of accidents incident to work performed under the contract that result in death, traumatic injury, occupational disease or damage to property, materials, supplies or equipment. Records of personal inquiries are required by OSHA (OMB Control No. 1220–0029). The Federal Acquisition Regulation requires records of damage to property, materials, supplies or equipment to provide background information when claims are brought against the Government.

If the contract involves work of a long duration, the contractor must submit a written proposal for implementation of the clause. The Accident Prevention Plan, for projects that are hazardous or of long duration, is analyzed by the Contracting Officer along with the agency safety representatives to determine if the proposed plan will meet the requirement of the safety regulations and applicable statutes. The records maintained by the contractor are used to evaluate compliance and may be used in workmen's compensation cases. The Accident Prevention Plan is placed in the contract file for reference.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *2* hours per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *2,106*; responses per respondent, *2*; total annual responses, *4,212*; preparation hours per response, *2*; and total response burden hours, *8,424*.

Dated: November 7, 1995.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 95–28021 Filed 11–13–95; 8:45 am]

BILLING CODE 6820–EP–M

[OMB Control No. 9000–0005]

Request for Public Comments Regarding OMB Clearance Entitled Architect-Engineer and Related Services Questionnaire for Specific Project (SF 255)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0005).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Architect-Engineer and Related Services Questionnaire for Specific Project (SF 255). This OMB clearance currently expires on March 31, 1996.

DATES: *Comment Due Date:* January 16, 1996.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the justification, should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0005, Architect-Engineer and Related Services Questionnaire for Specific Project (SF 255), in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

Standard Form 255 is used by all Executive agencies to obtain information from architect-engineer (A–E) firms interested in a particular project. The information on the form is reviewed by a selection panel composed of professional people and assists the panel in selecting the most qualified A–E firm to perform the specific project. The form is designed to provide a uniform method for A–E firms to submit

information on experience, personnel, capabilities of the A–E firm to perform, along with information on the consultants they expect to collaborate with on the specific project. Hence the need for information regarding the number and discipline of consultant personnel. The degree to which an A–E firm will utilize consultants can significantly impact on their suitability and qualifications for a specific project. The revision to the form requesting A–E firms provide the name and phone number of a point of contact, usually the project manager, will (1) reduce the time required by the Government to verify performance on current Federal contracts, and (2) reduce the time lost by the A–E firms providing this information at a later date. The information is used to determine if a firm is qualified to perform a specific project.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *1.2* hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *5,000*; responses per respondent, *4*; total annual responses, *20,000*; preparation hours per response, *1.2*; and total response burden hours, *24,000*.

Dated: November 7, 1995.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 95–28020 Filed 11–13–95; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent to Prepare a Joint Draft Environmental Impact Statement (EIS)/ Environmental Impact Report (EIR) with Sacramento County for the Proposed Aggregate Mining within the Morrison Creek Drainage Basin.

AGENCY: U.S. Army Corps of Engineers, Sacramento District, DOD.

ACTION: Notice of Intent.

SUMMARY: The proposed aggregate mining of approximately 950 acres of land within the Morrison Creek Drainage Basin south of Highway 16, Sacramento County, California. The area evaluated by the EIR/EIS is bounded roughly by Jackson Road (Highway 16) to the north, Excelsior Road to the east, Elder Creek Road to the south and Hedge Avenue to the west. There are four mining areas within the 950 acre study area. They are known as Granite Vineyard, Aspen III South, Aspen IV South and Aspen V South. Granite Construction Company and Teichert Aggregates have applied to the Corps of Engineers for Department of the Army permits pursuant to Section 404 of the Clean Water Act.

Granite proposes to impact 21.95 acres of waters of the United States subject to DOA jurisdiction on their ± 400 acre Granite Vineyard site. The applicant proposes to reroute Morrison Creek into a bypass channel that will be constructed at the present grade. Low flows will be directed to the pit floor where the applicant proposes to mitigate for project impacts to seasonal wetlands and creek channel. Teichert proposes to impact 1.78 acres of waters of the United States subject to DOA jurisdiction on their ± 180 acre Aspen IV South site and 4.91 acres of waters of the United States subject to DOA jurisdiction on their ± 180 acre Aspen IV South site and 4.91 acres of waters of the United States subject to DOA jurisdiction on their ± 255 acre Aspen V South site. Teichert's Aspen III site is ± 110 acres and contains no waters of the United States subject to DOA jurisdiction.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and Draft EIR/EIS should be directed to Larry Vinzant, Regulatory Branch, U.S. Army Corps of Engineers, 1325 J Street, Sacramento, California 95814–2922, telephone (916) 557–5263.

SUPPLEMENTARY INFORMATION:

1. *Proposed Action:* The proposed action would eliminate approximately 30 acres of wetlands and other waters if the permits were issued.

2. *Alternatives:* The alternatives being considered at this time are:

a. Aggregate mining on-site as proposed by the applicants;

b. Downsizing mining operation on-site to reduce adverse impacts to waters of the United States;

c. Alternate site location; and

d. No action (no project alternative).

3. *Significant Issues:* The significant issues which have been identified to date and which will be analyzed in the report are:

a. The need for additional aggregate material in Sacramento;

b. Impacts to wetlands;

c. Impacts to threatened and endangered species;

d. Impacts to wildlife;

e. Impacts to the hydrology of the Morrison Creek drainage basin;

f. Impacts to water quality;

g. Impacts to traffic (alternative site location);

h. Impacts to aesthetics; and

i. Impacts to noise levels.

4. *Other Environmental Review and Consultation:* Environmental review and consultation as required by Sections 401 and 404 of the Clean Water Act, as amended (33 U.S.C. 1341 and 1344); the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); Executive Order 11990, ''Protection of Wetlands,'' (24 May 1977); and other applicable statutes or regulations will be conducted concurrently with the EIR/EIS review process.

Another joint draft EIR/EIS is being prepared concurrently for the Morrison Creek drainage basin north of Highway 16. This report will focus on the following mining projects: Granite I, Aspen VI and Aspen V North. Both EIR/EIS documents will evaluate cumulative impacts to the entire Morrison Creek drainage basin.

The Sacramento District of the U.S. Army Corps of Engineers will issue a 30-day public notice, concurrently with this notice, to initiate the scoping process. The public notice will be sent to all known, interested parties, and will request that the reviewers provide comments on the topical scope, alternatives, and major issues to be covered in the Draft EIR/EIS. We intend to accomplish the scoping process in this manner; however, if it is perceived that this method is not adequate, the need for a public scoping meeting will be considered.

5. *Schedule.* We estimate the Draft EIR/EIS will be made available to the public in summer of 1996.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–27978 Filed 11–13–95; 8:45 am]

BILLING CODE 3710–E2–M

Defense Investigative Service Privacy Act of 1974; Notice to Add a System of Records

AGENCY: Defense Investigative Service, DOD.

ACTION: Notice to add a systems of records.

SUMMARY: The Defense Investigative Service proposes to add a system of records to its inventory of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective without further notice on December 14, 1995, unless comments are received that

would result in a contrary determination.

ADDRESSES: Send comments to the Defense Investigative Service, Chief, Information and Public Affairs Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Hartig at (202) 475–1062.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the above address.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, was submitted on November 1, 1995, to the Committee on Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated July 25, 1994 (59 FR 37906, July 25, 1994).

Dated: November 7, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

V8–02

SYSTEM NAME:

Key Contractor Management Personnel Listing.

SYSTEM LOCATION:

Primary Location: Defense Investigative Service, National Computer Center, 2200 Van Deman Street, Baltimore, MD 21203–1211.

Remote terminals are located at Defense Investigative Service, Defense Industrial Security Clearance Office, 3990 East Broad Street, Building 306, Columbus OH 43213–1138, and

Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key management personnel of government contractor facilities which have been issued, now possess, are, or have been in process for a facility clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated record may include individuals name, Social Security Number, date of birth, place of birth, citizenship, and date and level of security clearance granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12829; E.O. 9397; E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Investigative Service (DIS); DoD Regulation 5200.2R, DoD Personnel Security Program; and DoD 5220.22-M, National Industrial Security Program Operating Manual.

PURPOSE(S):

Records serve to provide a listing of key management personnel at civilian contractor facilities falling under the National Industrial Security Program for use by the Defense Industrial Security Clearance Office which will be used to track, monitor and expedite personnel clearance processing of those personnel who require a security clearance in conjunction with the facility clearance in order to expedite initial facility clearance processing and to assist in maintaining facility clearances in a valid status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained in computer disk packs, magnetic tapes and associated data processing files.

RETRIEVABILITY:

Records are accessed by Social Security Number or name or both.

SAFEGUARDS:

Specific codes are required to access the automated records.

RETENTION AND DISPOSAL:

Records are retained as long as the individual is a key management person at a DoD contractor facility in the National Industrial Security Program and are destroyed immediately upon notification that the individual no longer occupies such a position. Electronic records are erased or overwritten.

EXCEPTIONS: Records released in accordance with the Privacy Act or the Freedom of Information Act are retained for two years from date of release.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director (Industrial Security), Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Information and Public Affairs, Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DIS Regulation 28–4; 32 CFR part 321; or may be obtained from the Office of Information and Public Affairs, Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Reports from civilian contractors participating in the National Industrial Security Program. Business records of civilian contractors participating in the National Industrial Security Program. Federal, state, county and municipal records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 95–27972 Filed 11–13–95; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board, Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATE AND TIME: November 30, 1995, 8 a.m. to 4:30 p.m.; December 1, 1995, 8 a.m. to 2 p.m.

ADDRESSES: Washington Court Hotel, Ballroom West, 525 New Jersey Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: John Christensen, Designated Federal Official, National Educational Research Policy and Priorities Board, 555 New Jersey Avenue, NW., Washington, DC 20208–7564. Telephone: (202) 219–2065; Fax: (202) 219–1528. Internet: John__Christensen@ed.gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act). The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (the Office) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The Act directs the Board to provide guidance to the Congress in its oversight of the Office; to advise the United States on the Federal educational research and development effort; and to solicit advice from practitioners, policymakers, and researchers to define research needs and suggestions for research topics. The meeting of the Board is open to the public. The agenda for November 30 includes a report on the status of legislation affecting educational research and reports on the preparation of a research priorities plan. The Board will also discuss models of peer review. On December 1 the Board will consider standards related to exemplary programs and promising practices. A final agenda will be available from the Board's office on November 22, 1995.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Avenue, NW., Washington, DC 20208–7564.

Dated: November 7, 1995.

Sharon P. Robinson,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 95–28018 Filed 11–13–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Golden Field Office; Notice of Solicitation for Financial Assistance Applications; Rebuild America Program

AGENCY: Department of Energy.

ACTION: Notice of solicitation for financial assistance applications number DE–PS36–96GO10131.

SUMMARY: The U.S. Department of Energy (DOE), through the Rebuild America Program, announces its intention to issue a competitive solicitation and make multiple awards to regional or community wide public/private sector groups to accelerate the use of cost-effective energy efficiency improvements in commercial and multifamily residential housing. This action is subject to the DOE Financial Assistance Rules, which can be found in Title 10 of the Code of Federal Regulations (10 CFR Part 600).

AVAILABILITY OF THE SOLICITATION: To obtain a copy of the solicitation once it is issued in December, 1995, write to the U.S. Department of Energy's Golden Field Office, 1617 Cole Blvd, Golden, CO, 80401, Attn: Mr. John Motz, Contract Specialist. Only written requests for the solicitation will be honored. For convenience, requests for the solicitation may be faxed to Mr. Motz at (303) 275–4754. For further information concerning the Rebuild America Program, contact the Energy Efficiency and Renewable Energy Clearinghouse (EREC), P.O. Box 3048, Merrifield, VA, 22116. Telephone: (800) 363–3732.

SUPPLEMENTARY INFORMATION: The DOE Office of Building Energy Research, under authority of Section 2104 of the Energy Policy Act of 1992, Pub. Law No. 102–486, seeks to substantially increase the energy efficiency of existing commercial buildings by the year 2005. This solicitation is part of Action #1 of the Administration's Climate Change Action Plan to reduce energy use in buildings and lower greenhouse gas emissions. The objective of this solicitation is to make multiple financial assistance awards to public/private sector groups that are expected to accelerate the use of cost-effective energy efficiency measures in commercial and multifamily residential housing in the United States. ''Commercial Building'' means a public or privately owned building with more than 50 percent of its floorspace used for commercial activities. Commercial buildings include, but are not limited to, stores, offices, schools, churches, auditoriums, gymnasiums, libraries, museums, hospitals, clinics, warehouses and correctional facilities. Awardees will be expected to: apply retrofit energy efficiency improvements to a large portion of the total floorspace in existing commercial and multifamily buildings within a community or region by not later than five years after award date of the cooperative agreement; integrate and enhance existing energy efficiency improvement programs and capital investment resources in their community or region to support the implementation of their energy efficient retrofits, e.g., the U.S. Environmental Protection Agency's Energy Star Buildings Program or the U.S. Department of Housing and Urban Development's Empowerment Zones/Enterprise Communities; and ensure that the activities initiated through the group will continue without further DOE funding.

DOE will consider for award those entities which have not received a prior award under this program and which represent a consortium of private sector firms and the public sector which could include business partnerships, joint ventures or other business relationships between such organizations as profit and non-profit corporations, educational institutions, etc. Each consortium must include a state or local government organization as a member, but can be led by any organization. The awardee must propose to cost share at least 50% of the total project costs from non-federal sources in order to receive an award under the solicitation.

Applicants will be expected to customize their program approaches to fit their community's needs and capabilities. Awards under this solicitation will be cooperative agreements. The term of the awards may be for up to five years. It is anticipated total DOE funding available for this round of awards will be approximately $2.5 million. Individual awards under this solicitation will not exceed $500,000 of DOE funding. DOE funds may not be used for capital investments

needed to retrofit nor to purchase any buildings under any cooperative agreements awarded under this solicitation. The solicitation will be issued in December, 1995, and will contain detailed information on funding, cost sharing requirements, eligibility, application preparation, and evaluation. Responses to the solicitation will be due 120 days after solicitation release.

Issued in Golden, Colorado, on November 1, 1995.

John W. Meeker,

Chief, Procurement, GO.

[FR Doc. 95–28056 Filed 11–13–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation.

DATES: Wednesday, November 15, 1995: 6:00 pm–9:00 pm.

ADDRESSES: Oak Ridge Mall Community Room, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Sandy Perkins, Site-Specific Advisory Board Coordinator, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, (423) 576–1590.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

November Meeting Topics

The Board members will continue to address issues required for the Board to function routinely. Topics to be discussed are largely organizational, but the Board will be provided a presentation on the Environmental Management Program's prioritization system.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting.

Individuals who wish to make oral statements pertaining to agenda items should contact Jon Yerxa's office at the address or telephone number listed above. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 8:30 am and 5:00 pm on Monday, Wednesday, and Friday; 8:30 am and 7:00 pm on Tuesday and Thursday; and 9:00 am and 1:00 pm on Saturday, or by writing to Sandy Perkins, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, or by calling her at (423) 576–1590.

Issued at Washington, DC on November 7, 1995.

Gail Cephas,

Acting Advisory Committee Management Officer.

[FR Doc. 95–28057 Filed 11–13–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Pantex Plant, Amarillo, Texas

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex Plant, Amarillo, Texas.

DATE AND TIME: Tuesday, November 28, 1995: 1:30 pm–5:30 pm.

ADDRESS: Boatman's First National Bank, Centennial Room, 8th and Fillmore, Amarillo, Texas.

FOR FURTHER INFORMATION CONTACT: Tom Williams, Program Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120 (806) 477–3121.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The Board provides input to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda

1:30 pm—Welcome—Introductions—Approval of Minutes
1:40 pm—Co-Chairs' Comments
2:00 pm—Task Force Reports
—Public Participation/Public Information
—Environmental Restoration
—Sitewide Environmental Impact Statements
—Future of the Nuclear Complex
—Waste Management
2:30 pm—Updates
—Occurrence Reports—DOE
3:30 pm—Break
3:45 pm—Presentation
—Employee Concerns Process
4:30 pm—Subcommittee Reports
—Budget and Finance
—Community Outreach
—Policy and Personnel
—Program and Training
—Nominations
5:30 pm—Adjourn.

Public comment will be taken periodically throughout the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Written comments will be accepted at the address above for 15 days after the date of the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Williams' office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371–5400. Hours of operation are

from 7:45 am to 10:00 pm, Monday through Thursday; 7:45 am to 5:00 pm on Friday; 8:30 am to 12:00 noon on Saturday; and 2:00 pm to 6:00 pm on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537–3742. Hours of operation are from 9:00 am to 7:00 pm on Monday; 9:00 am to 5:00 pm, Tuesday through Friday; and closed Saturday and Sunday as well as Federal Holidays. Minutes will also be available by writing or calling Tom Williams at the address or telephone number listed above.

Issued at Washington, DC on November 7, 1995.

Gail Cephas,

Acting Advisory Committee Management Officer.

[FR Doc. 95–28058 Filed 11–13–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site.

DATES AND TIMES: Monday, November 27, 1995: 6:00 p.m.–7:00 p.m. (public comment session); 7:00 p.m.–9:00 p.m. (issues-based subcommittee meetings); Tuesday, November 28, 1995: 8:30 a.m. to 4:00 p.m.

ADDRESSES: The public comment session and subcommittee meetings will be held at: The Winton Inn, Marlboro Avenue (Corner of Hwy 278 and Hwy 3), Barnwell, South Carolina.

The Board meeting will be held at: The Barnwell County Museum, Hagood and Marlboro Avenue, Barnwell, S.C.

FOR FURTHER INFORMATION CONTACT: Tom Heenan, Manager, Environmental Restoration and Solid Waste, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802 (803) 725–8074.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, November 27, 1995

6:00 p.m.—Public Comment Session (5-minute rule)
7:00 p.m.—Subcommittee Meetings
9:00 p.m.—Adjourn

Tuesday, November 28, 1995

8:00 a.m.—Coffee
8:30 a.m.—Approval of minutes, Agency Updates, Facilitator Report
9:00 a.m.—Risk Management & Future Use Subcommittee Report
10:00 a.m.—Environmental Remediation & Waste Management Subcommittee Report
12:00 p.m.—Lunch
1:00 p.m.—Nuclear Materials Management Subcommittee Report
1:30 p.m.—Consortium for Risk Evaluation and Stakeholder Participation
2:15 p.m.—Nominations/Elections
2:30 p.m.—Bylaws Subcommittee Report
3:10 p.m.—Membership Subcommittee Report
3:30 p.m.—Public Comment Session (5-minute rule)
4:00 p.m.—Adjourn.

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, November 27, 1995.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling him at (803) 725–8074.

Issued at Washington, DC on November 7, 1995.

Gail Cephas,

Acting Advisory Committee Management Officer.

[FR Doc. 95–28059 Filed 11–13–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EG96–10–000, et al.]

Northwest Power Company, LLC, et al.; Electric Rate and Corporate Regulation Filings

November 6, 1995.

Take notice that the following filings have been made with the Commission:

1. Northwest Power Company, LLC

[Docket No. EG96–10–000]

On October 26, 1995, Northwest Power Company, LLC (Applicant), 10500 N.E. Eighth Street, Suite 1100, Bellevue, WA 98004, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant intends, directly or indirectly, to own or operate all or part of eligible facilities including without limitation an 838 MW electric generating facility located in the vicinity of Creston, Washington.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. CSW Development-3, Inc.

[Docket No. EG96–11–000]

On October 26, 1995, CSW Development-3, Inc. (Applicant), 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant, a non-utility indirect subsidiary of Central and South West Corporation, a registered holding company, intends, directly or indirectly, to own and operate all or part of eligible facilities including, without limitation, an 838 MW electric generating facility

located in the vicinity of Creston, Washington.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit consideration of comments to those that concern the adequacy or accuracy of the application.

3. Ashburnham Municipal Light Department, Boylston Municipal Lighting Department, Danvers Electric Department, Georgetown Municipal Light Department, Littleton Electric Light Department, Middleborough Gas & Electric Department, Middleton Municipal Light Department, Sterling Municipal Light Department, Taunton Municipal Lighting Plant, West Boylston Municipal Lighting Plant, and, New Hampshire Electric Cooperative v. Maine Yankee Atomic Power Company

[Docket No. EL96–2–000]

Take notice that on October 5, 1995, Ashburnham Municipal Light Department, Boylston Municipal Lighting Department; Danvers Electric Department; Georgetown Municipal Light Department; Littleton Electric Light Department; Middleborough Gas & Electric Department; Middleton Municipal Light Department; Sterling Municipal Light Department; Taunton Municipal Lighting Plant; West Boylston Municipal Lighting Plant; and New Hampshire Electric Cooperative (collectively referred to herein as ''Maine Yankee Secondary Purchasers) tendered for filing a complaint and motion for summary disposition against Maine Atomic Power Company.

Comment date: December 6, 1995, in accordance with Standard Paragraph E at the end of this notice. Answers to the Complaint and Motion for Summary Disposition shall also be due on or before December 6, 1995.

4. Delmarva Power & Light Company

[Docket No. ER95–1684–000]

Take notice that on October 20, 1995, Delmarva Power & Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER96–132–000]

Take notice that on October 23, 1995, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service between itself and LG&E and Power Marketing, Inc. Florida Power states that the contract provides for service under existing Schedule J, Negotiated Interchange Service, existing Schedule S, FERC Electric 1 and existing Schedule OS, Opportunity Sales.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Montana-Dakota Utilities Company, a Division of MDU Resources Group, Inc.

[Docket No. ER96–143–000]

Take notice that on October 24, 1995, Montana-Dakota Utilities Company, a division of MDU Resources Group, Inc. (Montana-Dakota) tendered for filing pursuant to § 205 of the Federal Power Act and Part 35 of the Commission's regulations, Revision 4 of Exhibit E of a certain contract between Montana-Dakota and the United States of America, acting through the Western Area Power Administration (Western) of the Department of Energy.

Montana-Dakota asserts that the filing has been served on Western and on interested state regulatory commissions.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Atlantic City Electric Company

[Docket No. ER96–145–000]

Take notice that on October 25, 1995, Atlantic City Electric Company (ACE), tendered for filing an Agreement for Short-Term Energy Transactions between ACE and Koch Power Services. ACE requests that the Agreement be accepted to become effective October 26, 1995.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Central Illinois Public Service Company

[Docket No. ER96–147–000]

Take notice that on October 25, 1995, Central Illinois Public Service Company (CIPS), submitted a Service Agreement, dated October 4, 1995, establishing Industrial Energy Applications, Inc. (IEA) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of October 4, 1995, for the service agreement with IEA. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon IEA and the Illinois Commerce Commission.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Louisville Gas and Electric Company

[Docket No. ER96–148–000]

Take notice that on October 25, 1995, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

Dartmouth Power Associates Limited Partnership

[Docket No. ER96–149–000]

Take notice that on October 25, 1995, Dartmouth Power Associates Limited Partnership, tendered for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, an initial rate schedule for the open-ended marketing and sale of electricity at market-based rates. Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power & Light Company

[Docket No. ER96–151–000]

Take notice that on October 25, 1995, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with Engelhard Power Marketing, Inc. for transmission service under FPL's Transmission Tariff No. 2 and FPL's Transmission Tariff No. 3.

FPL requests that the proposed service agreements be permitted to become effective on November 1, 1995, or as soon thereafter as practicable.

FPL states that this filing is in accordance with Part 35 of the Commission's regulations.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Duquesne Light Company

[Docket No. ER96–152–000]

Take notice that on October 25, 1995, Duquesne Light Company (DLC), filed a Service Agreement dated October 18, 1995 with Heartland Energy Service, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Heartland Energy Service, Inc. as a customer under the Tariff. DLC requests an effective date of October 18, 1995 for the Service Agreement.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Public Service Electric and Gas Company

[Docket No. ER96–153–000]

Take notice that on October 26, 1995, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial rate schedule to provide fully interruptible transmission service to Heartland Energy Services, for delivery of non-firm wholesale electrical power and associated energy output utilizing the PSE&G bulk power transmission system.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. New York State Electric & Gas Corporation

[Docket No. ER96–154–000]

Take notice that on October 26, 1995, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with Aquila Power Corporation (Aquila). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to Aquila and Aquila will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on October 27, 1995, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and Aquila.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. UtiliCorp United Inc.

[Docket No. ER96–156–000]

Take notice that on October 26, 1995, UtiliCorp United Inc. tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *Rainbow Energy Marketing Corporation*. The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *Rainbow Energy Marketing Corporation* pursuant to the tariff, and for the sale of capacity and energy by *Rainbow Energy Marketing Corporation* to WestPlains Energy-Kansas pursuant to *Rainbow Energy Marketing Corporation's* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Rainbow Energy Marketing Corporation*.

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. UtiliCorp United Inc.

[Docket No. ER96–157–000]

Take notice that on October 26, 1995, UtiliCorp United Inc. tendered for filing on behalf of its operating division, WestPlains Energy-Colorado, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *Rainbow Energy Marketing Corporation*. The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Colorado to *Rainbow Energy Marketing Corporation* to WestPlains Energy-Colorado pursuant to *Rainbow Energy Marketing Corporation's* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Rainbow Energy Marketing Corporation*.

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company

[Docket No. TX94–1–003]

Take notice that on October 12, 1995, Northern States Power Company tendered for filing an updated copy of Appendix D to the Interconnection and Interchange Agreement between Northern States Power Company and Minnesota Municipal Power Agency.

Comment date: November 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28001 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP85–221–059]

Frontier Gas Storage Co.; Notice of Sale Pursuant to Settlement Agreement

November 7, 1995.

Take notice that on November 2, 1995, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20004, in compliance with the provisions of the Commission's February 13, 1985, Order in Docket No. CP82–487–000, et al., submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to a daily quantity of 100,000 MMBtu, not to exceed 10 Bcf for the term of the Agreement, of Frontier's gas storage inventory on an ''as metered'' basis to Koch Gas Services Company.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985, Order, Frontier is ''authorized to commence the sale of its inventory under such an executed service agreement fourteen days after filing the agreement with the Commission, and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter.''

Any person desiring to be heard or to make a protest with reference to said filing should, within 10 days of the publication of such notice in the Federal Register, file with the Federal Energy Regulatory Commission (888 First Street NE., Washington, D.C. 20426) a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 or 385.211. 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. 95–28002 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–1278–000]

NAP Trading and Marketing, Inc.; Notice of Issuance of Order

November 7, 1995.

On June 28, 1995, as amended September 29, 1995, NAP Trading and Marketing Inc. (NAP) submitted for filing a rate schedule under which NAP will engage in wholesale electric power and energy transactions as a marketer. NAP also requested waiver of various Commission regulations. In particular, NAP requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by NAP.

On October 25, 1995, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by NAP should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., 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 385.214).

Absent a request for hearing within this period, NAP is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of NAP's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 24, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28003 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–446–000]

The Southwire Co.; Notice of Issuance of Order

November 7, 1995.

On December 27, 1993 and July 25, 1995, The Southwire Company (Southwire) submitted for filing a power sale agreement with the Oglethorpe Power Corporation. In that filing, Southwire requested waiver of various Commission regulations. In particular, Southwire requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Southwire.

On October 25, 1995, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Southwire should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., 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 385.214).

Absent a request for hearing within this period, Southwire is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Southwire's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 24, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28004 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–550–001]

Washington Natural Gas Co., as Project Operator; Notice of Petition to Amend

November 7, 1995.

Take notice that on October 20, 1995, Washington Natural Gas Company, as Project Operator of the Jackson Prairie Storage Project (Applicant), 815 Mercer Street, Seattle, Washington 98109, filed in Docket No. CP94–550–001 a petition pursuant to Section 7(c) of the Natural Gas Act (NGA) to amend the certificate issued November 16, 1994 in this proceeding all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the certificate issued November 16, 1994 authorized Applicant to add 3 Bcf of cushion gas and to increase the shut-in bottom hole reservoir pressure to 1225 psia in Zone 9 at the Jackson Prairie Storage Project (Storage Project) located in Lewis County, Washington. Further, Applicant states that it expects to reach the maximum certificated shut-in bottom hole reservoir pressure in mid-November. Therefore Applicant is requesting authority to increase the maximum allowable shut-in bottom hole reservoir pressure to 1325 psia in order to complete the testing of Zone 9 of the Storage Project.

Any person desiring to make any protest with reference to said application should on or before November 28, 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 NGA (19 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 the hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on the application if a motion to intervene is not filed within the time required herein. If a motion 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28005 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–1415–000]

Wickford Energy Marketing, L.C.; Notice of Issuance of Order

November 7, 1995.

On July 2, 1995, as amended October 2, 1995, Wickford Energy Marketing, L.C. (Wickford) submitted for filing a rate schedule under which Wickford will engage in wholesale electric power and energy transactions as a marketer. Wickford also requested waiver of various Commission regulations. In particular, Wickford requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Wickford.

On October 25, 1995, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wickford should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., 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 385.214).

Absent a request for hearing within this period, Wickford is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Wickford's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 24, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street NE., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28006 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–43–000]

William Natural Gas Co.; Notice of Request Under Blanket Authorization

November 7, 1995.

Take notice that on November 1, 1995, Williams Gas Storage Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP96–43–000 a request pursuant to Sections 157.205, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for approval to abandon by reclaim certain facilities originally installed for the direct sale of natural gas to Jones Land and Cattle, Inc. (Jones), and the transportation of gas through such facilities installed under WNG's blanket certificate authority issued in Docket No. CP82–479–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to abandon by reclaim measuring and appurtenant facilities, and the transportation of gas through such facilities, located in Nuckolls County, Nebraska, originally installed in 1967 to serve Jones' irrigation operation. It is indicated that Jones has agreed to the reclaim of facilities and the abandonment of service. WNG estimates the total cost to reclaim these facilities at $1,000 with a salvage value of $0.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28007 Filed 11–13–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy announces the procedures for disbursement of $4,567,399.72 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Malcolm M. Turner (Case No. VEF–0013), Revere Petroleum Corporation *et al.* (Case No. VEF–0014), Granite Petroleum Corporation (Case No. VEF–0015), and Dalco Petroleum Corporation (Case No. VEF–0016). The OHA has determined that the funds obtained from these firms, plus accrued interest, will be disbursed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586–2860.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set forth below. The Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute a total of $4,567,399.72, plus accrued interest, remitted to the DOE by Malcolm M. Turner, Revere Petroleum Corporation *et al.*, Granite Petroleum Corporation and Dalco Petroleum Corporation. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP,

crude oil overhcarge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

Because the June 30, 1995, deadline for the crude oil refund applications has passed, no new applications from purchasers of refined petroleum products will be accepted for the 20 percent of these funds allocated to individual claimants. Instead, that share of the funds will be added to the general crude oil overcharge pool used for direct restitution.

Dated: November 6, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

November 6, 1995.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Names of Firms: Malcolm M. Turner, Revere Petroleum Corporation et al. Granite Petroleum Corporation, Dalco Petroleum Corporation

Dates of Filing: April 10, 1995; April 10, 1995; April 10, 1995; May 2, 1995

Case Numbers: VEF–0013, VEF–0014, VEF–0015, VEF–0016

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR part 205, Subpart V, the Office of General Counsel, Regulatory Litigation (OGC) (formerly the Economic Regulatory Administration (ERA), Office of Enforcement Litigation), filed four Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on April 10, 1995, and May 2, 1995. The Petitions request that OHA formulate and implement procedures to distribute funds received by the DOE from Malcolm M. Turner (Turner), Revere Petroleum Corporation (Revere), Granite Petroleum Corporation (Granite), and Dalco Petroleum Corporation (Dalco), pursuant to court-approved settlements between the parties and the DOE, DOE consent orders or remedial orders. This Decision and Order sets forth the OHA's plan to distribute these funds.

I. Background

As indicated by the following summaries of the relevant enforcement proceedings, all of the funds that are subject to this Decision were obtained through enforcement actions involving alleged or adjudicated crude oil overcharges.

A. Malcolm Turner

Turner, the sole Director and President of Bayport Refining Co. (Bayport), was a reseller of crude oil during the period of petroleum price controls and was subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations. As the result of an ERA audit of Turner's and Bayport's operations, the ERA issued a Proposed Remedial Order (PRO) on September 20, 1984, alleging that they violated the provisions of 10 CFR § 212.186, by charging prices for crude oil in excess of actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil during the period from September 1978 through December 1980. According to the PRO, those transactions resulted in overcharges amounting to $11,810,639.84. The PRO further alleged that during the period from December 1979 through December 1980, the Respondents violated the provisions of 10 CFR § 212.131 by the miscertification of crude oil. According to the PRO, those transactions resulted in overcharges amounting to $12,554,371.74. The OHA in large part affirmed the findings of the PRO and issued a Remedial Order (RO) to the Respondents on February 16, 1989. Bayport Refining Co., 18 DOE ¶ 83,007 (1989). The RO was upheld by the Federal Energy Regulatory Commission (FERC) on October 4, 1993. Bayport Refining Company and Malcolm M. Turner, 65 FERC ¶ 61,021 (1993). Turner appealed to the United States District Court for the Northern District of Texas on March 31, 1994.[1] In January 1995, the court entered an Agreed Judgment resolving the issues addressed by the RO against Turner. Pursuant to the Agreed Judgment, Turner agreed to pay to the DOE the sum of $65,000. Turner has fulfilled his financial obligation to the DOE. As of September 30, 1995, the Bayport Consent Order fund contained $65,000 in principal plus accrued interest.[2]

B. Revere Petroleum Corp.

During the period of Federal petroleum price controls, Revere was engaged in crude oil reselling.[3] The firm was therefore subject to regulations governing the pricing of crude oil set forth at 10 CFR Parts 205, 210, 211, and 212 of the Mandatory Petroleum Price and Allocation Regulations. As a result of an ERA investigation of Revere's compliance with the price and allocation regulations, the ERA issued a PRO to Revere on January 18, 1983. However, on August 9, 1983, that PRO was amended by the ERA to include additional violations of 10 CFR § 212.186, alternative violations of 10 CFR § 212.183, and five additional parties as co-respondents of the PRO.[4] On May 29, 1992, the OHA issued the Amended PRO, with modifications, as an RO. *Revere Petroleum Corp.*, 22 DOE ¶ 83,004 (1992). The RO found Revere liable for violations of 10 CFR § 212.186 in connection with its resales of crude oil during the period April 1979 through March 1980. Revere appealed to FERC (Case No. R092–4–00). However, subsequently, this enforcement proceeding was settled when Revere and DOE entered into a settlement on an ability-to-pay basis in order to resolve DOE's claims against the firm. Revere agreed to pay the DOE the sum of $50,000.00, plus a percentage of the proceeds of Revere's asset liquidation. As of September 30, 1995, Revere and the other respondents have paid to the DOE the sum of $1,310,140.13 in satisfaction of their obligations.[5] Although additional revenues may be collected, no good reason exists to delay implementing distribution of the current balance of the fund.

C. Granite Petroleum Corporation

Granite engaged in the reselling and marketing of crude oil during the period of petroleum price controls. The firm was therefore subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR. Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations. The ERA conducted a detailed audit to determine Granite's compliance with the federal petroleum price and allocation regulations during the period from September 1, 1979 through January 27, 1981. As a result of the audit, on March 4, 1983, the ERA issued a PRO to the firm alleging violations of the crude oil price and allocation regulations (Case No. 640X00447). In September 1983, Granite and the DOE entered into a Consent Order which resolved a number of outstanding enforcement issues involving Granite. Under the terms of the settlement, Granite agreed to pay $200,000 in installment payments to the DOE.[6] As of September 30, 1995, Granite has paid to the DOE the sum of $176,698.85. Granite is currently delinquent in its payments to the DOE. Although we anticipate that additional sums may be collected from Granite, no good reason exists to forestall distribution of the current balance of the fund.

D. Dalco Petroleum Corporation

Dalco was a reseller of crude oil during the period of price controls and was subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR. Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations.

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[1] Bayport, which was dissolved in November 1982, did not appeal the RO. While the matter was referred for enforcement of the RO against Bayport, no funds were ever collected from the corporation.

[2] The funds submitted by Turner pursuant to the Agreed Judgment are deposited in the Bayport Consent Order fund, No. 6A0X00329.

[3] References to Revere in this Decision include Richard E. Dobyns, President of Revere, during the price control period.

[4] Those five individuals were James J. Cross, M. Kemp McMillan, Gordon K. Walz, and Milton E. Walz, who entered into a separate Consent Order with the DOE in December 1987, and John E. Woolsey, who entered into a separate Consent Order with the DOE in September 1986.

[5] Revere and all of the named individuals except Woolsey have satisfied their obligations to the DOE. Although Woolsey has made substantial payments to the DOE, he is delinquent in his payments, and the possibility exists that additional funds will be paid by him.

[6] Granite Petroleum Corporation and John E. Woolsey, President of Granite, are collectively referred to as Granite in the text. Both were parties to the Consent Order.

As the result of an ERA audit, the ERA issued a PRO to Dalco on April 30, 1982, alleging that between March 1976 and September 1978, Dalco violated the DOE mandatory petroleum price regulations which governed the resale of domestic crude oil, pursuant to 10 CFR. §§ 212.93, 212.10, 212.131, 205.202, 210.62(c), and 212.185, resulting in the illegal receipt of revenues. After the issuance of the PRO, but before a Statement of Objections was filed, Dalco filed for bankruptcy.[8] In August 1983, the Bankruptcy Court for the Northern District of Oklahoma issued an injunction which stayed the enforcement proceeding against the respondents. The bankruptcy court ultimately approved and allowed the DOE's claims against Dalco and as of September 30, 1995, Dalco has paid $3,015,560.74 to the DOE. Although the possibility exists that additional revenues will be obtained by the DOE in the Dalco bankruptcy proceeding, no reason exists to delay in implementing distribution of the current balance of the funds.[9]

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of fund received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, *see* Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501 *et seq.*; *see also Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981).

III. The Proposed Decision and Order

On September 13, 1995, OHA issued a Proposed Decision and Order (PDO) setting forth the OHA's tentative plan to distribute these funds. *See* 60 Fed. Reg. 48510 (September 19, 1995). OHA tentatively concluded that the funds should be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP), 51 Fed. Reg. 27899 (August 4, 1986). Pursuant to the MSRP, OHA proposed to reserve 20 percent of those funds for direct refunds to applicants who claim that they were injured by the crude oil violations. We stated that the remaining 80 percent of the funds would be distributed to the states and federal government for indirect restitution.

We provided a period of 30 days from the date of the PDO publication in the Federal Register in which the public could submit comments regarding the tentative refund procedures. More than 30 days have elapsed, and the OHA has received no comments concerning the proposed procedures.

IV. The Refund Procedures

A. Crude Oil Refund Policy

We adopt the tentative determination of the Proposed Decision and Order to distribute the monies remitted pursuant to the Turner, Revere, Granite, and Dalco enforcement proceedings in accordance with the MSRP, which was issued as a result of the Settlement Agreement approved by the court in *The Department of Energy Stripper Well Exemption Litigation,* 653 F. Supp. 108 (D. Kan. 1986). Shortly after the issuance of the MSRP, the OHA issued an Order that announced that this policy would be applied in all Subpart V proceedings involving alleged crude oil violations. Order Implementing the MSRP, 51 Fed. Reg. 29689 (August 20, 1986) (the August 1986 Order).

Under the MSRP, 40 percent of crude oil overcharge funds will be disbursed to the federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims to injured parties. The MSRP also specified that any funds remaining after all valid claims by injured purchasers are paid will be disbursed to the federal government and the states in equal amounts.

In April 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. 52 Fed. Reg. 11737 (April 10, 1987) (April 10 Notice). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil monies under the Subpart V regulations. In general, we stated that all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973 through January 27, 1981 crude oil price control period, and (2) prove that they were injured by the alleged crude oil overcharges. Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations would be presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users would not need to submit any further evidence of injury beyond the volume of petroleum products purchased during the period of price controls. *See City of Columbus Georgia,* DOE ¶ 85,550 (1987).

B. Refund Claims

The amount of money subject to this Decision is $4,567,399.72, plus accrued interest. In accordance with the MSRP, we propose initially to reserve 20 percent of those funds ($913,479.94 plus accrued interest) for direct refunds to applicants who claim that they were injured by crude oil overcharges. We propose to base refunds to claimants on a volumetric amount which has been calculated in accordance with the description in the April 10 Notice. That volumetric refund amount is currently $0.0016 per gallon. *See* 60 Fed. Reg. 15562 (March 24, 1995).

Applicants who have executed and submitted a valid waiver pursuant to one of the escrows established by the Stripper Well Settlement Agreement have waived their rights to apply for a crude oil refund under Subpart V. *See Mid-America Dairyman Inc. v. Herrington,* 878 F.2d 1448, 3 Fed. Energy Guidelines ¶ 26,617 (Temp. Emer. Ct. App. 1989); *In re Department of Energy Stripper Well Exemption Litigation,* 707 F. Supp. 1267, 3 Fed. Energy Guidelines ¶ 26,613 (D. Kan. 1987). Because the June 30, 1995, deadline for crude oil refund applications has passed, we will not accept any new applications from purchasers of refined petroleum products for these funds. *See Western Asphalt Service, Inc.,* 25 DOE ¶ 85,047 (1995). Instead, these funds will be added to the general crude oil overcharge pool used for direct restitution.[10]

C. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the alleged crude oil violation amounts subject to this Decision, or $3,653,919.78 plus accrued interest, should be disbursed in equal shares to the states and federal government, for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Settlement Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Agreement.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take all steps necessary to transfer the consent order funds shown in the Appendix to this Decision and Order, plus all accrued interest from the escrow accounts of the firms listed in the Appendix, pursuant to Paragraphs (2), (3), and (4) of this Decision.

(2) The Director of Special Accounts and Payroll shall transfer $1,826,959.89 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated ''Crude Tracking-States,'' Number 999DOE0003W.

(3) The Director of Special Accounts and Payroll shall transfer $1,826,959.89 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated ''Crude Tracking-Federal,'' Number 999DOE002W.

(4) The Director of Special Accounts and Payroll shall transfer $913,479.94 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated ''Crude Tracking-Claimants 4,'' Number 999DOE0010Z.

[8] Zang, Porter and Dalco filed for bankruptcy on August 16, 1982, June 15, 1983, and July 20, 1983 respectively.

[9] Porter has satisfied his obligations to the DOE under the PRO. Additional funds may be collected from the Dalco and Zang estates.

[10] A crude oil refund applicant is only required to submit one application for its share of all available crude oil overcharge funds. *See, e.g., Ernest A. Allerkamp,* 17 DOE ¶ 85,079 at 88,176 (1988).

(5) This is a final Order of the Department of Energy.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dated: November 6, 1995.

APPENDIX

Case No.	Firm	ERA order No.	Principal amount
VEF–0013 ..	Malcolm M. Turner (Bayport Consent Order Fund)	6A0X00329	$65,000.00
VEF–0014 ..	Revere Petroleum Corp. *et al*	6A0X00336W	1,310,140.13
VEF–0015 ..	Granite Petroleum Corporation	640X00447W	176,698.85
VEF–0016 ..	Dalco Petroleum Corporation	6C0X00240W	3,015,560.74
Total			4,567,399.72

[FR Doc. 95–28060 Filed 11–13–95; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5330–9]

C & R Battery Company, Inc. De Minimis Settlement; Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: United States Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a second *de minimis* settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of 3 *de minimis* parties for response costs incurred by the United States Environmental Protection Agency at the C & R Battery Company, Inc. Site, Chesterfield County, Virginia.

DATES: Comments must be provided on or before December 14, 1995.

ADDRESSES: Comments should be addressed to the Docket Clerk, United States Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, and should refer to: In Re: C & R Battery Company, Inc. Site, Chesterfield County, Virginia, U.S. EPA Docket No. III–95–58–DC.

FOR FURTHER INFORMATION CONTACT: Lydia Isales (215) 597–9951, United States Environmental Protection Agency, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107.

SUPPLEMENTARY INFORMATION: *Notice of de minimis Settlement:* In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the C & R Battery Company, Inc. Site in Chesterfield County, Virginia. The administrative settlement was signed by the United States Environmental Protection Agency, Region III's Regional Administrator on August 30, 1995 and subject to review by the public pursuant to this Notice. The agreement is also subject to the approval of the Attorney General, United States Department of Justice or her designee and for the grant of a covenant not to sue for damages to natural resources, is also subject to agreement in writing by the Department of Interior and the National Oceanic and Atmospheric Administration. Below are listed the parties who have executed binding certifications of their consent to participate in the settlement:

Steve A. Stump t/a Stump's Scrap Yard
Gilbert Freedman t/a Ace Junk Company
Vinton Scrap & Metals Company

These 3 parties collectively agreed to pay $27,581.50 to the United States Environmental Protection Agency and all 3 have agreed to pay $4,234.97 to the Department of Interior and the National Oceanic and Atmospheric Administration for damages to natural resources, subject to the contingency that the Environmental Protection Agency may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this Notice.

EPA is entering into this agreement under the authority of Sections 122(g) and 107 of CERCLA, 42 U.S.C. 9622(g) and 9607. Section 122(g) of CERCLA, 42 U.S.C. 9622(g), authorizes early settlements with *de minimis* parties, which allow them to resolve their liability under Section 107 of CERCLA, 42 U.S.C. 9607, to reimburse the United States for response costs incurred in cleaning up Superfund sites, without incurring substantial transaction costs. Under this authority the Environmental Protection Agency proposes to settle with three potentially responsible parties at the C & R Battery Company, Inc. Site who are each responsible for less than 1% percent of the volume of hazardous substances at the Site. The United States previously settled with 66 *de minimis* parties who are each responsible for less than 1% percent of the volume of hazardous substances at the Site. The grant of a covenant not to sue for damages to natural resources by the Department of Interior and the National Oceanic and Atmospheric Administration to those parties paying their share of such allocated costs is subject to agreement in writing by the Department of Interior and the National Oceanic and Atmospheric Administration pursuant to Section 122(j) of CERCLA, 42 U.S.C. 9622(j).

The *de minimis* parties listed above will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the C & R Battery Company, Inc. Site. The *de minimis* parties listed above will be required to pay their share of the Department of Interior's and the National Oceanic and Atmospheric Administration's estimated costs of damages to natural resources.

The Environmental Protection Agency will receive written comments to this proposed administrative settlement for thirty (30) days from the date of publication of this Notice. A copy of the proposed Administrative Order on Consent can be obtained from the Environmental Protection Agency, Region III, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107 by contacting Lydia Isales, Senior Assistant Regional Counsel, at (215) 597–9951.

W. Michael McCabe,

Regional Administrator, EPA, Region III.

[FR Doc. 95–28062 Filed 11–13–95; 8:45 am]
BILLING CODE 6560–50–P

[FRL–5330–8]

Proposed De Minimis Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), as Amended by the Superfund Amendments and Reauthorization Act—Hansen Container Site, Grand Junction, Colorado

AGENCY: Environmental Protection Agency.

ACTION: Notice and Request for Public Comment.

SUMMARY: In accordance with the requirements of section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), notice is hereby given of a proposed *de minimis* settlement under section 122(g) concerning the Hansen Container site in Grand Junction, Colorado (Site). The proposed Administrative Order on Consent (AOC) requires 149 Potentially Responsible Parties (PRPs) to pay an aggregate total of $1,328,745.54 to address their liability to the United States Environmental Protection Agency (EPA) related to response actions taken or to be taken at the Site.

OPPORTUNITY FOR COMMENT: Comments must be submitted within thirty (30) days of the date of publication of this notice.

ADDRESSES: The proposed settlement is available for public inspection at the EPA Superfund Record Center, 999 18th Street, 8th Floor, North Tower, Denver, Colorado. Comments should be addressed to Maureen O'Railly, Enforcement Specialist (8HWM–ER), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202–2405, and should reference the Hansen Container Site.

FOR FURTHER INFORMATION CONTACT: Maureen O'Reilly, Enforcement Specialist, at (303) 294–7505.

SUPPLEMENTARY INFORMATION: Notice of section 122(g) *De Minimis* Settlement: In accordance with section 122(i)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (AOC) have been agreed to by the following 149 parties, for the following amounts (in order by highest amount paid to lowest amount paid):

National Lead Company of Ohio	$155,507.04
Wyoming State Highway Dept	151,164.47
Ennis Paint	90,368.82
Colorado State Highway Dept	84,645.51
Texaco, Inc./Texaco Ref. & Mktg./Texaco Expl. & Prod./Petrotomics	44,467.73
Shell Oil Company	42,848.87
Van Waters & Rogers, Inc	37,842.84
Dowell Co./Bob Butler/Div. of Dow	37,660.02
Arapahoe Chemicals/Snytex Chem	37,263.56
Celtite, Inc	34,883.78
Halliburton Services/Energy Services	33,542.79
Exxon Company, U.S.A.	32,298.67
Kaminsky Barrel Co	32,101.02
Atlantic Richfield Co	25,956.87
McKesson Corporation	25,835.59
Sun Chemical Corp./Sequa Corp	20,346.07
Coors Ceramics/Coors Porcelain	18,920.30
Chevron U.S.A./Gulf Oil Corp	15,538.07
Phillips Petroleum Company	14,834.66
Union Chemical	14,771.48
BJ Hughes, Inc	14,038.60
Wellborn Paint Mfg. Co	13,806.68
Marathon Oil Company	13,365.62
Nalco Chemical	13,120.38
Ball Metal Container	12,180.30
Dow Chemical	11,925.75
FMC Corporation	11,772.54
Birko Corporation	11,627.82
Climax Uranium Co./Cyprus Climax Metal	11,174.44
Georgia Pacific Corp	11,061.87
Flint Ink Corp	9,774.47
SRP Treasurers Office	9,591.31
Mason & Hanger-Silas Mason Co., Inc	9,034.74
Little America Refining Co	7,851.17
Packaging Corp. of America	7,629.41
Pepper Tank Company	7,007.54
Giant Refining Co	6,796.06
Fremont Chemical Co	6,457.00
Master Builders, Inc	6,356.96
Reynolds Electrical & Engineering Co	6,313.79
Arizona State Dept. of Transportation	6,262.99
Head Sports Wear/Head Sports, Inc	5,987.36
IBM Corp	5,956.74
Colorado Paint Company	5,795.71
Nevada State Dept. of Transportation	5,752.01
Occidental Oil Shale, Inc./OXY USA	5,075.46
A&F Auto Paint Supply Co	4,941.73
Verticel Honeycomb/Verticel, Inc	4,603.19
National Cooperative Refinery Assoc	4,536.32
Glidden Paint Co	4,317.83
Sinclair Oil Co	4,146.19
Tenneco, Inc	3,984.55
Continental Can Co	3,834.50

Sunstrand Corp	3,719.20
Sweeney Mining & Milling Corp	3,424.36
Jefferson County	3,421.20
Stimson Lumber Co	3,414.88
Abex, Inc	3,348.54
Cities Service Company	3,217.97
Mobil Oil Company	3,154.79
Pueblo Chemical & Supply Co	2,881.01
Idarado Mining Co	2,764.13
C.E. Natco/Natco	2,729.38
Northwest Pipeline/Williams Field Srv	2,695.68
Inexco Oil Company/Louisiana Land/Exp	2,674.62
Columbia Paint	2,649.35
Sun Oil Co./Oryx Energy Co	2,611.44
Molycorp, Inc./Molybdenum Corp	2,603.02
City of Aurora	2,409.26
City of Arvada	2,379.44
Asamera Oil Co	2,352.40
Regal Fiberglass Inc	2,214.46
Baroid Corp./Dresser Industries	2,106.00
Crown Cork & Seal Co., Inc	1,945.94
Monsanto Chemical Co	1,819.27
Public Service Co. of CO	1,680.04
Unocal Corporation	1,663.74
Coors Brewing Company	1,571.08
Western Slope Gas Company	1,486.84
Weskem	1,474.20
Montana State Dept. of Transportation	1,424.35
Electric Hose & Rubber Co./Dayco Prdts	1,415.23
Energy Fuels Nuclear, Inc	1,415.23
Holly Sugar Corp	1,415.23
Union Pacific Fruit Express, Co	1,415.23
Sam Hill Oil	1,394.17
Tesoro Petroleum Co	1,385.75
Santa Fe Energy Resources	1,355.20
Lowder, Val	1,322.57
Continental Insulating Co	1,318.36
California State Dept. of Trnsprt	1,263.60
Rosebud Coal Sales, Co	1,234.12
Century Hulbert, Inc./Century Lube	1,200.42
Benray Marble Prod., Inc	1,176.20
Shakertown Corp./Winlock Wood Prod	1,160.93
Okner's Supply Company	1,120.39
Fraley & Company, Inc	1,111.97
Inland Oil/Karen Rasmussen/Siegel Oil	1,061.42
Northwest Exploration Co./Williams Field Services	1,061.17
Sohio Western Mining Company	1,023.52
Lucky MC Uranium/Pathfinder Mines Corp	956.12
Joy Manufacturing Co./Joy Technologies	951.91
Lane Plywood, Inc	838.19
Puritan Supply	779.22
American Can Company	707.62
Rockmont Envelope Co	624.43
Beech Aircraft Corp./Raytheon Aircraft	581.26
John DeBons Exxon	564.41
Hoyle Lowdermilk, Inc/Tectonic Construction Co	547.56
Headway Industries, Inc	530.71
Coors Packaging	526.50
Forest Fibre Products, Co	521.24
Northwest Marine Iron Works/South West Marine	492.80
Neuman Transit Co	484.38
Garrett Freightlines/ANR Freight Sys	465.43
Burke Concrete/The Burke Co	450.68
Belt Salvage Co	421.20
Williams, J.H	421.20
Public Service Company of New Mexico	414.88
Boyles Bros. Drilling/Christenson Boyles Corporation	391.72
Albright Oil Co., Inc	387.50
Morrison-Knudsen Corp	387.50
Ryder Truck Rental	376.97
Achziger Oil Company, Inc	374.87
Coors Bio Tech Products	362.23
American Gilsonite, Co	357.49
Wyoming Refining Co./Hermes Consolidated, Inc	353.81
Colorado Kenworth, Inc	310.64
Montana Metal Bldg., Inc	309.58

Armco National Supply Co./Armco, Inc	286.42
Mesa County School District #51	286.42
Kohl & Madden Printing Ink	282.20
Westinghouse Electric Corp	252.72
Circle A.W. Products	218.54
Tolin Refrigeration Company	214.81
Rio Grande Motor Way, Inc	211.65
Rollins Trucks/Rollins Truck Rental	202.18
Matador Cattle Co	185.33
Mercedes Benz of North America, Inc	170.59
MLM Distributing, Inc	168.48
Jim Chelf, Inc./JC Trucking Inc	157.95
Terra Resources, Inc./Pacific Enterprises Oil Co	147.42
Inland Containers	130.57
Steinfeld Products Co	105.30
University of Colorado	80.03
Mt. Bell Telephone	46.33
Greif Brothers Corp. Norco Division	42.12
Total	1,328,627.60

By the terms of the proposed AOC, these PRPs will together pay $1,328,627.60 to the Hazardous Substance Superfund. This payment represents approximately 22% of the total anticipated costs for the Site upon which this settlement is based.

In exchange for payment, EPA will provide the settling parties with a limited covenant not to sue for liability under sections 106 and 107(a) of CERCLA, including liability for EPA's past costs, the cost of the remedy, and future EPA oversight costs, and under section 7003 of the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act).

The amount that each individual PRP will pay, as shown above, reflects the number of drums that each PRP sent to the Site that had hazardous materials in them. The cost per drum is $3.24. The total amount of settlement dollars owed by each party to the settlement was arrived at by multiplying the price per drum by the number of drums a party sent to the Site (Base Amount) plus a premium payment of 30% of the Base Amount.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to this proposed *de minimis* settlement.

A copy of the proposed AOC may be obtained from Maureen O'Reilly (8HWM–ER), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405, (303) 294–7505. Additional background information relating to the *de minimis* settlement is available for review at the Superfund Records Center at the above address.

It Is So Agreed:

Dated: November 8, 1995.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95–28063 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

November 3, 1995.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0646.

Expiration Date: 09/30/98.

Title: Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94–129.

Estimated Annual Burden: 1000 total annual hours; average 2 hours per respondent; 500 respondents.

Description: Interexchange carriers are required to provide consumers with letters of agency that are physically separate or severable from any inducements or promotional materials. The letter of agency must be written in clear and unambiguous language and printed in a font whose size and style are comparable to the inducement.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–27979 Filed 11–13–95; 8:45 am]

BILLING CODE 6712–01–F

Public Information Collection Approved by Office of Management and Budget

November 3, 1995.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511. 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 control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0653.

Expiration Date: 09/30/98.

Title: Consumer Information—Posting by Aggregators, Section 64.703(b).

Estimated Annual Burden: 206,566 total annual hours; average 3.67 hours per respondent; 56,200 respondents.

Description: As required by 47 U.S.C. Section 226(c)(1)(A), Section 64.703(b) of the Commission's rules provides that aggregators (providers of telephones to the public or transient users) must post in writing, on or near such phones, information about presubscribed operator services, rates, carrier access, and the FCC address to which consumers may direct complaints.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 95–27981 Filed 11–13–95; 8:45 am]
BILLING CODE 6712–01–F

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission, Comments Requested

November 6, 1995.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before January 16, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:
OMB Approval Number: None.
Title: Telecommunicatons Access Provider Survey.
Form No.: None.
Type of Review: Proposed New Collection.
Respondents: Businesses or other for profit.
Number of Respondents: 1600.
Estimated Time Per Response: 24 hours.
Total Annual Burden: 36,500.
Needs and Uses: The Commission is soliciting public comment on its proposed Telecommunications Access Provider Survey which would be filed by all access providers. The information is needed to evaluate competition in local telecommunications markets. The information will be used to estimate market shares, growth in competitive offerings, and changes in markets due to changes in FCC regulations. The total annual burden estimated reflects that access providers will submit varying information.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 95–27980 Filed 11–13–95; 8:45 am]
BILLING CODE 6712–01–F

Public Safety Wireless Advisory Committee; Technology Subcommittee Meeting

AGENCIES: The National Telecommunications and Information Administration (NTIA), Larry Irving, Assistant Secretary for Communications and Information, and the Federal Communications Commission, Reed E. Hundt, Chairman.

ACTION: Notice of next meeting of the Technology Subcommittee and request for presentations by interested individuals addressing technical issues of spectrum use by public safety agencies.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the next meeting of the Technology Subcommittee will afford an opportunity for technical presentations to be made and the procedures for interested persons seeking to appear before the Subcommittee. The NTIA and the FCC established a Public Safety Wireless Advisory Committee and subcommittees to prepare a final report to advise the NTIA and the FCC on operational, technical and spectrum requirements of Federal, state and local Public Safety entities through the year 2010. All interested parties are invited to attend the next round of meetings of the Subcommittee.

DATES: December 13, 1995; Commencing at 1:00 p.m.

ADDRESSES: Commodity Futures Trading Commission, 3 Lafayette Centre, 1155 21st Street, NW., 1st Floor Hearing Room 1000, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Technology Subcommittee seeks presentations addressing communications technologies that embrace significant and evolutionary improvements in radio bandwidth and spectrum efficiency for public safety agencies. The presentation should be an overview of technical capabilities able to achieve more efficient and effective spectrum use through the year 2010. The range of present and emerging technologies should be addressed, including broadband and narrowband alternatives and capabilities.

The Subcommittee will evaluate the information submitted to advise the steering committee of technologies that can best serve public safety's present and future requirements. The Subcommittee seeks to establish a record of the technical aspects of spectrum use and the impact for public safety purposes. The presentations should be premised on affording public safety agencies wireless capabilities that provide high information transfer rates supporting multimedia requirements, while also meeting historic public safety requirements in an environment that agencies are able to afford. The range of public safety agencies, from high density urban to low density rural operations, and the need for interoperable and compatible capability, are factors to be considered.

Information is sought from educational and research institutions, as well as government agencies, with expertise in spectrum technology, government and private organizations who procure and operate radio systems, manufacturers and service providers of radio technology, and other interested parties who can assist the Advisory Committee in examining the technical aspects and capabilities of the spectrum. The Advisory Committee will evaluate how best spectrum should be allocated for public safety uses, and will include examining commercial alternatives.

The presentations will be made at the December 13, 1995, meeting of the Technology Subcommittee. The oral presentation should be no more than 30 minutes in length and accompanied by a written submission that will be placed in the record of the Advisory Committee's proceedings. Those seeking to provide an oral presentation should notify Joy Alford at 202–418–0680 (telephone), 202–418–2643 (fax), jalford@fcc.gov (email) by December 1, 1995, to schedule a time at the December 13, 1995, meeting to make the presentation as well as to advise of any audio visual needs accompanying the presentation. Written submissions not accompanied by oral presentations will be accepted and should be submitted no later than December 8, 1995, to Joy Alford at 2025 M St., NW.; Room 8010; Washington, DC 20554 (mailing address). Any submission received by

the Subcommittee will be at no cost to the Advisory Committee or the federal government and will become the property of the Advisory Committee.

The Co-Designated Federal Officers of the Public Safety Wireless Advisory Committee are William Donald Speights, NTIA, and John J. Borkowski, FCC. For public inspection, a file designated WTB–1 is maintained in the Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, Room 8010; 2025 M Street, NW., Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: For information regarding the Technology Subcommittee, contact: Alfred Mello at 401–738–2220 (telephone), 401–738–7336 (fax), or amello5757@aol.com (Internet) or contact Richard DeMello at 517–335–3266 (telephone) 517–373–0784 (Fax). For information regarding accommodations, transportation, and the Advisory Committee, contact: Deborah Behlin at 202–418–0650 (telephone), 202–418–2643 (fax), or dbehlin@fcc.gov (Internet). Information is also available from the Internet at the Public Safety Wireless Advisory Committee's homepage (http://pswac.ntia.doc.gov).

Federal Communications Commission.

Robert H. McNamara,

Chief, Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 95–27983 Filed 11–13–95; 8:45 am]

BILLING CODE 6712–01–M

Executive Resources and Performance Review Board; Appointment of Members

As required by the Civil Service Reform Act of 1978 (Public Law 95–454), Chairman Reed E. Hundt appointed the following executives to the Executive Resources and Performance Review Board:

Andrew S. Fishel

Mary Beth Richards

William Kennard

Roy Stewart

Robert Pepper

Regina Keeney

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–27982 Filed 11–13–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1069–DR]

Florida; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA–1069–DR), dated October 4, 1995, and related determinations.

EFFECTIVE DATE: November 2, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn C. Woodard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of David Grier as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 95–28049 Filed 11–13–95; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1073–DR]

North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA–1073–DR), dated October 23, 1995, and related determinations.

EFFECTIVE DATE: November 3, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 23, 1995:

The counties of Madison and Mitchell for Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 95–28050 Filed 11–13–95; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

BALtrans USA, Inc.

700 Rockaway Turnpike, Suite 401, Lawrence, NY 11559.

Officers: David C.H. Wai, President, Anthony S. Lau, Vice President.

Basic Shipping U.S.A., Inc.

33–70 Prince Street, Suite 707, Flushing, NY 11354.

Officer: Kit Ming, Leung, President.

DMK International Logistics, Inc.

256 N. Sam Houston Parkway, Suite 206, Houston, TX 77060.

Officers: Marsaline M. Kochak, President, William Seele, Secretary.

Atlant (USA), Inc.

5777 W. Century Blvd., Suite 1120, Los Angeles, CA 90045.

Officer: Bolko Kissling, President.

Expedited Transportation Services Inc.

2075 West Park Place Blvd., Suite D, Stone Mountain, GA 30087.

Officers: Charlene Taylor, President, William E. Taylor I, Vice President.

Dated: November 8, 1991.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–28034 Filed 11–13–95; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following committee meeting.

Name: Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry (BSC, ATSDR).

Times and Dates: 1 p.m.–5 p.m., November 28, 1995; 8:30 a.m.–5 p.m., November 29, 1995.

Place: The Centers for Disease Control and Prevention, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: The entire meeting will be open to the public.

Purpose: The Board of Scientific Counselors, ATSDR, advises the Administrator, ATSDR, on ATSDR programs to ensure scientific quality, timeliness, utility, and dissemination of results. Specifically, the Board advises on the adequacy of the science in ATSDR-supported research, emerging problems that require scientific investigation, accuracy and currency of the science in ATSDR reports, and program areas to emphasize and/or to de-emphasize.

Agenda: The agenda will include an update on Superfund reauthorization and will also focus on other issues of concern to ATSDR, including enhancing ATSDR's Public Health Assessments, an update from the BSC Work Group on Health Studies, and a review of ATSDR Health Studies (national perspective on extent of exposure, status of human exposure assessment in community settings, and description of health findings from ATSDR studies and work of state health departments).

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person For More Information: Charles Xintaras, Sc.D., Executive Secretary, Board of Scientific Counselors, ATSDR, Mailstop E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–0708.

Dated: November 7, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–28017 Filed 11–13–95; 8:45 am]

BILLING CODE 4163–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the 1995 Class III Gaming Compact By and Between the Nez Perce Tribe and the State of Idaho, which was executed on August 22, 1995.

DATES: This action is effective November 14, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: October 17, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–28036 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–02–P

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Class III Gaming Compact Between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the State of Kansas, which was executed on August 29, 1995.

DATES: This action is effective November 14, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: October 17, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–28035 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[CA–058–1020–00]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given that the next meeting of the Ukiah Resource Advisory Council will be held on Thursday, December 7 and Friday, December 8, 1995 In Redding, California.

DATES: The meeting is scheduled for Thursday, December 7 and Friday, December 8, 1995.

SUPPLEMENTARY INFORMATION: The meeting on Thursday will begin at 8:30 a.m. at the Redding Resource Area Office conference room, 355 Hemsted Drive, Redding, CA 96002. A tour of grazing leases managed by the Redding Resource Area will begin at 10:00 a.m. and will last until 4:30 p.m. The meeting will resume at the Redding Resource Area conference room at 8:30 a.m. on Friday. Topics at the meeting will focus on standards and guidelines for rangeland health and management as well as coordination with other resource advisory councils, council organizational business, reports from the Province Advisory Committees and updates from the Arcata, Clear Lake and Redding Resource Area Managers.

The meeting is open to the public with a public comment period scheduled for 1:00–2:00 p.m., Friday, December 8. Depending on the number of persons wishing to speak, a time limit may be imposed. Summary minutes of the meeting will be maintained at the Arcata, Clear Lake and Redding Resource Area Offices.

Members of the public wishing to attend the field tour must contact the Redding Resource Area Office at 916-224–2100 by Tuesday, December 5 so that transportation arrangements can be made.

FOR MORE INFORMATION CONTACT: Renee Snyder, Bureau of Land Management, Clear Lake Resource Area, 2550 N. State St., Ukiah, CA 95482, 707–468–4000.

Renee Snyder,

Clear Lake Resource Area Manager.

[FR Doc. 95–28099 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–40–P

[OR–056–96–1010–00:GP6–0018]

Vehicle Closure

AGENCY: Bureau of Land Management, Prineville District.

ACTION: Notice is given that, effective November 13, 1995, all public lands as legally described below are closed to off-highway motorized vehicle use.

SUMMARY: A 40 acre area near the intersection of State Highway 126 and Cline Falls Road near Redmond, OR is being closed to off-highway motorized vehicle use.

Use of a off-highway motorized vehicle is prohibited, except directly on Cline Falls Road, in the following area: T. 15S R. 12E Section 14 SWNE.

Exception to this closure is given to law enforcement, fire suppression, and to emergency personnel while engaged in emergency purposes; BLM employees or contractors while engaged in official duties as approved by the authorized officer; and any other person whose use of a motorized vehicle is officially approved.

The purpose of this closure is to avoid further soil and vegetation loss, to protect wildlife habitat, and to allow the site to re-vegetate.

Failure to comply with this order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months as provided by 43 CFR 8340.0–7.

Harry R. Cosgriffe,

Acting District Manager, Prineville District.

[FR Doc. 95–27990 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–33–M

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of a Joint Application for an Incidental Take Permit for a Residential Project Called Pineda Crossing/Windover Farms, Located in Brevard County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: EKS Properties, Incorporated and Pineda Crossing Corporation (Applicants), are seeking an incidental take permit from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The permit would authorize the take of two families of the endangered red-cockaded woodpecker, *Picoides borealis* in Brevard County, Florida. The proposed taking is incidental to construction of two adjacent projects, Windover Farms and Pineda Crossing residential developments encompassing 940 acres and 323 acres, respectively (Project). The two project sites are located on the western side of the city of Melbourne, between Wickham Road and Interstate 95, in Sections 36 and 25, Township 26 south, Range 36 east, in Brevard County, Florida. Windover Farms of Melbourne occur north and west of the intersection of Post and Wickham Roads. The Pineda Crossing site lies immediately north of Windover Farms. Both sites have been partially developed, including construction of roads, single-family houses, and recreational centers. The Applicants are seeking an incidental take permit to proceed with development in areas currently occupied by the red-cockaded woodpecker.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making a request to the Regional Office address below. Requests must be submitted in writing to be adequately processed. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be received on or before December 14, 1995.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jacksonville, Florida, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT–808474 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (telephone 404/679–7110, fax 404/679–7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216–0912, (telephone 904/232–2580, fax 904/232–2404).

FOR FURTHER INFORMATION CONTACT: Dawn Zattau at the Jacksonville, Florida, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The red-cockaded woodpecker (RCW) is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees used by a breeding group is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature, fire-maintained, ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest populations occur on federally owned lands such as military installations and national forests.

Continued development of the two tracts may result in death of, or harm to, any remaining RCWs through the loss of nesting and foraging habitat. The Service's EA outlines two alternatives in response to this application. The first alternative is a no-action alternative, which would result in the Service's denial of the request for incidental take. The second alternative is to accept the application as sufficient and issue an incidental take permit. Under Alternative 2, the Applicants' HCP proposes to offset the anticipated level of incidental take, by implementing the following mitigation/minimization measures, including providing adequate funding to ensure their success:

1. For Pineda Crossing, temporary restrictions on construction activities at the project site will continue during the proposed period of 3 to 5 years of reproductive monitoring and translocations. This will provide

temporary foraging, nesting, and roosting habitat. Construction within RCW habitat will not occur until translocation success is noted at the mitigation site or for 3 years, whichever comes first. If young birds are not available for 3 years, the HCP period will be extended to 5 years.

2. Three new cluster sites will be created at the Hal Scott Preserve in Orange County. Each cluster site will consist of three completed cavities and two start holes. New cavities will be caged and inspected for 6 months for sap leakage. Any trees leaking sap will not be opened for use by RCW.

3. Annual monitoring of nesting and roosting activity will be conducted at the project sites. During nesting season, weekly visits to occupied cavity trees will be conducted.

4. At Windover Farms, the single male RCW will be relocated to the newly created clusters at Hal Scott Preserve, along with a young female from Pineda Crossing, (if available) or from the Big Econlockhatchee population, of which the RCWs occupying Hal Scott are a part.

5. The young birds from Pineda Crossing will be translocated to the newly created clusters at Hal Scott Preserve. Weekly visits will be conducted to the mitigation site once a week for 1 month after translocation to inspect the cavity and the surrounding area for the presence of these birds. Checks of the cluster sites will also be made four times during the following nesting season to monitor reproductive status and success.

6. Young birds from the surrounding population in the Big Econ River area will be used, if necessary, to augment these created cluster sites during years of no reproduction on the Pineda Crossing site.

7. At the mitigation site, inspections will be conducted in the fall and winter to locate the roost sites.

Dated: November 7, 1995.

Noreen K. Clough,

Regional Director.

[FR Doc. 95–28016 Filed 11–13–95; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–725 (Final)]

Manganese Sulfate from the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of China (China) of manganese sulfate, provided for in subheading 2833.29.50 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).[2]

Background

The Commission instituted this investigation effective May 11, 1995, following a preliminary determination by the Department of Commerce that imports of manganese sulfate from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). The petition in this investigation was filed on November 30, 1994, prior to the effective date of the Uruguay Round Agreements Act. Thus, this investigation was subject to the substantive and procedural rules of the Tariff Act of 1930 as it existed prior to the Uruguay Round Agreements Act.[3] Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of May 24, 1995 (60 F.R. 27555). The hearing was held in Washington, DC, on October 3, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 6, 1995. The views of the Commission are contained in USITC Publication 2932 (November 1995), entitled ''Manganese Sulfate from the People's Republic of China: Investigation No. 731–TA–725 (Final).''

Issued: November 2, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–28054 Filed 11–13–95; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] The product covered by this investigation is manganese sulfate, including manganese sulfate monohydrate ($MnSO_4 \times H_2O$) and any other forms, whether or not hydrated, without regard to form, shape, or size, the addition of other elements, the presence of other elements as impurities, and/or the method of manufacture.

[3] *See* P.L. 103–465, approved December 8, 1994, 108 Stat. 4809, at § 291.

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads, Motor Carriers of Property and Motor Carriers of Passengers

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads, motor carriers of property and motor carriers of passengers for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. For both motor carriers of property and motor carriers of passengers, the inflation factors are based on the annual average Producer Price Index for all commodities. The indexes are developed by the Bureau of Labor Statistics (BLS).

The base years for railroads, motor carriers of property, and passenger motor carriers are 1991, 1993, and 1988 respectively. The inflation index factors are presented as follows:

	Index	Deflator percent
	Railroads–Railroad Frieght Index	
1991	409.5	[1] 100.00
1992	411.8	99.45
1993	415.5	98.55
1994	418.8	97.70
	Motor Carriers of Property Producer Price Index	
1993	118.9	[2] 100.00
1994	120.4	98.70

	Index	Deflator percent
	Motor Carriers of Passengers Producer Price Index	
1988	106.9	
1991	116.5	91.76
1992	117.2	91.21
1993	118.9	89.90
1994	120.4	88.70

[1] Ex Parte No. 492, *Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201,* served June 17, 1992, raised the revenue classification level for Class I railroads from $50 million to $250 million (1991 dollars), effective for the reporting year beginning January 1, 1992.

[2] Ex Parte No. MC–206, *Revisions to Accounting and Reporting Requirements for Motor Carriers of Property,* served January 27, 1994, raised the revenue classification level for Class I motor carriers of property from $5 million to $10 million (1993 dollars), effective for the reporting year beginning January 1, 1994.

EFFECTIVE DATE: January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn Jr., (202) 927–5740.

Vernon A. Williams,

Secretary.

[FR Doc. 95–28045 Filed 11–13–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–55 (Sub-No. 516X)]

CSX Transportation, Inc.—Abandonment Exemption—in Floyd County, KY

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.96-mile portion of its rail line (known as the Stephens Branch) between milepost COP–0.0 and milepost COP–1.96 at the end of the track, near Marrs, in Floyd County, KY.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 14, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 24, 1995.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 4, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423–2191.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 17, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

[1] The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Decided: November 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–28046 Filed 11–13–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlements Pursuant to the Clean Water Act and the National Wildlife Refuge Administration Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two settlements in *United States* v. *Leitheiser,* Civil No. 92–4143 (D.S.D.), were lodged with the United States District Court for the District of South Dakota, Southern Division, on or about November 7, 1995.

The first settlement is in the form of a proposed Consent Decree resolving alleged violations of Clean Water Act section 301(a), 33 U.S.C. 1311(a), and alleged violations of the National Wildlife Refuge Administration Act, 16 U.S.C. 668dd(c) (''Refuge Act''), by Merle Hoiten, Merle Hoiten, Jr., and the Hoiten Construction Company (''Hoitens''). Under the terms of the agreement, the Hoiten defendants will pay a civil penalty to the United States.

The second settlement is in the form of a Stipulation to Dismiss resolving alleged violations of the Refuge Act by the Leitheisers. Under the terms of the Stipulation to Dismiss, the Leitheisers will perform certain restoration work adjacent to the Hyde Waterfowl Protection Area (''WPA''), and pay money to the Fish and Wildlife Service for the maintenance of the Hyde WPA. Any remaining claims would also be dismissed.

The Department of Justice will receive written comments relating to the proposed settlements for a period of 30 days from the date of publication of this notice. Comments should be addressed to Rebecca A. Lloyd, Esquire, U.S. Department of Justice, Environmental Defense Section, Suite 945—North Tower, 999 18th Street, Denver, CO 80202, should refer to *United States* v. *Leitheiser,* Civil No. 92–4143 (D.S.D.), and should also make reference to DJ# 90–5–1–1–3600.

The proposed settlements may be examined at the Clerk's Office, United States District Court for the District of South Dakota, Southern Division, 400 S.

Phillips Avenue, Suite 220, Sioux Falls, South Dakota 57102.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 95–28012 Filed 11–13–95; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, notice is hereby given that a proposed partial consent decree in *United States* v. *The S.W. Shattuck Chemical Company, Inc.*, Case No. 95–WY–1240, was lodged on October 31, 1995, with the United States District Court for the District of Colorado.

The proposed partial consent decree resolves claims of the United States against the defendant in *United States* v. *The S.W. Shattuck Chemical Company, Inc.*, brought under Section 107 of the comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9601 *et seq.*, as amended, for the recovery of past costs incurred by the United States at the Denver Radium Superfund Site-Operable Unit VIII (''Denver Radium-OU VIII Site'') in Denver, Colorado. Under the terms of the proposed decree, the settling defendant will pay the United States $2,402,278, plus interest after April 1, 1995, in settlement of the United States' past costs claims against the settling defendant.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *The S.W. Shattuck Chemical Company, Inc.*, DOJ Ref. #90–11–2–741.

The proposed consent decree may be examined at the Office of the United States Attorney, 1961 Stout Street, 11th Floor, Denver, Colorado 80294; the Region 8 Office of the United States Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the case referenced above and enclose a check in the amount of $5.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–28013 Filed 11–13–95; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Folk and Traditional Arts Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Folk & Traditional Arts Advisory Panel (Folk Arts Organizations Section) to the National Council on the Arts will meet on December 5-8, 1995. The panel will meet from 8:30 a.m. to 6:30 p.m. on December 5; from 8:30 a.m. to 3:30 p.m. on December 6; from 8:30 a.m. to 6:30 p.m. on December 7; and from 8:30 a.m. to 3:30 p.m. on December 8. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants.

In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: November 7, 1995.

Yvonne M. Sabine,

Director, Council & Panel Operations, National Endowment for the Arts.

[FR Doc. 95–28061 Filed 11–13–95; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District, Cooper Nuclear Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from certain requirements of its regulations to Facility Operating License Number DPR–46. This license was issued to the Nebraska Public Power District (the licensee) for operation of the Cooper Nuclear Station (CNS) located in Nemaha County, Nebraska.

Environmental Assessment

Identification of the Proposed Action

The licensee requested, in its application dated May 13, 1994, an exemption from the pressure test requirements of Section III.D.2(b)(ii) of Appendix J, ''Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors,'' to 10 CFR Part 50 (Appendix J to 10 CFR Part 50). The staff discussed the details of the proposed exemption with the licensee in a telephone conference call on September 28, 1995. The proposed exemption would allow the licensee to leak test the personnel air lock at CNS at a test pressure less than P_a, (the calculated peak containment internal pressure resulting from the containment design basis accident), under certain conditions. The reduced pressure test of the air lock would be conducted as the first of two tests during a restart from refueling or cold shutdown, prior to entry into an operational mode requiring containment leaktight integrity by the CNS Technical Specifications (TSs). As stated in CNS TS 4.7.A.2.f.5, for periodic leakage testing of the personnel air lock, P_a is 58 psig and the reduced test pressure is 3 psig.

This leakage test is part of the Type B tests required by Appendix J to 10 CFR Part 50 to verify containment integrity. Because an air lock allows entry into the containment and is part of the containment pressure boundary, excessive leakage through the air lock could compromise containment integrity. The air lock consists of an inner and outer door and the leakage test is performed by pressurizing the space between the doors.

The Need for the Proposed Action

Section III.D.2 of Appendix J to 10 CFR Part 50 specifies the required periodic retest schedule for Type B tests, including testing of air locks. Pursuant to Section III.D.2(b)(ii), licensees are required to leakage test air locks, opened during periods when containment integrity is not required by the TSs, at the end of such periods. This section applies to testing of air locks during restart from refueling or cold shutdown because the CNS TSs do not require containment integrity for either of these operational modes. This section states that the air lock test shall be performed at a pressure that is not less than P_a.

The proposed exemption is concerned with Section III.D.2(b)(ii); however, there are two other sections in Appendix J which have requirements on testing air locks. Section III.D.2(b)(i) requires an air lock test every 6 months at a test pressure of P_a and, as relevant here, Section III.D.2(b)(iii) requires a test every 3 days when the air lock is used during a period when containment integrity is required by the TSs. The latter section requires the test pressure to be P_a, or the test pressure specified in the TSs, which for CNS is stipulated as 3 psig in TS 4.7.A.2.f.5.

The licensee stated in its application that it currently tests the personnel air lock twice during the restart of the plant for power operation from refueling or cold shutdown: (1) Prior to the reactor being taken critical, or the reactor water temperature being above 100°C (212°F), and (2) after the last entry into containment for leak inspection during restart. The time between the two tests is about 24 to 48 hours, and the second test is at low reactor power prior to entry into the run mode, the full power mode of operation.

The first test is in accordance with Section III.D.2(b)(ii) and is performed at the conclusion of the period when containment integrity is not required by the TSs. This test is conducted prior to entry into an operational mode requiring containment integrity. The second test is in accordance with Section III.D.2(b)(iii) and is performed at 3-day intervals while the air lock is being used when containment integrity is required. As stated above, in accordance with this section, the second test could be conducted at a test pressure of 3 psig at CNS because this pressure is stated in TS 4.7.A.2.f.5. However, because the licensee also performs the second test to meet the 6-month interval requirement in Section III.D.2(b)(i), the second test is conducted at P_a. If this second test is not necessary to satisfy the 6-month interval test requirement, there is no requirement that the licensee conduct it at P_a.

When no maintenance or repairs have been performed on the air lock that could affect its sealing capability and the periodic 6-month test at P_a has been performed successfully, opening of the air lock during a plant shutdown or refueling outage is not a reason to expect it to leak in excess of the requirements. When the air lock is tested at a pressure less than P_a in preparation for restart from refueling or cold shutdown, under such conditions, and the air lock has been successfully tested at P_a within the previous six months, containment integrity is assured. If, however, maintenance or repairs have been performed on the air lock affecting its sealing capability since the last 6-month test, the first test prior to entering a condition which requires containment integrity must meet the test pressure requirements of Section III.D.2(b)(ii) and be conducted at a test pressure not less than P_a.

In testing the air lock at reduced pressure, a strongback (structural bracing) would not have to be installed on the inner air lock door. During the test, the space between the inner and outer doors is pressurized. The strongback is needed when the test pressure is P_a because the pressure exerted on the inner door during the test is in a direction opposite to the pressure on the inner door during an accident, and P_a is sufficiently high to damage the inner door during the test without the strongback. The reduced pressure test would be conducted at 3 psig, and the strongback would not be needed to protect the inner door during the test.

Installing a strongback, performing the test, and removing the strongback requires several hours during which access through the air lock is prohibited. The strongback is attached to the door inside containment where personnel would be exposed to radiation inside containment. The reduced pressure test could be conducted without the strongback and, thus, in a shorter time with less occupational exposure to CNS personnel involved with the test. Because the second test is conducted at P_a, not performing the first test at P_a will reduce the number of such tests using strongbacks and, therefore, will reduce the time involved in performing the tests and the magnitude of occupational exposure at CNS.

The licensee is, therefore, proposing to conduct the first test during restart at a test pressure of 3 psig, which is less than P_a, which is not presently allowed by Section III.D.2(b)(ii). The air lock leakage measured for the reduced test pressure would be extrapolated to a value consistent with P_a, then that value would be compared to the acceptance criteria in Appendix J for Type B tests to confirm that containment integrity is verified. If containment integrity is verified, the measured air lock leakage is considered acceptable.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the licensee's request. The proposed exemption does not change the number of air lock tests to verify containment integrity upon plant restart, the manner in which the second test is conducted, the time when the tests would be conducted, nor the acceptance criteria for the tests. Thus, the assurance of containment integrity would be maintained at a level consistent with current Appendix J requirements. The proposed exemption would also not change other requirements in Appendix J for periodic testing of the air lock at P_a, and would not change the existing CNS safety limits, safety settings, power operations, or effluent limits. The proposed exemption would effectively replace the test pressure requirement in Section III.D.2(b)(ii) with that in Section III.D.2(b)(iii), in that the latter section allows for reduced pressure testing of air locks in accordance with plant TSs.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the requested

exemption. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar, but the proposed action would reduce occupational exposure at CNS.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Cooper Nuclear Station, dated February 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on October 19, 1995, the staff consulted with the Nebraska State official, Ms. Julia Schmidt, Division of Radiological Health, Nebraska Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the licensee's request for an exemption dated May 13, 1994, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 6th day of November 1995.

For the Nuclear Regulatory Commission.

James R. Hall,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28028 Filed 11–13–95; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRAATION

[OMB Control No. 9000–0062]

Request for Public Comments Regarding OMB Clearance Entitled Material and Workmanship

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0062).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Material and Workmanship. This OMB clearance currently expires on March 31, 1996.

DATES: *Comment Due Date:* January 16, 1996.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the justification, should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0062, Material and Workmanship, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill, Office of Federal Acquisition Policy, GSA (202) 501–3856.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under Federal contracts requiring that equipment (e.g., pumps, fans, generators, chillers, etc.) be installed in a project, the Government must determine that the equipment meets the contract requirements. Therefore, the contractor must submit sufficient data on the particular equipment to allow the Government to analyze the item.

The Government uses the submitted data to determine whether or not the equipment meets the contract requirements in the categories of performance, construction, and durability. This data is placed in the contract file and used during the inspection of the equipment when it arrives on the project and when it is made operable.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *.25* hours per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *3,160*; responses per respondent, *1.5*; total annual responses, *4,740*; preparation hours per response, *.25*; and total response burden hours, *1,185*.

Dated: November 7, 1995.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 95–28022 Filed 11–13–95; 8:45 am]

BILLING CODE 6820–EP–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its June 17, 1994, application for proposed amendment to Facility Operating License Nos. 50–325 and 50–324 for the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina.

The proposed amendment would have removed the pressure-temperature curves and vessel surveillance capsule withdrawal schedule from the Technical Specifications.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on July 20, 1994 (59 FR 37065). However, by letter dated October 10, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 17, 1994, and the licensee's letter dated October 10, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland, this 3rd day of November 1995.

For the Nuclear Regulatory Commission.

David C. Trimble,

Project Manager, Project Directorate II–1, Division of Reactor Projects II–1, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28027 Filed 11–13–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 70–7001; 70–7002]

United States Enrichment Corporation: Notice of Receipt of Compliance Plan for the Certification of the Paducah Gaseous Diffusion Plant and the Portsmouth Gaseous Diffusion Plant, Notice of Comment Period, and Notice of Public Meetings

I. Receipt of Compliance Plan and Availability of Documents

Notice is hereby given that the U. S. Nuclear Regulatory Commission (NRC or the Commission) has received by letter dated November 6, 1995, a compliance plan from the U. S. Enrichment Corporation (USEC) to address those areas at the gaseous diffusion plants (GDPs) located near Paducah, Kentucky and Piketon, Ohio, that are not yet in compliance with the NRC requirements in 10 CFR Part 76, ''Certification of Gaseous Diffusion Plants.'' The Energy Policy Act of 1992, which established the USEC to operate the GDPs under lease from the U. S. Department of Energy, requires this compliance plan, prepared by the Department of Energy (DOE). NRC received USEC's application for certification of the GDPs on September 15, 1995, and notice of its receipt was published on September 21, 1995, (60 FR 49026). The previous notice also announced the public comment period on the USEC application, and the public meeting dates scheduled for each plant. Copies of the compliance plan, the application for certification (except for classified and proprietary portions withheld in accordance with 10 CFR 2.790, ''Availability of Public Records''), and related correspondence, are available for public inspection and copying at the Commission's Public Document Room (PDR) in the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and in the Local Public Document Rooms (LPDRs) established for these facilities. A copy of the compliance plan and application for the Paducah plant is available at the Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003. A copy of the compliance plan and application for the Portsmouth plant is available at the Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

II. Notice of Comment Period

Any interested party may submit written comments on the compliance plan for either the Paducah plant or the Portsmouth plant for consideration by the NRC staff. To be certain of consideration, comments must be received by December 29, 1995 for the compliance plan. Comments received after the due date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date. Written comments on the application should be mailed to the Chief, Rules Review and Directives Branch, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555 or hand delivered to 11545 Rockville Pike, Rockville, MD 20852 between 7:45 am and 4:15 pm Federal workdays. Comments should be legible and reproducible, and include the name, affiliation (if any), and address of the commenter. All comments received by the Commission will be made available for public inspection at the Commission's Public Document Room located in Washington, D.C. and the Local Public Document Rooms located in Paducah, Kentucky and Portsmouth, Ohio. In accordance with 10 CFR 76.62 and 76.64, a member of the public must submit written comments or provide oral comments at a public meeting described below to petition the Commission requesting review of the Director's decision on certification.

III. Notice of Public Meetings

As previously announced on September 21, 1995, public meetings are being held to solicit public input on the initial certification of these facilities. The meeting for the Paducah Gaseous Diffusion Plant will be held at the *Paducah Information Age Park Resource Center*, 200 McCracken Boulevard in Paducah, Kentucky on December 5, 1995, 7 pm. The meeting on the Portsmouth Gaseous Diffusion Plant will be held at the *Vern Riffe Joint Vocational School*, 23365 State Rt. 124 in Piketon, Ohio on November 28, 1995, 7 pm.

In order to allow a maximum number of speakers, statements by the public will be limited to 5 minutes per individual. Those interested in speaking at the meetings may register at the meeting and will be taken in the order of sign-up. A record of the public meeting will be placed in the PDR and the LPDRs established for the GDPs. Written comments will also be accepted at the meetings.

FOR FURTHER INFORMATION CONTACT: Ms. Rocio Castaneira, (301) 415–8103; Mr. Carl B. Sawyer, (301) 415–8174; or Ms. Merri Horn, (301) 415–8126; Office of Nuclear Material Safety and Safeguards, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland, this 7th day of November 1995.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Enrichment Branch, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 95–28026 Filed 11–13–95; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

The National Partnership Council

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

TIME AND DATE: 1:00 p.m., November 15, 1995.

PLACE: OPM Conference Center, Room 1350, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC 20415–0001. The conference center is located on the first floor. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

STATUS: This meeting will be open to the public from 1:00 p.m. until approximately 1:30 p.m. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: National Partnership Council (NPC) Training and Facilitation Handbook; selection of NPC Award winners.

PORTION OPEN TO THE PUBLIC: Discussion of the NPC Training and Facilitation Handbook referred to in the strategic action plan for 1995 that was adopted at the January 10, 1995, meeting. This portion of the meeting will run from 1:00 p.m. until approximately 1:30 p.m.

PORTION CLOSED TO THE PUBLIC: Under 5 U.S.C. 552b(c)(9)(B) of the Government in the Sunshine Act, the discussion and selection of NPC Partnership Award winners, beginning at approximately 1:30 p.m., will be closed to the public. Because of the desire to keep the final selection of the NPC award winners confidential until they are officially notified and the awards are announced, disclosure of the NPC's deliberations and final selection of award winners would significantly frustrate implementation of the awards program.

CONTACT PERSON FOR MORE INFORMATION: Phyllis F. Foley, National Partnership Council, Executive Secretariat, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 7412, Washington, DC 20415–0001, (202) 606–2194.

SUPPLEMENTARY INFORMATION: We are giving less than 15 days notice of this meeting because the final decision on

the date of the meeting was delayed until November 7, 1995, in order to assure that all of the information needed to make final selections of award winners would be available. The meeting cannot be delayed because final decisions must be made on award winners well in advance of the award ceremony planned for December 1995.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 95–28055 Filed 11–13–95; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

WTO Dispute Settlement Proceeding Concerning Japanese Taxes on Distilled Spirits

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) if providing notice that a dispute settlement panel convened under the Agreement Establishing the World Trade Organization (WTO), at the request of Canada, the European Communities and the United States, will examine Japanese taxes on distilled spirits. USTR also invites written comments from the public concerning the issues raised in the dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before November 20 in order to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to the Office of the General Counsel, Attn: Japan Distilled Spirits Dispute, Room 223, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Amelia Porges, Associate General Counsel, Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, N.W. Washington, DC 20506, (202) 395–7305.

SUPPLEMENTARY INFORMATION: At the request of Canada, the European Communities and the United States, a WTO dispute settlement panel will examine whether Japan's excise taxes on distilled spirits are consistent with Japan's obligations under Article III of the General Agreement on Tariffs and Trade (GATT) 1994. Norway has reserved its rights to intervene in the panel proceeding as an interested third party.

The panel was constituted on October 30, 1995 and its members were agreed by the parties. The panel is expected to meet as necessary at the WTO headquarters in Geneva, Switzerland to examine the dispute. Under normal circumstances, the panel would be expected to issue a report detailing its findings and recommendations in six to nine months.

Legal Basis of Complaint

Japan assesses different excise taxes on different types of distilled spirits. Whisky and brandy are taxed between four and seven times more heavily than shochu, a traditional Japanese distilled spirit. For other distilled spirits such as vodka, gin and rum, the tax rate is two to three times higher than the tax rate on shochu. Because of this preferential tax treatment for shochu, Canada, the EC and the United States have asserted that Japan's excise taxes on distilled spirits accord less favorable treatment to imported distilled spirits than to distilled spirits of Japanese origin, and thus are inconsistent with Article III of the GATT 1994.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issue raised in the dispute. The provisions of 15 CFR 2006.13(a) and (c) (providing that comments received will be open to public inspection) and 2006.15 will apply to comments received. Comments must be in English and provided in fifteen copies. Pursuant to 15 CFR 2006.15, confidential business information must be clearly market ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page.

Pursuant to section 127(e) of the URAA, USTR will maintain a public file on this dispute settlement proceeding, which will include a list of comments received, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington DC 20506. An appointment to review the docket (Docket WTO/D–3, ''Canada/EC/United States-Japan: Japan Excise Taxes on Distilled Spirits''), may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Jennifer Hillman,

General Counsel.

[FR Doc. 95–28039 Filed 11–13–95; 8:45 am]

BILLING CODE 3190–01–M

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of the addition of a new routine use to an existing system of records.

SUMMARY: This document publishes notice of the addition of a new routine use to Privacy Act system of records USPS 080.010, Inspection Requirements—Investigative File System. This new routine use permits the disclosure of information on computer bulletin boards by the Postal Inspection Service in the performance of an authorized activity to elicit information or cooperation from users of such bulletin boards. It also permits the Postal Inspection Service to alert users of such bulletin boards of possible criminal activity for which the Postal Inspection Service has authority to investigate and about which it has obtained credible information.

DATES: This proposal will become effective without further notice December 26, 1995, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Written comments should be mailed or delivered to Records Office, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 8650, Washington, DC 20260–5240. Copies of all written comments received will be available for public inspection and photocopying between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Donna Peak, Records Office, (202) 268–2601.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (e)(11) of the Privacy Act of 1974, 5 U.S.C. 552a, the Postal Service is publishing a notice of a new routine use of its system of records USPS 080.010, Inspection Requirements— Investigative File System. This system contains information on the investigation of criminal, civil, or administrative matters, including employee and contractor background investigations. This new routine use permits disclosure of an individual's identity and conduct

on computer bulletin boards shared by non-law enforcement organizations or individuals in the public and private sectors.

The Postal Inspection Service is the law enforcement arm of the Postal Service (18 U.S.C. 3061). This new routine use would allow the Postal Inspection Service to elicit from users of computer bulletin boards information or cooperation required to perform an authorized activity, or to alert users of possible criminal activity for which the Postal Inspection Service has authority to investigate and about which it has obtained credible information.

This new use will also directly benefit the anti-crime efforts of the Postal Inspection Service and organizations that are customers of the Postal Service, such as credit card issuers, health care providers, and insurance carriers. Currently, the Postal Inspection Service is working with these organizations to detect and prevent fraud and mail-related crimes.

In addition to assisting the Postal Inspection Service in its detection and apprehension efforts, the information to be disclosed on the bulletin boards by this new routine use will help prevent fraud by alerting users of the bulletin boards with information about a particular criminal activity within their industries.

Pursuant to 5 U.S.C. 552a(r) and paragraph 4.c.(1)(f) of Appendix 1 of Office of Management and Budget Circular A–130, Federal Information Resources Management, interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed system has been sent to Congress and to the Office of Management and Budget for their evaluation.

New Routine Use

The most recent description of USPS 080.010 appears at 54 FR 11798, dated March 20, 1991. It is proposed that routine use No. 12 be added to that system description as follows:

USPS 080.010

SYSTEM NAME:

Inspection Requirements—Investigative File System, 080.010.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 404, 18 U.S.C. 3061, and 5 U.S.C., App. 3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine use statements a, b, c, d, e, f, g, h, j, k, l, and m listed in the prefatory statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

* * * * *

[Add:]

12. A record from this system may be disclosed on an electronic bulletin board to organizations or individuals in the public or private sectors that share in the bulletin board, provided that the disclosure is deemed necessary: (1) To elicit information or cooperation from these organizations or individuals for use by the Postal Inspection Service in the performance of an authorized activity; or (2) to alert these organizations or individuals of possible criminal activity for which the Postal Inspection Service has authority to investigate and about which it has obtained credible information.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–27985 Filed 11–13 –95; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36458; File No. SR–CBOE–94–53]

Self-Regulatory Organizations; Notice of Filing of Amendments No. 1 to Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Financial Requirements for Clearing Members

November 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 13, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') Amendment No. 1 to its previously filed proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE.[2] The Commission is publishing this notice to solicit comments on the amendment to the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to make certain minor changes to the proposed rule change previously filed relating to financial requirements for clearing members.

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 as they pertain to the proposed amendment.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adopt a Regulatory Circular that would require all Exchange members that clear options market maker transactions on a proprietary or market maker customer basis to calculate options market maker haircuts in accordance with a haircut methodology developed jointly by the Exchange and The Options Clearing Corporation based on the theoretical options pricing model of Cox-Ross-Rubinstein. The purpose of this amendment is to make certain minor changes to the proposed Regulatory Circular. This amendment deals largely with haircuts applicable to market maker positions in certain broad-based index products and qualified stock baskets.

As proposed to be amended, the Regulatory Circular will more clearly state that computed gains and losses for qualified stock baskets must be taken into account when determining haircuts for an options market maker's complete position in a broad-based index class or product group. The amended Regulatory Circular also will permit 50% of the gain in a broad-based market index product group to offset the loss in a different broad-based index product group at the same valuation point, and would simplify the description of various other permitted offsets. The definition of what constitutes a qualified stock basket in relation to an index is proposed to be amended to

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] The proposed rule change was noticed for comment in Securities Exchange Act Release No. 35282 (February 2, 1995), 60 FR 6577.

[3] A summary of the Exchange's statements concerning the purpose and statutory basis of the proposed rule change is contained in the notice of its filing, *supra* note 2.

require that the basket represents no less than 50% of the capitalization of a broad-based market index, and no less than 95% of the capitalization of a narrow-based index. The minimum charge for a non-high-cap index basked is proposed to be 7½%, and the Regulatory Circular will recognize that broker-dealers may utilize theoretical options pricing models and vendors of such information as approved from time to time by the Commission. If amended Rule 15c3–1 as finally adopted by the Commission differs from CBOE's Regulatory Circular, CBOE promptly will file an amendment to its Regulatory Circular to bring it into conformity with the Commission's Rule.

CBOE believes that the proposed Regulatory Circular, as proposed to be amended, is consistent with and furthers the objective of Section 6(b)(5) of the Securities Exchange Act of 1934 in that, by establishing a uniform haircut treatment applicable to all market maker positions, it will contribute to the protection of investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed amendment to the rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed amendment to the rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 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 File No. SR–CBOE–94–53 and should be submitted by November 29, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–27991 Filed 11–13–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36460; File No. SR–Phlx–95–61]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to a Reduction of the Value of the Phlx National Over-the-Counter Index

November 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 22, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, proposes to reduce the value of its National Over-the-Counter Index (''Index'') option (''XOC'') to one-half of its present value by doubling the divisor used in calculating the Index. The Index is a capitalization-weighted market index composed of the 100 largest capitalized stocks trading over-the-counter. The other contract specifications for the XOC remain unchanged.

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 Phlx 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 Phlx 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 Phlx began trading the XOC in 1985.[3] The Index was created with a value of 150 on its base date of September 28, 1984, which rose to 548 in June 1994, and to 700 in June 1995. On September 14, 1995, the Index value was 868. Thus, the value has increased significantly, especially during the last year. Consequently, the premium for XOC options has also risen.

As a result, the Phlx proposes to conduct a ''two-for-one split'' of the Index, such that the value will be reduced by one-half. The number of XOC contracts will be doubled, such that for each XOC contract currently held, the holder will receive two contracts at the reduced value, with a strike price of one-half the original strike price. For instance, the holder of an XOC 800 call will receive two XOC 400 calls. In addition to the strike price being reduced by one-half, the position and exercise limits applicable to the XOC will be doubled, from 17,000 contracts to 34,000 contracts until the last expiration then trading.[4] Currently, the last expiration month trading in

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[4] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release Nos. 21576 (January 18, 1985), 50 FR 3445 (January 24, 1985); and 22044 (May 17, 1985), 50 FR 21532 (May 24, 1985) (File No. SR–Phlx–84–28).

[4] Separately, the Exchange is proposing to increase the XOC position and exercise limits to 25,000 contracts. *See* SR–Phlx–95–38).

March 1996.[5] This procedure is similar to that employed with equity options where the underlying security is subject to a two-for-one stock split, as well as the recent split of the Phlx's Semiconductor Index.[6] The trading symbol will remain as XOC (plus any necessary wrap symbols).

In conjunction with the split, the Exchange will list strike prices surrounding the new, lower Index value, pursuant to Phlx Rule 1101A. The Phlx will announce the effective date by way of an Exchange memorandum to the membership, which will also serve as notice of the strike price and position limit changes.

The purpose of the proposal is to attract additional liquidity to the product in those series that public customers are most interested in trading. For example, a near-term, at the money call option series currently trades at approximately $1,200 per contract. With the Index split, the same option series (once adjusted), with all else remaining equal, could trade at approximately $600 per contract. Thus, certain investors and traders may currently be impeded from trading at such levels. A reduced value should, therefore, encourage additional investor interest.

The Phlx believes that XOC options provide an important opportunity for investors to hedge and speculate upon the market risk associated with the underlying over-the-counter stocks. By reducing the value of the Index, such investors will be able to utilize this trading vehicle, while extending a smaller outlay of capital. This should attract additional investors, and, in turn, create a more active and liquid trading environment.

For these reasons, the Phlx believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and with Section 6(b)(5) in particular,[7] in that it is designed to promote just and equitable principles of trade, as well as to protect investors and the public interest. The Exchange believes that reducing the value of the Index does not raise manipulation concerns and will not cause adverse market impact, because the Exchange will continue to employ its surveillance procedures and has proposed an orderly procedure to achieve the Index split, including adequate prior notice to market participants.

[5] The Exchange notes that following September expiration, June 1996 options are listed.

[6] *See* Securities Exchange Act Release No. 35999 (July 20, 1995), 60 FR 38387 (July 26, 1995) (File No. SR–Phlx–95–41).

[7] 15 U.S.C. § 78f(b)(5) (1988).

(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

The Phlx received one comment letter opposing the proposed rule change from a financial planner at Smith Barney Shearson.[8] According to the commenter, one of the primary inducements to trading the XOC Index is its volatility. If the Index is split in half, however, the commenter believes that investors will be unnecessarily forced to trade twice as many contracts in order to maintain their current degree of leverage. The commenter also opposes the proposed rule change because he believes that splitting the Index will reduce its value to an inappropriately low level. The commenter also suggests alternative split levels (*e.g.*, a 4 for 3 split, or a 3 for 2 split) as a less problematic approach. In this manner, according to the commenter, the Index will retain a greater percentage of its current value. Finally, the commenter suggests that the Exchange postpone the splitting of the Index to provide investors with a reasonable amount of time to adjust their positions as a result of the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Phlx 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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–95–61 and should be submitted by December 5, 1995.

[8] *See* Letter from Barry J. Weisberg, Vice President, Smith Barney Shearson, to Andy Kolinsky, Vice President, Phlx, dated August 1, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–27993 Filed 11–13–95; 8:45 am]

BILLING CODE 8010–01–M

[9] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36461; File No. SR–Phlx–95–38]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to an Increase in Position and Exercise Limits on the Phlx National Over-the-Counter Index

November 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 25, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, proposes to increase the

[1] 15 U.S.C. § 78s (b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

position [3] and exercise limits [4] for options (''XOC'') on its National Over-the-Counter Index (''Index'') [5] from 17,000 to 25,000 contracts.

The text of the proposed rule change is available at the Phlx and at the Commission.

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx 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 Exchange 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 rule change is to raise XOC position and exercise limits to 25,000 contracts in order to increase liquidity, which should be enhanced by the ability to hold a higher position. In addition, the Exchange seeks to remain competitive with broad-based index option products traded on other exchanges.

Currently, the position limit for XOC options is 17,000 contracts. In early 1994, the Commission approved a 70% increase to the Phlx's position limit from 10,000 to 17,000 contracts.[6] The Exchange notes that a proposal was recently filed by the Pacific Stock Exchange, Inc. (''PSE'') to raise the position limit on its Technology Index to 37,500 contracts.[7] In addition, most market (broad-based) index options have position limits of at least 25,000 contracts,[8] with certain products trading with even higher limits.[9] Thus, the proposed rule change is intended to keep the Phlx in line with position limits of index options traded on other exchanges.

XOC options have been trading on the Exchange since 1985.[10] The Index value is currently at 868,[11] with volume having increased sharply since 1991, and consistently since 1993.[12] At the current position limit, the aggregate dollar value of the maximum permissible XOC position is approximately $1.5 billion.[13] With the limit raised to 25,000 contracts, the aggregate dollar value would be increased to approximately $2 billion.[14] The Exchange believes that this compares with the values of other exchanges' broad-based index options,[15] as well as its own.[16]

Recently, the Exchange filed a separate proposed rule change to conduct a ''two-for-one split'' of the Index, such that the value will be reduced by one-half.[17] For example, with the Index at 868, the new Index value after the split would be 434. At the current position limit, the aggregate dollar value of the maximum permissible post-split XOC position would be approximately $700 million.[18] With the limit raised to 25,000 contracts, the aggregate dollar value of a post-split position would be approximately $1 billion.[19] The Exchange believes that these post-split values also compare with the values of other exchanges' broad-based index options,[20] as well as its own.[21]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular [22] in that it is designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, as well as 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 solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

[3] Position limits impose a ceiling on the aggregate number of option contracts on the same side of the market that an investor, or group of investors acting in concert, may hold or write. *See* Phlx Rule 100A(a)(ii).

[4] Exercise limits impose a ceiling on the aggregate long positions in option contracts that an investor, or group of investors acting in concert, can or will have exercised within five consecutive business days. *See* Phlx Rule 1002A.

[5] The Index is a capitalization-weighted market index composed of the 100 largest capitalized stocks trading over-the-counter.

[6] Securities Exchange Act Release No. 33634 (February 17, 1994), 59 FR 9263 (February 25, 1994) (File No. SR–Phlx –93–07). This increase corresponded to the listing of options on the Nasdaq 100 Index (''NDX'') on the Chicago Board Options Exchange, Inc. (''CBOE'') with a position limit of 25,000 contracts.

[7] *See* Securities Exchange Act Release No. 36146 (August 23, 1995), 60 FR 45509 (August 31, 1995) (File No. SR–PSE–95–18).

[8] *See, e.g.,* American Stock Exchange, Inc.'s (''Amex'') EUR–25,000 contracts, HKO–25,000 contracts, JPN–25,000 contracts; and CBOE's NDX–25,000 contracts.

[9] *See, e.g.,* CBOE's SPX–45,000 contracts, RUT–50,000 contracts; Amex's XII–45,000 contracts, XMI–34,000 contracts; New York Stock Exchange, Inc.'s (''NYSE'') NYA and NNA—45,000 contracts each.

[10] Securities Exchange Act Release No. 22044 (May 17, 1985), 50 FR 21532 (May 24, 1985).

[11] This value was recorded on September 14, 1995.

[12] XOC volume January–June 1995 was 167,894 contracts, compared to 158,228 contracts January–June 1993.

[13] The aggregate dollar value of the maximum position is calculated by multiplying the Index value by the multiplier by the position limit as follows: $868 \times 100 \times 17{,}000 = \$1{,}475{,}600{,}000$.

[14] $868 \times 100 \times 25{,}000 = \$2{,}170{,}000{,}000$.

[15] These values were recorded on June 27, 1995:

CBOE: OEX $520 \times 100 \times 25{,}000 = \$1{,}300{,}000{,}000$
CBOE: SPX $545 \times 100 \times 45{,}000 = \$2{,}452{,}500{,}000$
CBOE: RUT $281 \times 100 \times 50{,}000 = \$1{,}405{,}000{,}000$
CBOE: NDX $534 \times 100 \times 25{,}000 = \$1{,}335{,}000{,}000$
Amex: XMI $477 \times 100 \times 34{,}000 = \$1{,}621{,}800{,}000$
PSE: WSX $363 \times 100 \times 37{,}500 = \$1{,}361{,}250{,}000$
NYSE: NYA $292 \times 100 \times 45{,}000 = \$1{,}314{,}000{,}000$

[16] VLE: $518 \times 100 \times 25{,}000 = \$1{,}295{,}000{,}000$.
TPX: $482 \times 100 \times 25{,}000 = \$1{,}205{,}000{,}000$.

[17] *See* File No. SR–Phlx–95–61.

[18] $434 \times 100 \times 17{,}000 = \$737{,}000{,}000$.

[19] $434 \times 100 \times 25{,}000 = \$1{,}085{,}000{,}000$.

[20] *See supra* note 15. The Exchange notes that post-split the maximum size of the proposed XOC position would be lower than most other broad-based index options.

[21] *See supra* note 16.

[22] 15 U.S.C. § 78f(b)(5) (1988).

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 Phlx. All submissions should refer to File No. SR–Phlx–95–38 and should be submitted by December 5, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–27992 Filed 11–13–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice No. 2281]

Shipping Coordinating Committee; Subcommittee on Ship Design and Equipment and Associated Bodies; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 1:30 PM on Monday, December 04, 1995, in Room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593. The purpose of the meeting is to prepare for the Thirty-ninth session of the Subcommittee on Ship Design and Equipment of the International Maritime Organization (IMO) which is scheduled for January 22–26, 1996, at IMO Headquarters in London, England.

Among other things, items of particular interest are: safety of passenger submersible craft; safety standards for combined pusher tug-barges; safe ocean towing guidelines; guidelines for the design & operation of passenger ships to the needs of elderly and disabled persons; ro-ro ferry & bulk carrier safety matters; ship structures matters; emergency sources of electrical power; role of the human element in maritime casualties; redundancy of machinery installations; review of existing ships' safety standards; and matters relating to lifesaving.

IMO works to develop international agreements, guidelines, and standards for the marine industry. In most cases, these form the basis for class society rules and national standards/ regulations. The U.S. Safety of Life at Sea (SOLAS) Working Group supports the U.S. Representative to the IMO Subcommittee in developing the U.S. position on those issues raised at the IMO Subcommittee meetings. Because of the impact on domestic regulations through development of these international agreements, the U.S. SOLAS Working Group serves as an excellent forum for the U.S. maritime industry to express their ideas. All members of the maritime industry are encouraged to send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing within the IMO.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: CDR Jim Stamm, U.S. Coast Guard Headquarters, Commandant (G–MMS), 2100 Second Street, S.W., Washington, DC 20593–0001 or by calling: (202) 267–2206.

Dated: November 2, 1995.

Charles A. Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 95–27974 Filed 11–13–95; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA); Meeting

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Meeting of Joint Planning Advisory Group.

The Maritime Administration and the United States Transportation Command, Co-Chairs of the Joint Planning Advisory Group (Group), announce the initial meeting of the Group to discuss administrative and operational issues under the Voluntary Intermodal Sealift Agreement, see 60 FR 54144, Oct. 19, 1995. The meeting will be in Room P1–1303, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, on November 15, 1995 from 9:30 a.m. to 2:00 p.m. If required, a closed meeting may be convened immediately following the public session for consideration of classified information.

CONTACT PERSON FOR ADDITIONAL INFORMATION: James E. Caponiti, Director, Office of Sealift Support (202) 366–2323.

By Order of the Maritime Administrator.

Dated: November 8, 1995.

Joel C. Richard,

Secretary.

[FR Doc. 95–28103 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

Discretionary Cooperative Agreement Program to Support the Development of an Index to Quantify the Functional Outcome of Pediatric Motor Vehicle Injuries

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

ACTION: Announcement of Discretionary Cooperative Agreement Program to Support the Development of an Index to Quantify the Functional Outcome of Pediatric Motor Vehicle Injuries.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement program to support research in the development of a derivative of the Functional Capacity Index that will be applicable to pediatric motor vehicle injuries, and solicits applications for projects under this program.

DATES: Applications must be received on or before January 17, 1996.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), Attn: Amy Poling, 400 7th Street S.W., Room 5301, Washington DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–94–H–06001.

FOR FURTHER INFORMATION CONTACT: Questions relating to this cooperative agreement program should be directed to Stephen Luchter, Senior Policy Advisor, Office of Plans and Policy (NPP–32), National Highway Traffic Safety Administration, 400 7th St. S.W., Room 5208, Washington, DC 20590; (202) 366–2576. General administrative questions may be directed to Amy Poling, Office of Contracts and Procurement, at (202) 366–9552.

SUPPLEMENTARY INFORMATION:

Background

NHTSA's mission is to reduce injuries and fatalities on the nation's highways. In order to have an objective way to determine where to place its limited resources, the agency has developed an expertise in quantitative measures of the consequences of motor vehicle crashes. These efforts have been largely devoted

[23] 17 CFR 200.30–3(a)(12) (1994).

to determining the economics costs resulting from the crash, including the costs of any resulting injuries or fatalities.

Until recently the agency's focus has been on mitigating the effects of the most serious injuries, those that result in fatality. As fatality rates decreased, and knowledge of the magnitude of the long term consequences of non-fatal injuries increased, more attention began to be given to the non-fatal injury portion of the agency's mission. It soon became apparent that although a thorough understanding of the costs of injury was important, costs alone did not provide a complete picture of injury consequences. A decision was made to develop a measure of injury consequences in terms of time, and the product of that effort is the Functional Capacity Index.[1]

The Functional Capacity Index consists of a set of alphabetical indicators representing the level of functioning for each of ten functional attributes, plus a numerical value that represents the relative value of the combination on a scale from 0.0 to 1.0. A value of 0.0 represents no loss of function, and a value of 1.0 represents a complete loss of function. The attributes are: eating, excreting, sexual function, arm/hand, bending/lifting, ambulation, sight, hearing, speech, and cognitive functions. Rigorous definitions were developed for each of these attributes at both full functioning and at appropriate levels of reduced functioning. Using the methods of Multi-Attribute Utility Theory, the value judgments of a diverse population were determined for each level of functioning. Since these value judgment followed a normal distribution, the mean value was taken as representative. An algorithm was developed to combine the value judgments into a ''whole-body'' numerical value using a multiplicative model. An expert panel provided their judgment of the level of functioning one year post-injury for a previously healthy adult for each of the injuries listed in the AIS 90 dictionary.[2]

These efforts have resulted in a useable index, which has been applied successfully to the agency's injury data base.[3] When applied to a population, the parameter of interest becomes the Life-years Lost of Injury (LLI), which is the sum over the injured population of the product of the Functional Capacity Index (FCI) and the injured person's life expectancy. This parameter provides a measure of the effect on the entire society of a particular injury. The average Life-years Lost to Injury (LLI/incidence) is a measure of the relative severity of the injury to the average member of the population with that injury.

At present, applications of the Index must be done with due care, taking into account the known limitations:

- Index values are based on the consensus judgment of an expert panel, not on clinical data. (A clinical validation project is currently underway to remove this limitation).
- The Index is not applicable to the pediatric or geriatric populations, due to the different effects of injury on these populations as compared to healthy adults.
- The Index is limited to single injuries. (The assumption is made in applications that the injury with the highest value of FCI can be used in a similar way as the highest AIS value injury is used as an indication of injury severity. The current effort at clinical validation is expected to yield data that will allow testing of hypotheses on how to use the Index for multiple injuries).
- The Index is applicable for a fixed time post injury. (A one year post-injury timeframe was chosen because it is known that the effects of many, though not all, injuries have stabilized at one year after the injury. Future efforts will consider this issue).

This research effort focuses on removing the pediatric injury limitation in the application of the Functional Capacity Index. The possible use of the PEDI[4] and WeeFim[5] scales was considered for this project, but rejected as they have a number of limitations; these indices do not relate to specific injuries, but rather are applicable in a clinical setting for all injuries. Also, although these indices include the concept of age appropriate responses, these responses are not defined as an implicit part of the index.

Objective

The Functional Capacity Index consists of objective definitions of functional attributes at full functioning and at various levels of reduced functioning for the injury descriptions in the 1990 Abbreviated Injury Scale. The Index consists of two parts. The first part is a set of ten alphabetical designations which indicate the anticipated functional level for each attribute one year post injury. The second part consists of a numerical ''whole body'' designation derived using the value judgments of a representative population. The current Index is applicable to previously healthy adults. The objective of this effort is to develop a derivative of the Functional Capacity Index that is applicable to previously health children, particularly those injured in motor vehicle crashes.

The following issues have been identified and applicants should include a discussion of their approach to resolving them in their application.

Developmental Level—The agency's hypothesis is that there are certain injuries where age is an important factor in estimating functional capacity one year post injury and others where it is not.[6] Assuming this is correct, the work described here will identify the injuries that fit into these two categories. For example, healthy six-month-olds usually can't walk (but can crawl), can't speak intelligibly (but can usually communicate via sound), nor can they balance a checkbook. Thus injuries that affect mobility or vocal communication for six-month-olds are not likely to be properly scaled by the current Index. At age two most healthy children can perform the first two of these functions, but not the third. Thus, any Index must take into account these differences. Questions the applicant should address include the following:

- The current FCI levels were developed for ages 18 to 34, but they are believed to be applicable to a somewhat younger population. Is this limit 16, 12, 10? Are there different age limits for different injuries?
- How should the functional attributes be defined for the pediatric population for those injuries where the current Index is not applicable? Should they relate to what a child could do now (for example, crawling by a six-month-old), or to what the child could do when s/he becomes an adult (for example, being able to walk 150 feet and climb 12 steps)?
- In order to minimize complexity when applying the index there must be a simple, straightforward approach to accommodating the age variations. Is it necessary to have multiple indices, based on age categories, or can there be an adjustment factor to the current Index such as, if under 3, use the values in column B instead of the ''standard'' values in column A?
- The relationships between chronological age and developmental age are not single valued functions for the entire population. How does one treat this issue in applying the Index?

Physiological Factors—The consequences of a particular injury may be considerably different in young children than in adults. For example, bones that are still soft may heal with less residual loss of functional capacity than adult bones. On the other hand, injuries to central nervous system components that have not fully developed may arrest the development of the child and have a greater effect on long term functional capacity. How

should these concerns be incorporated into the Index?

Value Judgment—The theoretical basis for the Index numerical values is that they reflect the value judgments of the exposed population. Not only does one not expect pre-schoolers to understand the issues, it is unlikely that they would be able to communicate their thoughts using the approach taken in the initial development of the Index. However, it is conceivable that 8 or 10 year olds would be able to comprehend these effects and be able to communicate them adequately. The question then is whose judgments are applicable—parents, pediatricians, educators, etc., and when should one consider the child's judgment? If this method is not applicable at all, what other approaches are appropriate to arrive at a quantitative whole body value?

Compatibility with the Existing Functional Capacity Index—The product of this research must be compatible with the Functional Capacity Index. Although there are a number of ways to approach the pediatric injury problem, there must be a seamless relationship between the results of this research and the Index applicable to the adult population.

Index Validation—The product of this research effort will be clinically validated estimates of functional capacity one year post injury for a representative set of pediatric injuries experienced in motor vehicle crashes. What validation methods does the applicant propose so that the results will be broadly representative of the national experience?

NHTSA Involvement

NHTSA, Office of Plans and Policy, will be involved in all activities undertaken as part oft he cooperative agreement program and will:

1. Provide, on an as-available basis, one professional staff person, to be designated as the Contracting Officer's Technical Representative (COTR), to serve as a co-investigator participating in the technical planning and management of the cooperative agreement project and coordinate activities between the organization and NHTSA.

2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR.

3. Provide liaison with other government agencies and organizations, as appropriate.

4. Stimulate the exchange of ideas.

5. Due to the complex nature of this research, a multidisciplinary intergovernmental group of representatives interested in pediatric injuries will guide the substantive work under this agreement.

The NHTSA Contracting Officer's Technical representative will chair this group. It is anticipated that this group will include representatives from the National Institute of Child Health and Human Development, the National Center for Rehabilitation Medicine and the Bureau of Maternal and Child Health.

Period of Support

The research effort described in this announcement will be supported through the award of a single cooperative agreement. It is anticipated that the project performance period will be up to 27 months, including submission of the final report. The total anticipated funding level is $200,000.00, with $100,000.00 to be provided in the first incremental period. The application for Federal Assistance should address what is proposed and can be accomplished within the time and funding constraints.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement program, an applicant must be an educational institution or research organization. For-profit research organizations may apply; however, no fee or profit will be allowed.

Application Procedure

Applicants must submit one original and two copies of their application package to: NHTSA, Office of Contracts and Procurement (NAD–30), Attn: Amy Poling, 400 7th Street SW., Room 5301, Washington, DC 20590. Applications must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–96–H–06001. Only complete application packages received on or before January 17, 1996 shall be considered. Submission of three additional copies will expedite processing, but is not required.

1. The application package must be submitted with a Standard Form 424 (rev. 4–88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and certified assurances signed. While the Form 424A deals with budget information and Section B identifies budget categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided which presents a detailed breakdown of the proposed costs. The budget shall identify any cost-sharing contribution proposed by the applicant, as well as any additional financial commitments made by other sources. In preparing their cost proposals, applicants shall assume that the award will be made by February 21, 1996, and should prepare their applications accordingly.

2. Applications shall include a project narrative statement which addresses the following:

(a) Identifies the objectives, goals, and anticipated outcomes of the proposed research effort and the approach or methods that will be used to achieve these ends, and discusses the specific issues previously mentioned in this Notice, i.e., developmental level, physiological factors, value judgment, compatibility with the existing Functional Capability Index, and index validation;

(b) Identifies the proposed plan for conducting the activities of the research effort, including a schedule of milestones and their target dates, and for assessing the project accomplishments. It shall also include a plan for the effective dissemination of the research results;

(c) Identifies the types and sources of data that will be used in this research effort, including approaches to insure compatibility of data and the arrangements made or agreements entered into to insure access to needed data. Prior to submitting any such data to NHTSA, the recipient will be required to purge any information from which the personal identity of individuals may be determined;

(d) Identifies the proposed program director and other key personnel identified for participation in the proposed research effort, including description of their qualifications and their respective organizational responsibilities; and

(e) Describes the applicant's previous experience or on-going research program that is related to this proposed research effort.

Review Process and Criteria

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to assure that the application contains all of the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The Technical Evaluation Committee will be augmented by non-voting specialty experts from the National Institute of Child Health and Human Development, the National Center for Rehabilitation Medicine and the Bureau

of Maternal and Child Health. The applications will be evaluated using the following criteria:

1. The technical merit of the proposed research effort, including the feasibility of the approach, planned methodology and anticipated results.

2. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical and support staff.

3. The adequacy of the plans for disseminating the research results to effectively contribute to the base of knowledge through the scientific literature, popular press, etc.

Terms and Conditions of the Award

1. Prior to award, the recipient must comply with the certification requirements of 49 CFR Part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR Part 29, Department of Transportation Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

2. During the effective period of the cooperative agreement awarded as a result of this notice, the agreement shall be subject to the general administrative requirements of 49 CFR Part 19, Department of Transportation Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations; the cost principles of OMB Circular A–21, or A–122, or FAR 31.2, as applicable to the recipient, and the NHTSA General Provisions for Assistance Agreements.

3. If human subjects are to be used in any portions of this research, applications must include certification that the applicable provisions of 49 CFR Part 11 and NHTSA Order 700–1 will be followed.

4. Reporting Requirements and Deliverables: The recipient shall submit a quarterly performance report in letter format within 15 days after each quarter; a draft final report and draft technical summary within 24 months after award; a camera ready reproducible final report and technical summary, and any data bases and computer programs developed as part of this cooperative agreement, within 27 months of award. An original and two copies of each report shall be submitted to the COTR.

Issued on: November 7, 1995.

Donald C. Bischoff,

Associate Administrator for Plans and Policy.

References

1. MacKenzie E J et al., Development of the Functional Capacity Index (FCI), DOT HS 808 160 July 1994

2. Association for the Advancement of Automotive Medicine, The Abbreviated Injury Scale, 1990 Revision, Des Plaines IL

3. Luchter S. An Estimate of the Long Term Consequences of Motor Vehicle Injuries, Proceedings of the Enhanced Safety Vehicle Conference, May 1994

4. Haley S M et al., Pediatric Evaluation of Disability Inventory, New England Medical Center, 1989

5. Granger C V, Hamilton B B, Kayton R. Functional Independence Measure for Children (WeeFIM), Research Foundation, State University of New York, 1987

6. This hypothesis is an extension of the approach to pediatric injury severity in the Abbreviated Injury Scale. Except for brain hematomas, blood loss in severe lacerations, or internal bleeding due to abdominal or thoracic injuries, the AIS '90 scale does not differentiate between pediatric and other populations. See The Abbreviated Injury Scale 1990 Revision p4 for a discussion of pediatric injury severity.

[FR Doc. 95–28100 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor Vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before December 14, 1995.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11570–N	KYB Corp., Lombard, IL	49 CFR 172.200, 172.300, 173.306(f)(2)(iii), 173.306(f)(3)(i), 174.24, 177.817.	To authorize the manufacture, mark and sale of certain shock absorbers, struts, and shock absorber cartridges, for transportation in commerce as accumulators to be shipped without required labels, markings or shipping papers. (Modes 1, 2, 3, 4, 5.)
11572–N	North American Biologicals, Inc., Miami, FL.	49 CFR 173.196	To authorize the transportation of infectious substances in specially designed packaging, (Mode 1.)
11573–N	Colorite Polymers Co., Burlington, NJ.	49 CFR 174.67(i) & (j)	To authorize tank cars containing vinyl chloride, Division 2.1, to remain connected during unloading without the physical presence of an unloader. (Mode 2.)
11575-N	Chem-Nuclear Systems, Inc., Columbia, SC.	49 CFR 172.201(a)(1), 172.203(d).	To authorize the transportation of low-level radioactive material with shipping papers which deviate from the requirements of 49 CFR. (Modes 1, 2, 3, 4, 5.)
11576-N	Tempo Products Co., Cleveland, OH.	49 CFR 178.509(7)	To authorize the manufacture, mark and sale of non-DOT specification containers of polyethylene resin for use in transporting fuel in amounts that exceed the capacity rate. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11577-N	Los Angeles Chemical Co., South Gate, CA.	49 CFR 177.848(d)	To authorize the transportation of sodium hydrosulfite, Division 4.2 in the same transport vehicle with Class 8 material. (Mode 1.)
11578-N	General Alum & Chemical Co., Searsport, MA.	49 CFR 174.67(j)	To authorize tank cars to remain connected during unloading process of sulfuric acid without the physical presence of an unloader. (Mode 2.)
11579-N	Dyno Nobel Inc., Salt Lake City, UT.	49 CFR 177.848(e)(2)	To authorize the transportation in commerce of Division 1 material and Class 8 material in the same non-DOT specification compartmented vehicles. (Mode 1.)
11580-N	The Columbiana Boiler Co., Columbiana, OH.	49 CFR 173.158(b), (g) & (h), 173.192(a), 173.201, 173.202, 173.203, 173.226, 173.227, 173.336, 173.40(a).	To authorize the manufacture, mark and sale of non-DOT specification stainless steel cylinders conforming to DOT 4BW welded steel cylinder for use in transporting certain hazardous materials. (Modes 1, 2, 3, 4, 5.)
11582-N	Mapco Alaska Petroleum, Inc., North Pole, AL.	49 CFR 173.31(b)(3)	To authorize the use of a 29 inch rigid aluminum pipe wrench from end of handle to outer jaw for use in ''securing closures'' on outlet valve caps of tank cars. (Mode 2.)
11583-N	Alaska Railroad Corp., Anchorage, AL.	49 CFR 174.82(b)	To authorize the transportation of freight traffic and passengers in mixed train service. (Mode 2.)
11584-N	Monsanto Co., St. Louis, MO	49 CFR 173.188	To authorize the transportation of phosphorous samples in specification packaging without the additional 4C1 wooden boxes. (Mode 1.)
11586-N	Chem Coast Inc., La Porte, TX	49 CFR 172, 173, Parts 107	To authorize limited quantities of various hazardous materials (test kits) contained in specially designed packagings to be exempt from shipping paper, marking and labeling requirements. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 7, 1995.

J. Suzanne Hedgepeth,

Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–28101 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–60–M

Applications for Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applications for Modification of Exemptions or Applications to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denotes a modification request. Application numbers with the suffix ''P'' denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before November 29, 1995.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If the confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Applicant	Renewal of exemption
3216–M	E.I. DuPont de Nemours & Co., Wilmington, DE (See Footnote 1)	3216
7954–M	Air Products & Chemicals, Inc., Allentown, PA (See Footnote 2)	7954
8556–M	Air Products & Chemicals, Inc., Allentown, PA (See Footnote 3)	8556
10094–M	Air Products, Allentown, PA (See Footnote 4)	10094
11260–M	Texas Instruments, Inc., Attleboro, ME (See Footnote 5)	11260
11516–M	Falcon Safety Products, Inc., Sommerville, NJ (See Footnote 6)	11516
11562–M	Monmsanto Co., Chemical Group, St. Louis, MO (See Footnote 7)	11562

(1) To modify the exemption to provide for additional Division 2.2 mixture to be transported in DOT Specification 110A300W tank cars.
(2) To modify the exemption to provide for additional compressed gas mixtures in DOT Specification cylinders.

(3) To modify the exemption to provide for an additional design portable tank for use in transporting liquified hydrogen.
(4) To modify the exemption to provide for alternative liner to be used in insulated tank car tanks for use in transporting ammonium nitrate solution in DOT Specification 111A100W1.
(5) To modify the exemption to increase the gross weight of airbag pressure switches to be shipped in specially designed packaging.
(6) To reissue an exemption originally issued on an emergency basis to authorize the transport of HFC–152a in specification DOT 2Q containers overpacked in strong outside packages.
(7) To reissue an exemption originally issued on an emergency basis to authorize the transportation in commerce of benyzl chlorine in phenolic lined UN1A1 drums.

Application No.	Applicant	Parties to exemption
4884–P	BOC Gases, Brisbane, CA	4884
8451–P	Mason & Hanger-Silas Mason Co., Inc., Middletown, IA	8451
8958–P	Hodgdon Power Company, Inc., Shawnee Mission, KS	8958
9657–P	PVS Chemicals, Inc. (New York), Buffalo, NY	9657
9694–P	Elf Atochem North America, Portland, OR	9694
9723–P	Envirotech Systems, Inc., Seattle, WA	9723
9741–P	U.S. Department of Energy, Washington, DC	9741
10094–P	Simplot Canada Limited, Brandon, Manitoba, CN	10094
10114–P	America West Airlines, Phoenix, AZ	10114
10298–P	Woods Air Fuel, Inc., Palmer, AK	10298
10647–P	Edwall Chemical Corporation, Edwall, WA	10647
11156–P	Cheri-Lee, Inc., Kulpmont, PA	11156
11197–P	Henry J. Kaiser Company, Fairfax, VA	11197
11197–P	ICF Kaiser Engineers, Inc., Fairfax, VA	11197
11207–P	Oklahoma Gas & Electric Services, Oklahoma City, OK	11207
11207–P	Northeast Utilities Service Company, Berlin, CT	11207
11294–P	Ashland Chemical Company, Columbus, OH	11294
11320–P	BASF Corporation, Mount Olive, NJ	11320
11516–P	Photoco, Inc., Cleveland, OH	11516

This notice of receipt of applications for modification of exemptions and for party to an exemption is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 7, 1995.

J. Suzanne Hedgepeth,

Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–28102 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–60–M

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., December 1, 1995, at the Corporation's Washington, D.C. office, 400 7th Street, S.W., Suite 5424, Washington, D.C. 20590. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; Business; and Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Acting Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than November 16, 1995, Marc C. Owen, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on November 6, 1995.

Marc C. Owen,

Advisory Board Liaison.

[FR Doc. 95–27977 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–61–M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under Office of Management and Budget (OMB) Review

AGENCY: United States Information Agency.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), federal agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the Agency will make such a submission. The information collection activity involved with this program is conducted pursuant to the mandate given to the United States Information Agency (USIA) under the terms and conditions of E.O. 10450. USIA is requesting approval for a revision and three-year extension of an information collection entitled ''Overseas Activities Data'', under OMB control number 3116–0014 which expires December 31, 1995. Estimated burden hours per response is thirty minutes.

DATES: Comments are due on or before January 16, 1996.

COPIES: Copies of the Request for Clearance (OMB 83-I), supporting statement, and other documents that will be submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, United States Information Agency, M/ADD, 301 Fourth Street, S.W., Washington, D.C. 20547, telephone (202) 619–4408; and OMB review: Mr. Jefferson Hill, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket

Library, Room 1002, NEOB, Washington, D.C. 20503, Telephone (202) 395–3176.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. As part of its continuing effort to reduce the paperwork burden, USIA invites the general public and other Federal agencies to comment on the proposed information collection as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information has practical utility; (b) the accuracy of the Agency's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate or any other aspect of this collection of information to the United States Information Agency, M/ADD, 301 Fourth Street, S.W., Washington, D.C. 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, D.C. 20503.

Title: Overseas Activities Data.

Form Numbers: IAP–10.

Abstract: The form serves as a supplement to SF–86, ''Security Investigation Data for Sensitive Positions'' and is used to obtain names of persons currently in the United States, who have personal knowledge of the overseas activities of applicants for employment in the domestic or foreign service. The information is for security purposes only.

Proposed Frequency of Responses: No. of Respondents—200; Recordkeeping Hours—.50; Total Annual Burden—100.

Dated: November 3, 1995.

Cathy Brown,

Alternate Federal Register Liaison.

[FR Doc. 95–28080 Filed 11–13–95; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Proposed Information Collection Activity; Public Comment Request: Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter, VA Form 26–8736a

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0253.

Title and Form Number: Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter, VA Form 26–8736a.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is submitted to VBA by a nonsupervised lender with the initial application for authority to close loans on an automatic basis or in connection with nominations of additional or new credit underwriters, subsequent to approval. The information is used by VBA to determine if the lender's nominee is qualified to close VA loans on an automatic basis.

Current Actions: Title 38, U.S.C., Section 3702(d) provides for nonsupervised lenders to make automatic guaranteed loans if approved for such purpose, and if the loans are made pursuant to the standards established by the Secretary of Veterans Affairs. The standards established by the Secretary require that a lender have a qualified underwriter review all loans to be closed on an automatic basis to determine that the loan meets VA's credit underwriting standards.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 3,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–27996 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Study of Environmental Health and Persian Gulf War Syndrome, VA Form 10–20989(NR)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Health Administration (VHA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Ann Bickoff, Veterans Health Administration (161B4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VHA request for Office of Management and Budget (OMB) approval. In this document VHA is soliciting comments concerning the following information collection:

OMB Control Number: None Assigned.

Title and Form Number: Study of Environmental Health and Persian Gulf War Syndrome, VA Form 10–20989(NR).

Type of Review: Existing collection in use without an OMB control number.

Need and Uses: This information collection will be a case controlled study to describe and elucidate the causes of Gulf War Syndrome. Participants will be 2,000 veterans of the Persian Gulf War who currently reside in Oregon and Washington.

Current Circumstances: The overall goal of this epidemiologic survey and case control study is to determine whether the occurrence of unexplained symptoms referred to as ''Gulf War Syndrome'' is associated with any environmental exposure(s) encountered while in the Persian Gulf War theater. Information collection is necessary to document the presence, onset, duration and severity of symptoms as well as the frequency and type of environmental exposures experienced. The study will be conducted in two phases: Phase I consists of epidemiologic survey activities designed to locate a sample of Persian Gulf War veterans and identify those who may be experiencing unexplained symptoms (potential cases) and those who report no symptoms (potential controls). Phase II will consist of a case control study involving clinical examination and testing activities. Only forms for Phase I survey activities are submitted here; protocols and forms for the Phase II case control will be submitted under separate cover when fully developed.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,833 hours.

Estimated Average Burden Per Respondent: 1 hour and 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 2,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–27997 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: VA MATIC Authorization, VA Form 29–0532 and 29–0532–1

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0492.

Title and Form Number: VA MATIC Authorization, VA Form 29–0532 and 29–0532–1.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used by policyholders to authorize deductions from his/her bank accounts to pay insurance premiums. The information is used by VBA to process the policyholder's request.

Current Actions: Title 38, U.S.C. 1908(d) provides for the time and method of payment of the premiums on Government Life Insurance polices. No insurance deductions may be made unless a complete authorization is received. The information provided by the policyholder is on a voluntary basis. VA MATIC uses the latest technology in the banking industry (Preauthorized Electronic Funds Transfer) to automatically deduct monthly insurance premium payments for the policyholder's bank account.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 3,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–27998 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Adjacent Gravesite Set-Aside Survey (1 Year), VA Form Letter 40–40

AGENCY: National Cemetery System, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, National Cemetery System (NCS) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for

the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Wayne Kenney, National Cemetery Area Office (787), Department of Veterans Affairs, P.O. Box 11720, 5000 Wissahickon Avenue, Philadelphia, PA 19101. All comments will become a matter of public record and will be summarized in the NCS request for Office of Management and Budget (OMB) approval. In this document NCS is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0546.

Title and Form Number: Adjacent Gravesite Set-Aside Survey (1 Year), VA Form Letter 40–40.

Type of Review: Extension of a currently approved collection.

Need and Uses: The information requested by the form letter is needed to determine if individuals holding gravesite set-asides in national cemeteries wish to retain the set-aside and whether their eligibility for the set-aside has been affected.

Current Actions: In 1982, the Adjacent Gravesite Set-Aside Program was established which allows cemeteries to administer gravesites set-aside at cemeteries where 4′×8′ single-depth interments are authorized. This program permits an adjacent gravesite being set aside at the time of the first interment of a veteran—s family for its future use. An automated Adjacent Gravesite Set-Aside Survey System (AGSSS) was developed and managed by the staff at Philadelphia National Cemetery Area Office. A database was formulated to record the names of the holders and contain information about the particular adjacent gravesite set-aside (AGS). Computer generated form letters are sent to AGS holders annually to ascertain their wish to retain their set-aside, or wish to relinquish it. If a holder cancels his/her set-aside or becomes ineligible, the gravesite set-aside is then relinquished, and will be used for another eligible veteran and/or dependent. Upon return of the form letter, action is taken by the national cemetery staff to update the database.

Affected Public: Individuals or households.

Estimated Annual Burden: 6,334 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 38,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: November 2, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–27999 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Monthly Record of Training and Wages, VA Form 20–1905c

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0176.

Title and Form Number: Monthly Record of Training and Wages, VA Form 20–1905c.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Need and Uses: The requested information is used to verify the training history and to determine the continuing entitlement to benefits. The form reports the number of hours spent each month on each unit of training.

Current Actions: For each chapter 31 rehabilitation program participant, VBA is required to define the instruction that a facility provides and certify program pursuit and attendance. VA Form 20–1905c is provided to on-job training establishments and to trainers in certain special programs for use if they do not normally maintain similar records of progress in training. This usage includes training programs that neither the Department of Labor nor a joint apprenticeship council has approved. In general, these establishments do not have an extensive history of providing on-job training, but VA has approved them for chapter 15 or 31 participants. In addition, facilities may use the form for eligible persons training under Title 38 U.S.C. Chapter 35. The authority to collect this information is provided in 38 U.S.C., Sections 3104, 3111, and 3677. The monthly collection of chapter 31 wage data is required by 38 U.S.C., Section 3108(c)(1) and 38 CFR 21.296.

Affected Public: Business or other for-profit, Individuals or households, and Not-for-profit institutions.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Monthly.

Estimated Number of Respondents: 1,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–28000 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Financial Statement, VA Form 26–6807

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal

agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0047.

Title and Form Number: Financial Statement, VA Form 26–6807.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is completed by respondents (veteran-obligors and prospective assumers) in connection with release of liability and substitution of entitlement cases. The information collection is essential to determinations for release of liability and substitution of entitlement cases.

Current Actions: Under the provisions of 38 U.S.C., 3714, VA may release original veteran-obligors from personal liability arising from the original guaranty of their home loans, or the making of a direct loan, provided purchasers/assumers meet the necessary requirements, among which is qualifying from a credit standpoint. Substitution of entitlement is authorized by 38 U.S.C., 3702(b)(2) and prospective veteran-assumers must also meet the creditworthiness requirements. The form may also be used to determine a borrower's financial condition in connection with efforts to reinstate a seriously defaulted guaranteed, insured, or portfolio loan. In addition, the form may be used in determining the eligibility of homeowners for aid under the Homeowners Assistance Program, Public Law 89–754, which provides assistance by reducing losses incident to the disposal of homes when military installations at which the homeowners were employed or serving are ordered closed in whole or in part.

Affected Public: Individuals or households.

Estimated Annual Burden: 30,000 hours.

Estimated Average Burden Per Respondent: 45 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 40,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–28008 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Request for Postponement of Offsite or Exterior Onsite Improvements—Home Loan, VA Form 26–1847

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0040.

Title and Form Number: Request for Postponement of Offsite or Exterior Onsite Improvements—Home Loan, VA Form 26–1847.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form serves as the lender's and veteran's request for guaranty of home loan for which offsite or exterior onsite improvements are incomplete to permit the veteran's occupancy of the property. Without this information, it would not be possible for loans to be guaranteed in such cases with adequate protection for the veteran and VA, and for veterans to occupy affected properties.

Current Actions: VA is directed by Title 38 U.S. Code with assuring that properties proposed for VA financing meet certain standards, are suitable as dwellings, and that proposed loans do not exceed the VA-established reasonable value of the property. The reasonable value, in case of new construction, is based on the anticipated value of the dwelling and all improvements after completion. New homes often cannot be completed in every respect because of weather conditions or other circumstances. However, VA policies permit the closing of loans in such cases when the house itself is basically complete, but certain offsite or exterior onsite improvements are incomplete. For such cases, funds amounting to one and one-half times the cost of completion must be deposited with a third party, or other incentives to completion must be present which are acceptable to VA. Escrow funds may only be used to complete the remaining improvements. These procedures make it possible for loans to be guaranteed in such cases with adequate protection for the veteran and VA, and for veterans to occupy affected properties.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 2,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 5,000.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to

Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–28009 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Proposed Information Collection Activity; Public Comment Request: Verification of Pursuit of Course (Leading to a Standard College Degree), VA Form 22–6553

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received on or before January 16, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0355.

Title and Form Number: Verification of Pursuit of Course (Leading to a Standard College Degree), VA form 22–6553.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form is used by schools to certify enrollment information and to report changes in a student's enrollment status. The information is used to determine if VA education benefits are affected.

Current Actions: VA is authorized to pay education benefits to veterans and other eligible persons pursuing approved programs of education under Chapters 32 and 35, Title 38, U.S.C.; Chapter 1606 of Title 10, U.S.C.; and Section 903 of Public Law 96–342. Benefits are not payable when pursuit of the program is interrupted or terminated, or is not in accordance with the regularly established policies and regulations of the school. Schools are required to report, without delay to VA, in the form required by VA, failure to enroll, an interruption or termination, or a finding of unsatisfactory progress or conduct. Schools are also required to verify the continued enrollment of degree-seeking students whose enrollment has previously certified to VA for a period of more than one semester, quarter, or term. VA Form 22–6553 serves as this verification of enrollment and report of change in enrollment status. For students receiving assistance under chapter 1606 Title 10, U.S.C., schools receive computer generated letters containing the same information (essentially a computer generated letter requesting the same information requested on VA Form 22–6553). These forms are associated with all other forms for the school and sent in a packet with a cover letter.

Affected Public: State, Local or Tribal Government and Not-for-profit institutions.

Estimated Annual Burden: 35,240 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,286.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Ron Taylor, VA Clearance Officer (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: October 31, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–28010 Filed 11–13–95; 8:45 am]

BILLING CODE 8320–01–P

Sunshine Act Meetings

Federal Register

Vol. 60, No. 219

Tuesday, November 14, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2:00 p.m., Tuesday, December 19, 1995.

PLACE: 1155 21st St., N.W., Washington, D.C. Lobby Level Hearing Room located at Room 1000.

STATUS: Open.

MATTERS TO BE CONSIDERED: Roundtable Discussion on the Prohibition of Agricultural Trade Options.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–28160 Filed 11–9–95; 11:09 am]

BILLING CODE 6351–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION, WASHINGTON, DC 20207

TIME AND DATE: 10:00 a.m., Friday, November 17, 1995.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS:

Open to the Public

MATTERS TO BE CONSIDERED: *1. CPSC Vice Chairman*

The Commission will elect a Vice Chairman.

2. FY 1996 Operating Plan

The staff will brief the Commission on issues related to the Commission's Operating Plan for Fiscal Year 1996.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway., Bethesda, MD 20207 (301) 504–0800.

Dated: November 8, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–28246 Filed 11–9–95; 3:10 pm]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: 60 FED. REG. 55085, FRIDAY OCTOBER 27, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Tuesday, November 14, 1995.

CHANGE IN THE MEETING: There will be a closed session for the meeting rescheduled for November 14, 1995, to consider General Counsel recommendations on litigation authorizations.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: November 9, 1995.

Francis M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 95–28191 Filed 11–9–95; 8:45 am]

BILLING CODE 6750–06–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 16, 1995, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports

COO's Fourth Quarter FY 1995 Report

a. Exam Schedule/Funding Report/ Emerging Issues/Other Matters

b. Windows NT Project

C. New Business

Regulations

a. Regulatory Burden Issues/Phase II [12 CFR Chapter VI] (Notice)

b. Issuance of Systemwide Debt Securities in Global Markets [12 CFR Part 615] (Interim Rule)

c. Systemwide Securities Sold in Foreign Currencies [12 CFR Part 615, Subpart O] (ANPRM)

d. Regional Election of Directors [12 CFR Parts 615 and 620] (Final)

Closed Session*

A. Reports

OSMO's Quarterly Report

Dated: November 9, 1995.

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (8) and (9).

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–28161 Filed 11–9–95; 11:12 pm]

BILLING CODE 6705–01–P

FEDERAL HOUSING FINANCE BOARD

''FEDERAL REGISTER''CITATION OF PREVIOUS ANNOUNCEMENT: 60 FR 55885, November 3, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., November 8, 1995.

CHANGES IN THE MEETING: The following topic was withdrawn from the open portion of the meeting:

- Technical Amendment to the Community Support Regulation.

The following topic was withdrawn from the closed portion of the meeting:

- FHLBank of San Francisco Affordable Housing Subsidies on Guaranteed Rate Advances.

The following topic was moved from the open portion to the close portion of the meeting:

- 1996 Strategic Plan for Examinations of the FHLBanks.

The Board determined that agency business requires its consideration of these matters on less than seven days notice to the public and that no earlier notice of these changes in the subject matter of the meeting was possible.

The item moved to the closed portion of the meeting is pursuant to section

552b(c) (8) of title 5 of the United States Codes.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 95–28125 Filed 11–8–95; 4:49 pm]

BILLING CODE 6725–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, November 20, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals relating to Federal Reserve System benefits.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 9, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–28254 Filed 11–9–95; 3:56 pm]

BILLING CODE 6210–01–P

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:00 a.m., Friday, November 17, 1995.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC.

STATUS: Consideration of the first agenda item will be open to the public. Consideration of the second and third agenda items will be in closed session.

MATTERS TO BE CONSIDERED:

(1) Proposal to create an experimental ''Discovery Period Extension''.

(2) Discuss the identification of official who render initial decisions on Board final orders and short forms.

(3) Discuss the issuance of modified short forms.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Shannon McCarthy, Deputy Clerk of the Board, (202) 653–7200.

Dated: November 8, 1995.

Shannon McCarthy,

Deputy Clerk of the Board.

[FR Doc. 95–28126 Filed 11–8–95; 4:49 pm]

BILLING CODE 7400–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on November 6, 1995, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for December 4, 1995, in Washington, D.C. The members will consider a funding request for truck tractors and spotters.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, Rider, and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and section 7.3(i) of Title 39, Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information, the premature disclosure of which would significantly frustrate a proposed management action.

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(9)(B) of Title 5, United States Code; and section 7.3(i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 95–28247 Filed 11–9–95; 3:30 pm]

BILLING CODE 7710–12–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 November 13, 1995.

A closed meeting will be held on Thursday, November 16, 1995, at 11:00 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 Thursday, November 16, 1995, at 11:00 a.m., will be:

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Formal order of investigation.
Options.

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 postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: November 8, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–28166 Filed 11–9–95; 3:10 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 60, No. 219
Tuesday, November 14, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping Duty Administrative Reviews; Time Limits

Correction

In notice document 95–27559 beginning on page 56141 in the issue of Tuesday, November 7, 1995, make the following corrections:

On page 56142, in the table, in the third column, the first four entries now reading ''1/12/94'' should read ''1-12/94''.

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34083; FRL 4982-1]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

Correction

In notice document 95–27064 beginning on page 55576 in the issue of Wednesday, November 1, 1995 make the following corrections:

(1) On page 55576, in the first column, under **DATES**, in the fourth line remove ''(*insert date 90 days after date of publication in the* Federal Register)'' and insert ''January 30, 1996''.

(2) On the same page, in the 3d column, in the 1st full paragraph, in the 11th line remove ''(*insert date 90 days after date of publication*)'' and insert ''January 30, 1996''.

BILLING CODE 1505–01–D

Federal Register

Tuesday
November 14, 1995

Part II

Department of Labor

Employment and Training Administration

Department of Education

Office of Vocational and Adult Education;
Urban/Rural Opportunities Grants;
Application Procedures; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education; School-to-Work Opportunities; Urban/Rural Opportunities Grants; Application Procedures

AGENCIES: Employment and Training Administration, Department of Labor. Office of Vocational and Adult Education, Department of Education.

ACTION: Notice of availability of funds, solicitation for grant application (SGA), an administrative cost cap, a definition of administrative costs, and final selection criteria for School-to-Work Urban/Rural Opportunities Grants.

SUMMARY: This notice announces the fiscal year (FY) competition for Urban/Rural Opportunities Grants authorized under Title III of the School-to-Work Opportunities Act of 1994 (the Act). This notice contains all of the necessary information and forms needed to apply for grant funding in FY 1995. The Departments of Labor and Education (the Departments) also establish final selection criteria to be used in evaluating applications submitted under the Urban/Rural Opportunities Grant competition in FY 1995 and in succeeding years. Urban/Rural Opportunities Grants will enable local partnerships serving youth who reside or attend school in high poverty areas to develop and implement School-to-Work Opportunities intiatives in high poverty areas of urban and rural communities. These intiatives will offer young Americans in such communities access to School-to-Work Opportunities programs specifically designed to address barriers to their successful participation in such programs and to prepare them for first jobs in high-skill, high-wage careers and further education and training.

DATES: Applications for grant awards will be accepted commencing November 14, 1995. The closing date for receipt of applications is January 29, 1996, at 2 p.m. (Eastern time) at the address below. Telefacsimile (FAX) applications will not be accepted.

ADDRESSES: Applications must be mailed to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.278D, Washington, DC 20202–4725.

FOR FURTHER INFORMATION CONTACT: Karen Clark, National School-to-Work Office, Telephone: (202) 401–6222 (this is not a toll-free number). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Section A. Background

The Departments of Labor and Education are reserving funds appropriated for FY 1995 under the Act (Public Law 103–329) for a competition for Urban/Rural Opportunities Grants authorized under Title III of the Act. Grants under this competition will be awarded to local partnerships that serve high poverty areas and that are also prepared to develop and implement local School-to-Work Opportunities initiatives in these areas. The Departments recognize that high poverty areas face particular challenges in implementing such initiatives, including: few large private or public employers in high poverty areas; dropout rates that, in many cases, are over 50 percent; poorer students who may be much less aware of college opportunities than students in other areas; strong peer pressure that does not necessarily promote achievement among youth; pressure on youth from situations outside of school which may affect their school performance; schools with students of more diverse ethnic and racial backgrounds than schools in other areas; proportionately more out-of-school youth than in other areas; and uneven quality in educational and employment opportunities among high poverty area youth.

Due to these particular challenges, a local partnership in a high poverty area must identify and address a great variety of needs of youth residing or attending school in these areas. The Departments encourage applications from only those local partnerships that propose innovative and effective ways to deliver the common features and basic program components as outlined in Title I of the Act and that have the potential to serve large numbers of students who reside or attend school in the targeted area. Further, the Departments wish to emphasize the importance of a local partnership's ability to coordinate its strategies for serving in-school and out-of-school youth; for achieving its planned goals and outcomes; for assessing and addressing the multiple needs of high poverty area youth, particularly human service needs; and for linking effectively with both schoolwide reform efforts and with the State's plan for a comprehensive School-to-Work Opportunities system.

In accordance with the authority provided in Section 5 of the Act, the Departments have determined that the administrative provisions contained in the Education Department General Administrative Regulations (EDGAR), at 34 CFR Parts 74, 75, 77, 79, 80, 82, 85 and 86, will apply to grants awarded to local partnerships under this Urban/Rural Opportunities Grant competition.

This notice establishes a definition of the term ''administrative costs,'' a 10 percent cap on administrative costs incurred by local partnerships receiving grants under Title III, and the selection criteria that will be used in evaluating applications submitted in response to this year's competition, and contains all of the other necessary information and forms needed to apply for grant funding.

Public Comment

It is the practice of the Secretaries to offer to interested parties the opportunity to comment on proposed solicitations under the Act. However, as explained elsewhere in this notice, the selection criteria contained in this notice were previously published for public comment (See 60 FR 46984–47009, September 8, 1995). The eligibility criteria and funding priority contained in this notice are statutory. For these reasons, the Secretaries have determined that further public comment on the content of this notice is unnecessary and contrary to the public interest.

Section B. Purpose

Under this competition, the Departments will award grants to local partnerships serving youth who reside or attend school in high poverty areas that have built a sound planning and development base for their school-to-work programs, to begin implementation of School-to-Work Opportunities initiatives that will become part of statewide School-to-Work Opportunities systems. These local initiatives will offer young Americans access to programs designed to prepare them for first jobs in high-skill, high-wage careers, to increase their opportunities for further education and training, and to address the special needs of youth residing or attending school in high poverty areas.

Section C. Application Process

1. Eligible Applicants

(A) Local Partnership Definition

A local entity that meets the definition of ''local partnership'' in section 4(11) of the Act, is eligible to

apply for an Urban/Rural Opportunities Grant. As defined in the Act, an eligible partnership must include employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators, representatives of labor organizations or nonmanagerial employee representatives, and students. Other entities appropriate to effective implementation of a local School-to-Work Opportunities initiative should also be included in the partnership.

Under section 302(b)(2) of the Act, a local partnership is eligible to receive only one (1) Urban/Rural Opportunities Grant.

(B) High Poverty Area Definition

In addition to meeting the definition of ''local partnership'' in section 4(11) of the Act, under section 307 of the Act, applicants seeking funding under this notice are required to meet the definition of ''high poverty area'' as stated in that section and describe the urban or rural high poverty area to be served. The description must include—

- A map indicating the urban census tract, contiguous group of urban census tracts, block number area, contiguous group of block number areas, or Indian reservation to be served by the local partnership;
- The population of each urban census tract, block number area, or Indian reservation to be served, along with the total population of the entire area to be served; and
- The poverty rate for each urban census tract, block number area, or Indian reservation to be served, among individuals under the age of 22, as determined by the Bureau of the Census, along with an average poverty rate among this age group for the entire area to be served.

In accordance with section 307 of the Act, only those applicants that both provide the required population/poverty rate data in their applications in the format outlined in this subsection of this notice and that meet the definition of a high poverty area as described in this subsection will be considered for funding. The Departments intend to pre-screen all applications for high poverty area eligibility prior to the panelists' review and will not consider any applications that do not contain the required population/poverty rate data. Information in addition to what is required in this notice with regard to population/poverty rate data is not necessary and will have no influence upon meeting the high poverty area definition. Applicants will not have the opportunity to submit additional or revised information should a determination be made that the identified area does not meet the high poverty definition.

Note: Census information may be obtained through a local college or university, city planning department, State data center, or through the Data User Service Division of the Bureau of the Census. Applicants are encouraged to utilize local providers of census data. For those applicants who are unable to locate such data, please contact the Census Bureau State Data Center for your local area. A list of State and Local Data Center contacts is included in an appendix to this notice. Population/poverty rate data published by the Bureau of the Census is provided in age ranges: 0–5, 6–11, 12–17, 18–24, and 25 and up. The Departments will accept poverty rate data for either age range up to 17 or up to 25, whichever is higher, for the purposes of eligibility. In order to be considered for funding, areas to be served must be characterized by a poverty rate of 20.0 percent or greater among the age group.

2. State Comments

The local partnership must submit its application to the State for review and comment before submitting the application to the Departments, in accordance with section 303(a) of the Act. The application should be submitted to the State's School-to-Work Contact. A list of State School-to-Work Contacts is included in an appendix to this notice. The Departments expect that the State School-to-Work Contact will provide all members of the State School-to-Work Partnership listed in section 213(b)(4) (A)–(K) of the Act, an opportunity to review and comment on the local partnership's application.

Of particular importance to the Departments are each State's comments on the consistency of the local partnership's planned activities with the State's plan for a comprehensive statewide School-to-Work Opportunities system and the relationship of any proposed activities with other local plans, especially if the grant applicant is not specifically identified as a local partnership within the State system.

In accordance with section 305 of the Act, if a State has an approved State School-to-Work Opportunities plan, the State must confirm that the plan submitted by the local partnership is in accordance with the State plan. The application from the local partnership must contain this confirmation.

Section 303(b)(1) of the Act requires that each State review and comment on a local partnership's application within 30 days from the date on which the State receives the application from the local partnership. Therefore, even though an applicant has 75 days to apply for a Urban/Rural Opportunties Grant under this notice, it must provide its application to its State in time for the State to have at least 30 days before the due date to review and comment on the application.

Furthermore, under section 303(c)(2) of the Act, the State's comments must be included in the local partnership's application. However, if the State does not provide review and comment within the 30-day time period described above, the local partnership may submit the application without State comment. In such a case, the local partnership should provide proof that the State received a copy of the local partnership's application at least 30 days prior to the application due date.

3. Period of Performance

The period of performance for Urban/Rural Opportunities Grants is twelve (12) months from the date of award by the Departments.

4. Option to Extend

Urban/Rural Opportunities Grants may be extended up to four additional years, regardless of the State Implementation Grant status of the State in which the partnership is located. Extensions will be based upon availability of funds and the progress of the local partnership toward its objectives as approved in its application and will be subject to the annual approval of the Secretaries of Labor and Education (the Secretaries). It is likely that the amount of Federal funds, if any, that are awarded to local partnerships under this notice in subsequent years will decrease.

5. Available Funds

Approximately $15 million is available for this competition.

6. Estimated Range of Awards

The amount of an award under this competition will depend upon the scope, quality, and comprehensiveness of the proposed initiative and the relative size of the high poverty area to be served by the local partnership. While there is no limitation on the size of a high poverty area, the Departments expect that the resources available for individual grants will effectively serve high poverty areas of no more than a total of 50,000 in population. The Departments further expect that first-year award amounts will range from a minimum award of $200,000 to a maximum award of $650,000. These estimates are provided to assist applicants in developing their plans.

7. Estimated Number of Awards

The Departments expect to award 25–35 grants under this competition.

Note: The Departments are not bound by any estimates in this notice.

8. Reporting Requirements/Deliverables

(a) Reporting requirements.

The local partnership will be required, at a minimum, to submit—

- Quarterly Financial Reports (SF 269 A);
- Quarterly Narrative Progress Reports;
- An Annual Continuation Application package, if appropriate, including—

—A revised SF 524 and renewed Assurances and Certifications;
—A Narrative Report describing progress toward stated goals, and identifying goals and objectives for the coming year;
—Annual Financial Reports (ED Form 524 B, and SF 269);
—Budget Information for Upcoming Years;

- An Annual Performance Report providing data on performance measures; and
- A close-out report at the end of the grant.

(b) Deliverables.

The local partnership will be required to—

- Provide information on best practices and innovative school- and work-based curricula suitable for dissemination to States and other stakeholders;
- Participate in two grantee meetings per year sponsored by the National School-to-Work Office;
- Act as a host to outside visitors who are interested in developing and implementing School-to-Work Opportunities initiatives in urban or rural areas of high poverty and to other visitors interested in the replication, adaptation and/or impact of successful program elements; and
- Participate as needed in national evaluation and special data collection activities.

9. Application Transmittal Instructions

An application for an award must be mailed or hand delivered by the closing date.

(A) Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention CFDA #84.278D, 600 Independence Avenue, SW, Washington, DC 20202–4725.

An application must show proof of mailing consisting of one of the following:

- A legibly dated U.S. Postal Service Postmark;
- A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;
- A dated shipping label, invoice, or receipt from a commercial carrier; or
- Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretaries do not accept either of the following as proof of mailing:

- A private metered postmark; or
- A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

(B) Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building 3, 7th and D Streets, SW, Washington, DC.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Eastern time) daily, except Saturdays, Sundays and Federal holidays.

Individuals delivering applications must use the D Street Entrance. Proper identification is necessary to enter the building.

In order for an application sent through a courier service to be considered timely, the courier service must be in receipt of the application on or before the closing date.

Section D. Organization and Content of Applications

Applicants are encouraged to submit an original and four (4) copies of their application. The Departments suggest that the application be divided into six distinct parts: detachable description addressing the high poverty area definition, budget and certifications, abstract, State comments, program narrative, and appendices. To ensure a comprehensive and expedient review, the Departments strongly suggest that applicants submit an application formatted follows:

Table of Contents

I. Eligibility Requirements

Part I must contain detailed information as described in the Eligible Applicants, High Poverty Area Definition subsection of this notice and, for pre-screening purposes, should be separate and easily detachable from the remainder of the application.

II. Budget and Certifications

Part I should contain the Standard Form (SF) 424, ''Application for Federal Assistance,'' and SF 524, ''Budget.'' All copies of the SF 424 must have original signatures of the designated fiscal agent. In addition, the budget should include—on a separate page(s)—a detailed cost break-out of each line item on SF 524. All Assurances and Certifications found in an appendix to this notice should also be included in Part II of the application.

III. Abstract

Part III should consist of a one-page abstract summarizing the essential components and key features of the local partnership's plan.

IV. State Comments

Part IV should contain the State's comments on the application. Details on this section can be found under the State Comments heading of this notice.

V. Program Narrative

Part V should contain the application narrative that demonstrates the applicant's plan and capabilities in accordance with the selection criteria contained in this notice. In order to facilitate expeditious evaluation by the panels, applicants should describe their proposed plan in light of each of the selection criteria. No cost data or reference to price should be included in this part of the application. The Departments strongly request that applicants limit the program narrative section to no more than 40 one-sided, double-spaced pages.

VI. Appendices

All applicable appendices including letters of support, resumes, and organizational charts should be included in this section. The Departments recommend that all appendix entries be cross-referenced back to the applicable sections in the program narrative.

Note: Applicants are advised that the peer review panels evaluate each application solely on the basis of the selection criteria contained in this notice and the School-to-Work Opportunities Act. Appendices may be used to provide supporting information. However, in scoring applications, reviewers are required to take into account only information that is presented in the application narrative, which must address the selection criteria and requirements of the Act. Letters of support are welcome, but applicants should be aware that support letters contained in the application will strengthen the application only if they contain commitments that pertain to the selection criteria.

Section E. Safeguards

The Departments will apply certain safeguards, as required under section

601 of the Act, to School-to-Work Opportunities programs funded under this notice. The application must include a brief assurance that the following safeguards will be implemented and maintained throughout all program activities:

(a) No student shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits).

(b) No School-to-Work Opportunities program shall impair existing contracts for services or collective bargaining agreements, and no program funded under this notice shall be undertaken without the written concurrence of the labor organization and employer concerned.

(c) No student shall be employed or fill a job—

(1) When any other individual is on temporary layoff, with the clear possibility of recall, from the same or any substantially equivalent job with the participating employer; or

(2) When the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created with the student.

(d) Students shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety requirements of Federal, State, and local laws.

(e) Nothing in the Act shall be construed so as to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(f) Funds awarded under the Act shall not be expended for wages of students or workplace mentors.

(g) The grantee shall implement and maintain such other safeguards as the Secretaries may deem appropriate in order to ensure that School-to-Work Opportunities participants are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of the Act.

Section F. Waivers

Under Title V of the Act, the Secretaries may waive certain Federal requirements that impede the ability of a State or local partnership to carry out the purposes of the Act. Only local partnerships in States with approved School-to-Work Opportunities plans may apply for waivers. A local partnership that seeks a waiver should contact its State School-to-Work Contact to determine what documentation is required and to whom it should be sent.

In May, 1995, the National School-to-Work Opportunities Office issued a document entitled ''School-to-Work Opportunities Waiver and Plan Approval Process Questions and Answers.'' This document was sent to every Governor and State School-to-Work Contact. The document contains answers to many of the questions that localities may have when preparing their waiver requests. Local Partnerships interested in applying for waivers should contact the National School-to-Work Opportunities Office or their State School-to-Work Contact for a copy of the waivers document.

Section G. Bidders' Conferences

Bidders' Conferences for interested School-to-Work Urban/Rural Opportunities representatives are scheduled from 1:00 p.m. to 4:00 p.m., on the following dates and locations:

- November 17, 1995
  Mary Burch Theater
  Essex County College
  303 University Avenue
  Newark, NJ 07102
  1:00–4:00 p.m., Registration: 12:00–1:00 p.m. (Eastern time).
- November 20, 1995
  Arlington Convention Center
  1200 Ballpark Way
  Arlington, TX 76011
  1:00–4:00 p.m., Registration 12:00–1:00 p.m. (Central time)

Participants at each of the Conferences will receive a detailed description of the School-to-Work Opportunities Act, the selection criteria and high poverty area definition and how they will be applied, and will have the opportunity to ask questions of Federal School-to-Work officials.

All partnerships should pre-register by faxing the names and addresses of up to three members of the local partnership planning to attend, the name of the local partnership, and a phone number to: Kevin Shelton, Training and Technical Assistance Corporation, 2409 18th Street, NW, Washington, DC; FAX #: (202) 408–8308.

Questions regarding the solicitation may be submitted in advance. If you are unable to attend one of the Bidders' Conferences but would like the conference materials and a conference transcript, submit your request via fax to the fax number listed above. All information must be submitted no later than November 15, 1995. You will be sent a confirmation along with hotel accommodation information once your registration has been received; walk-in registration will also be permitted.

Urban/Rural Opportunities Grant Competition

Previous Comments and Changes

On September 8, 1995, the Departments of Labor and Education published a notice establishing final selection criteria, a 10 percent cap on administrative costs, and a definition of the term ''administrative costs'' for the Local Partnership Grant competition and competitions in succeeding years in the Federal Register (60 FR 46984–47009). That notice further contained an analysis of the comments received in response to its prior publication (May 25, 1995, 60 FR 27812–27814) and of the changes made in response to those comments. Since, pursuant to section 302(b)(3) and section 307 of the Act, the only distinctions between the Local Partnership Grant and the Urban/Rural Opportunities Grant are statutory, the Secretaries have chosen to use the same selection criteria that have been subject to notice and comment and to forego publication of proposed selection criteria and proposed definition for this Urban/Rural Opportunities Grant competition. Distinctions established by these sections of the Act can be found under the Eligible Applicants and Selection Criteria headings of this notice.

School-to-Work Local Partnership Grants

Administrative Cost Cap

The Departments are applying the 10 percent cap on administrative costs contained in section 215(b)(6) of the Act to local partnerships receiving grants directly under this competition. Section 215(b)(6) of the Act applies the 10 percent administrative cap to subgrants received by local partnerships from a State. The Departments have concluded that applying the 10 percent cap to local partnerships under this competition is consistent with the Act's intent and its broader limitations on administrative costs. Further, this limitation is consistent with section 305 of Title III, which requires conformity between School-to-Work Opportunities plans of local partnerships and State School-to-Work Opportunities plans.

Definition

All definitions in the Act apply to local School-to-Work Opportunities systems funded under this and future Urban/Rural Opportunities Grant competitions. Since the Act does not contain a definition of the term ''administrative costs'' as used in section 217 of the Act, the Departments will apply the following definition to

this and future competitions for Urban/Rural Opportunities Grants.

The term ''administrative costs'' means the activities of a local partnership that are necessary for the proper and efficient performance of its duties under the Urban/Rural Opportunities Grant pursuant to the School-to-Work Opportunities Act and that are not directly related to the provision of services to participants or otherwise allocable to the program's allowable activities listed in section 215(b)(4) and section 215(c) of the Act. Administrative costs may be either personnel or non-personnel costs, and may be either direct or indirect. Costs of administration include those costs that are related to this grant in such categories as—

A. Costs of salaries, wages, and related costs of the grantee's staff engaged in—

- Overall system management, system coordination, and general administrative functions;
- Preparing program plans, budgets, and schedules, as well as applicable amendments;
- Monitoring of local initiatives, pilot projects, subrecipients, and related systems and processes;
- Procurement activities, including the award of specific subgrants, contracts, and purchase orders;
- Developing systems and procedures, including management information systems, for ensuring compliance with the requirements under the Act;
- Preparing reports and other documents related to the Act;
- Coordinating the resolution of audit findings;

B. Costs for goods and services required for administration of the School-to-Work Opportunities system;

C. Costs of system-wide management functions; and

D. Travel costs incurred for official business in carrying out grants management or administrative activities.

Selection Criteria

Under the School-to-Work Urban/Rural Opportunities Grant competition, the Departments will use the following selection criteria in evaluating applications and will utilize a peer review process in which review teams, including peers, will evaluate applications using the selection criteria and the associated point values. The Departments will base final funding decisions on the ranking of applications as a result of the peer review, and such other factors as replicability, sustainability, innovation, geographic balance, and diversity of system approaches.

Further, as established in section 302(b)(3) of the Act, the Secretaries, in awarding grants under this notice, shall give priority to local partnerships that have demonstrated effectiveness in the delivery of comprehensive vocational preparation programs with successful rates in job placement through cooperative activities among local educational agencies, local businesses, labor organizations, and other organizations. In addition, the Secretaries may consider, as part of the basis for funding decisions under this competition, any other priorities giving special consideration to applications proposing to implement School-to-Work initiatives in areas designated as Empowerment Zones or Enterprise Communities (EZ/EC) under section 1391 of the Internal Revenue Code, as amended, that the Departments may publish in the Federal Register.

Selection Criterion 1: Comprehensive Local School-to-Work Opportunities System (40 Points)

Considerations: In applying this criterion, reviewers will consider—

A. *20 Points.* The extent to which the partnership has designed a comprehensive local School-to-Work Opportunities plan that—

- Includes effective strategies for integrating school-based and work-based learning, integrating academic and vocational education, and establishing linkages between secondary and postsecondary education;
- Is likely to produce systemic change that will have substantial impact on the preparation of all students for a first job in a high-skill, high-wage career and in increasing their opportunities for further learning;
- Ensures all students will have a full range of options, including options for higher education, additional training and employment in high-skill, high-wage jobs;
- Ensures coordination and integration with existing school-to-work programs, and with related programs financed from State and private sources, with funds available from Federal education and training programs (such as the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act); and where applicable, communities designated as Empowerment Zones or Enterprise Communities (EZ/EC);
- Serves a geographical area that reflects the needs of the local labor market (i.e., considers the needs of the local labor market that encompasses the high poverty area), and is able to adjust to regional structures that the State School-to-Work Opportunities plan may identify;
- Targets occupational clusters that represent growing industries in the partnership's geographic area; and, where applicable, demonstrates that the clusters are included among the occupational clusters being targeted by the State School-to-Work Opportunities system; and
- Consistent with section 301(2) of the Act, includes an effective strategy for assessing and addressing the academic and human service needs of students and dropouts within the high poverty area, making improvements or adjustments as necessary, with particular emphasis on the coordination of various human services provided within the community.

B. *20 Points.* The extent to which the partnership's plan demonstrates its capability to achieve the statutory requirements and to effectively put in place the system components in Title I of the School-to-Work Opportunities Act, including—

- A work-based learning component that includes the statutory ''mandatory activities'' and that contributes to the transformation of workplaces into active learning components of the education system through an array of learning experiences such as mentoring, job-shadowing, unpaid work experiences, school-sponsored enterprises, and paid work experiences;
- A school-based learning component that provides students with high-level academic and technical skills consistent with academic standards that the State establishes for all students, including, where applicable, standards established under the Goals 2000: Educate America Act;
- A connecting activities component to provide a functional link between students' school and work activities, and between workplace partners, educators, community organizations, and other appropriate entities;
- Effective processes for assessing skills and knowledge required in career majors, and issuing portable skill certificates that are benchmarked to high-quality standards such as those States will establish under the Goals 2000: Educate America Act, and for periodically assessing and collecting information on student outcomes, as well as a realistic strategy and timetable for implementing the process in concert with the State;
- A flexible School-to-Work Opportunities system that allows students participating in the local system to develop new career goals over time, and to change career majors; and

• Effective strategies for: providing staff development for teachers, worksite mentors and other key personnel; developing model curricula and innovative instructional methodologies; expanding career and academic counseling in elementary and secondary schools; and utilizing innovative technology-based instructional techniques.

Selection Criterion 2: Quality and Effectiveness of the Local Partnership (20 Points)

Considerations: In applying this criterion, reviewers will refer to section 4(11) of the Act and consider—

• Whether the partnership's plan demonstrates an effective and convincing strategy for continuing the commitment of required partners and other interested parties in the local School-to-Work Opportunities system. As defined by the Act, partners must include employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors, or administrators), representatives of labor organizations or nonmanagerial employee representatives, and students, and may include other relevant stakeholders such as those listed in section 4(11)(B) of the Act, including employer organizations; community-based organizations; national trade associations working at the local levels; industrial extension centers; rehabilitation agencies and organizations; registered apprenticeship agencies; local vocational education entities; proprietary institutions of higher education; local government agencies; parent organizations; teacher organizations; vocational student organizations; private industry councils under JTPA; Federally recognized Indian tribes, Indian organizations, and Alaska Native villages; and Native Hawaiian entities;

• Whether the partnership's plan demonstrates an effective and convincing strategy for continuing the commitment of workplace partners and other interested parties in the local School-to-Work Opportunities system;

• The effectiveness of the partnership's plan to include private sector representatives as joint partners with educators in both the design and the implementation of the local School-to-Work Opportunities system;

• The extent to which the local partnership has developed strategies to provide a range of opportunities for workplace partners to participate in the design and implementation of the local School-to-Work Opportunities system, including membership on councils and partnerships; assistance in setting standards, designing curricula, and determining outcomes; providing worksite experiences for teachers; helping to recruit other employers; and providing worksite learning activities for students such as mentoring, job shadowing, unpaid work experiences, and paid work experiences;

• The extent to which the roles and responsibilities of the key parties and any other relevant stakeholders, are clearly defined and are likely to produce the desired changes in the way students are prepared for the future;

• The extent to which the partnership demonstrates the capacity to build a quality local School-to-Work Opportunities system; and

• Whether the partnership has included methods for sustaining and expanding the partnership, as the program expands in scope and size.

Note: As indicated in the Background section of this notice, in accordance with section 301(2) of the Act, the Departments recognize the significance of a local partnership's capability to provide for a broad range of services that sufficiently address the various needs of high poverty area youth. Applicants are, therefore, reminded that local partnerships should include members that are appropriate to the effective implementation of the local initiative, particularly community-based organizations and others experienced in dealing with the distinctive needs of youth residing or attending schools in high poverty areas.

Selection Criterion 3: Participation of All Students (15 Points)

Considerations: In applying this criterion, reviewers will refer to the definition of the term ''all students'' in section 4(2) of the Act, and consider—

• The extent to which the partnership will implement effective strategies and systems to provide all students with equal access to the full range of program components specified in sections 102 through 104 of the Act and related activities such as recruitment, enrollment, and placement activities, and to ensure that all students have meaningful opportunities to participate in School-to-Work Opportunities programs;

• Whether the partnership has identified potential barriers to the participation of any students, and the degree to which it proposes effective ways of overcoming these barriers;

• The degree to which the partnership has developed realistic goals and methods for assisting young women to participate in School-to-Work Opportunities programs leading to employment in high-performance, high-paying jobs, including non-traditional jobs;

• The partnership's methods for ensuring safe and healthy work environments for students, including strategies for encouraging schools to provide students with general awareness training in occupational safety and health as part of the school-based learning component, and for encouraging workplace partners to provide risk-specific training as part of the work-based learning component, as well the extent to which the partnership has developed realistic goals to ensure environments free from racial and sexual harassment; and

• The extent to which the partnership's plan provides for the participation of a significant number or percentage of students in School-to-Work Opportunities activities listed under Title I of the Act.

Selection Criterion 4: Collaboration With State (15 Points)

Considerations: In applying this criterion, reviewers will consider—

• The extent to which the local partnership has effectively consulted with its State School-to-Work Opportunities Partnership, and has established realistic methods for ensuring consistency of its local strategies with the statewide School-to-Work Opportunities system being developed by that State Partnership;

• Whether the local partnership has developed a sound strategy for integrating its plan, as necessary, with the State plan for a statewide School-to-Work Opportunities system;

• The extent to which the local partnership has developed effective processes through which it is able to assist and collaborate with the State in establishing the statewide School-to-Work Opportunities system, and is able to provide feedback to the state on their system-building process; and

• Whether the plan includes a feasible workplan which describes the steps that will be taken in order to make the local system part of the State School-to-Work Opportunities System, including a timeline that includes major planned objectives during the grant period.

Selection Criterion 5: Management Plan (10 Points)

Considerations: In applying this criterion, reviewers will consider—

• The feasibility and effectiveness of the partnership's strategy for using other resources, including private sector resources, to maintain the system when Federal resources under the School-to-

Work Opportunities Act are no longer available;

- The extent to which the partnership's management plan anticipates barriers to implementation and proposes effective methods for addressing barriers as they arise;
- Whether the plan includes feasible, measurable goals for the School-to-Work Opportunities system, based on performance outcomes established under section 402 of the Act, and an effective method for collecting information relevant to the local partnership's progress in meeting its goals;
- Whether the plan includes a regularly scheduled process for improving or redesigning the School-to-Work Opportunities system based on performance outcomes established under section 402 of the Act;
- The extent to which the resources requested will be used to develop information, products, and ideas that will assist other States and local partnerships as they design and implement local systems; and
- The extent to which the partnership will limit equipment and other purchases in order to maximize the amounts spent on delivery of services to students.

Note: Experience with the 1994 Urban/Rural Opportunities Grant competition provided the Departments with a greater awareness with regard to a local partnership's responsibilty for understanding and coordinating an array of programs and services available to high poverty area youth. In considering this criterion, applicants should address the partnership's capacity to manage the implementation of the local School-to-Work Opportunities initiative.

Program Authority: Pub. L.103–329.

Dated: November 8, 1995.

Tim Barnicle,

Assistant Secretary for Employment and Training, Department of Labor.

Patricia McNeil,

Acting Assistant Secretary for Vocational and Adult Education, Department of Education.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☒ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State — H. Independent School Dist.
B. County — I. State Controlled Institution of Higher Learning
C. Municipal — J. Private University
D. Township — K. Indian Tribe
E. Interstate — L. Individual
F. Intermunicipal — M. Profit Organization
G. Special District — N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 7 8D

TITLE: Urban/Rural Opportunities Grants

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: — "New" means a new assistance award. — "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. — "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/95

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column unde "Project Year 1." Applicants requesting funding for multi-year grants should complete al applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):

For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):

Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e):

Show the total budget request for each project year for which funding is requested.

Line 12, column (f):

Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Instructions for ED Form 524 (cont.)

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1830–0530, Washington, DC 20503.

(Information collection approved under OMB control number 1830–0530, Expiration date: 6/30/98.)

BILLING CODE 4000–01–P

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C.1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____

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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

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Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103–382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What Are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct ''outreach'' efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651. (OMB Control No. 1801–0004 (Exp. 8/31/98)

Census Bureau Telephone Contacts
National, State, & Local Data Centers

Business/Industry Data Centers—DUSD.....301–457–1305
Clearinghouse for Census Data Services—Larry Carbaugh (DUSD) 301–457–1242
National Census Information Centers—Barbara Harris (DUSD) 301–457–1305
State Data Center Program—Tim Jones 301–457–1305

State data centers (SDC's) and business/industry data centers (BIDC's)

(Data centers are usually State government agencies, universities and libraries that head up a network of affiliate centers. Below are listed the SDC and BIDC lead agency contacts. All States except Alaska have SDC's. Asterisks (*) identify States that also have BIDC's. In some States, one agency serves as the lead for both the SDC and the BIDC; the BIDC is listed separately where there is a separate agency serving as the lead.)

Alabama—Annette Walters, University of Alabama 205–348–6191
*Arizona—Betty Jefferies, Department of Security.....602–542–5984
Arkansas—Sarah Breshears, University of Arkansas at Little Rock 501–569–8530
California—Linda Gage, Department of Finance.....916–322–4651
Colorado—Rebecca Picaso, Department of Local Affairs.....303–866–2156
Connecticut—Bill Kraynak, Office of Policy & Management.....203–566–8285
*Delaware—Staff Development Office 302–739–4271
District of Columbia—Gan Ahuja, Mayor's Office of Planning.....202–727–6533
*Florida—Valerie Jugger, State Data Center 904–487–2814
BIDC—Nick Leslie, Department of Commerce 904–487–2971
Georgia—Marty Sik, Office of Planning & Budget.....404–656–0911
Guam—Art De Oro, Department of Commerce 671–646–5841
Hawaii—Jan Nakamoto, Department of Business, Economic Development & Tourism 808–586–2493
Idaho—Alan Porter, Department of Commerce 208–334–2470
Illinois—Suzanne Ebetsch, Bureau of the Budget 217–782–1381
*Indiana—Laurence Hathaway, State Library.....317–232–3733
BIDC—Carol Rogers, Business Research Center 317–274–2205
Iowa—Beth Henning, State Library.....515–281–4350
Kansas—Marc Galbraith, State Library 913–296–3296
*Kentucky—Ron Crouch, Center for Urban & Economic Research 502–852–7990
Louisiana—Karen Paterson, Office of Planning & Budget 504–342–7410
Maine—Jean Martin, Department of Labor 207–287–2271
Maryland—Robert Dadd/Jane Traynham, Department of State Planning.....410–225–4450
*Massachusetts—Valerie Conti, University of Massachusetts 413–545–3460
Michigan—Eric Swanson, Department of Management & Budget ...517–373–7910
*Minnesota—David Birkholz, State Demographer's Office 612–297–2557
BIDC—David Rademacher, State Demographer's Office 612–297–3255
*Mississippi—Rachael McNeely University of Mississippi ...601–232–7288
BIDC—Bill Rigby, Division of Research & Information Systems 601–359–2674

*Missouri—Kate Graf, State Library 314–751–1823
BIDC—Terry Maynard, Small Business Development Centers 314–882–0344
*Montana—Patricia Roberts, Department of Commerce...406–444–2896
Nebraska—Jerome Deichert, University of Nebraska-Omaha 402–595–2311
Nevada—Laura Witschi, State Library 702–687–8327
New Hampshire—Thomas J. Duffy, Office of State Planning.....603–271–2155
*New Jersey—Connie O. Hughes, Department of Labor.....609–984–2593
*New Mexico—Kevin Kargacin, University of New Mexico 505–277–6626
BIDC—Bobby Leitch, University of Mexico.....505–277–2216
*New York—Staff, Department of Economic Development 518–474–1141
*North Carolina—Staff, State Library 919–733–3270
North Dakota—Richard Rathge, North Dakota State University.....701–231–8621
Northern Mariana Islands—Juan Borja, Department of Commerce & Labor 670–322–0874
*Ohio—Barry Bennett, Department of Development.....614–466–2115
*Oklahoma—Jeff Wallace, Department of Commerce 405–841–5184
Oregon—George Hough, Portland State University 503–725–5159
*Pennsylvania—Diane Shoop, Pennsylvania State University at Harrisburg 717–948–6336
Puerto Rico—Irmgard Gonzalez Segarra, Planning Board 809–728–4430
Rhode Island—Paul Egan, Department of Administration 401–277–6493
South Carolina—Mike MacFarlane, Budget & Control Board.....803–734–3780
South Dakota—DeVee Dykstra, University of South Dakota 605–677–5287
Tennessee—Charles Brown, State Planning Office 615–741–1676
Texas—Steve Murdock, Texas A&M University 409–845–5115
*Utah—Brenda Weaver, Office of Planning & Budget 801–538–1036
Vermont—Sybil McShane, Department of Libraries 802–828–3261
Virgin Islands—Frank Mills, University of the Virgin Islands.....809–776–9200
*Virginia—Dan Jones, Virginia Employment Commission 804–786–8308
*Washington—David Lamphere, Office of Financial Management...206–586–2504
*West Virginia—Mary C. Harless, Office of Community & Industrial Development.....304–558–4010
BIDC—Randy Childs, Center for Economic Research.....304–293–7832
*Wisconsin—Robert Naylor, Department of Administration...608–266–1927
BIDC—Michael Knight, University of Wisconsin-Madison.....608–265–3044
Wyoming—Wenlin Liu, Department of Administration & Fiscal Control.....307–777–7504

National census information centers

(National Census Information Centers, in partnership with the Census Bureau, coordinate information networks that disseminate census data on the Black, Hispanic, Asian and Pacific islander, and American Indian/Alaska Native populations)

Asian American Health Forum, Inc. San Francisco—Clarissa Tom 415–541–0866
Indian Net Information Center Arkadelphia, AR—George Baldwin 501–230–5294
National Council of La Raza Washington, DC—Sonia Perez ...202–289–1380
National Urban League, Washington, DC—Billy Tidwell 202–898–1604
Southwest Voter Research Institute, San Antonio, Texas—Robert Brischetto 210–222–8014

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Federal Register

Tuesday
November 14, 1995

Part III

Department of Housing and Urban Development

24 CFR Parts 950 and 990

Public and Indian Housing; Performance Funding System: Unit Months Available; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 950 and 990

[Docket No. FR–3747–F–02]

RIN 2577–AB49

Performance Funding System: Unit Months Available

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: The Department is revising the Performance Funding System to permit payment of operating subsidies for scattered-site units as they become occupied.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Comerford, Director, Financial Management Division, Office of Management Operations, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–1872; or with respect to the Indian Housing programs, Ms. Joann A. Teiken, Financial Management Specialist, Office of Native American Programs, Public and Indian Housing, Room B–133, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2980. Hearing or speech impaired individuals may call HUD's TDD number, (202) 708–0850. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On May 9, 1995 (60 FR 24597), the Department published a proposed rule which would revise the definition of unit months available (§§ 950.102 and 990.102) and provide an explanation of the alternate method for calculating unit months available upon acquisition of units in a scattered-site project (§§ 950.705 and 990.104(b)). The change in procedure would be applicable to scattered-site developments acquired by Indian Housing Authorities.

Only five public comments were received. All supported the Department's proposed rule. However, one commenter requested a clarification of the regulatory reference to amending the Development Cost Budget to reflect units occupied in the previous six months. The commenter asked: ''Does the PHA claim the unit months available through an amendment every six months until all units are occupied, do we project the occupancy when the annual budget is proposed or can this be a year-end adjustment item?''

The Department will not permit revisions to the Department Cost Budget or to the calculation of operating subsidy based on projections. The regulations state that the development budget revision will reflect the number of units that were occupied and that subsidy shall be revised to include units that are actually occupied. The reference to previous six months in the regulations is intended to ensure that revisions are not processed more often than once every six months. The rule does not require housing authorities to request these revisions and the Department would certainly allow housing agencies to submit a revision that reflects activity for the previous twelve months at the end of the year.

Findings and Certifications

Environmental Impact

The subject matter of this final rule is categorically excluded from HUD's environmental clearance procedures under 24 CFR 50.20(k). It relates to internal administrative procedures whose content does not constitute a development decision or affect the physical condition of project areas or building sites.

Executive Order 12866

The Office of Management and Budget reviewed this final rule under Executive Order 12866, Regulatory Planning and Review. Any changes made to the rule as a result of that review are clearly identified in the docket file, which is available for public inspection at the Office of General Counsel, room 10276, Department and Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication and by approving it certifies that this final rule does not have a significant economic impact on substantial number of small entities. The final rule will recognize that homes that are part of scattered-site developments become ready for occupancy at varying times, and removes a potential penalty to housing authorities who would otherwise have to wait for all units in a scattered-site development to be occupied before they can receive subsidy.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this final rule would not have federalism implications and, thus, are not subject to review under the Order. The final rule refines an established formula under which HUD calculates operating subsidies for low-income housing developments, but contains no requirement for explicit action by local officials and does not interfere with State or local governmental functions.

Executive Order 12606

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this final rule, as those policies and programs relate to family concerns.

The Catalog of Federal Domestic Assistance number is 14.850.

List of Subjects

24 CFR Part 950

Aged, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 990

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

Accordingly, in title 24 of the Code of Federal Regulations, parts 950 and 990 are amended, as follows:

PART 950—INDIAN HOUSING PROGRAMS

1. The authority citation for part 950 continues to read as follows:

Authority: 25 U.S.C. 450e(b), 1437aa–1437ee, and 3535(d).

2. Section 950.102 is amended by revising the definition of ''*Unit months available*'' to read as follows:

§ 950.102 Definitions.

* * * * *

Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given IHA fiscal year. See also § 950.705(b).

* * * * *

3. The existing text in § 950.705 is redesignated as paragraph (a), and a new paragraph (b) is added, to read as follows:

§ 950.705 Determination of amount of operating subsidy under PFS.

* * * * *

(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any IHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of an IHA development involving the acquisition of scattered site housing, the IHA may submit, and HUD shall review and can approve, a revised Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

PART 990—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

4. The authority citation for part 990 continues to read as follows:

Authority: 42 U.S.C. 1437g and 3535(d).

5. Section 990.102 is amended by revising the definition of ''*Unit Months Available*'', to read as follows:

§ 990.102 Definitions.

* * * * *

Unit months available. Units multiplied by the number of months the project units are available for occupancy during a given PHA fiscal year. See also § 990.104(b).

* * * * *

6. In § 990.104, paragraph (b) is revised, to read as follows:

§ 990.104 Determination of amount of operating subsidy under PFS.

* * * * *

(b) For purposes of this part, a unit is considered available for occupancy from the date on which the End of Initial Operating Period (EIOP) is established for the project with which it is associated until the time it is approved by HUD for deprogramming and is vacated or is approved for non-dwelling use, except that, on or after July 1, 1991, a unit shall not be considered available for occupancy in any PHA Requested Budget Year if the unit is located in a vacant building in a project that HUD has determined to be nonviable. In the case of a PHA development involving the acquisition of scattered site housing, the PHA may submit, and HUD shall review and can approve, a revised Development Cost Budget reflecting the number of units that were occupied during the previous six months, and the Unit Months Available used in the calculation of operating subsidy eligibility shall be revised to include the number of months the new/acquired units are actually occupied.

Dated: August 30, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–28033 Filed 11–13–95; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Tuesday
November 14, 1995

Part IV

Environmental Protection Agency

Resource Conservation and Recovery Act OUST Docket: Relocation; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5330–4]

Resource Conservation and Recovery Act Oust Docket: Relocation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of move and of closing of OUST Docket during the move.

SUMMARY: The Office of Underground Storage Tanks (OUST) Docket will move from M2616, 401 M Street SW., Washington, DC to Crystal Gateway, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The OUST Docket will be closed from November 14, 1995 through November 24, 1995. Closing the OUST Docket during the move will facilitate the moving of the Docket's collection and ensure the integrity of the regulatory dockets. The move will allow the OUST Docket to provide improved services to its patrons.

FOR FURTHER INFORMATION CONTACT:

OUST Docket (5305W), 401 M Street SW., Washington, DC 20460, (202/260–9720). Beginning November 27, the phone number will be 703/603–9231.

Dated: November 6, 1995.

Lisa Lund,

Acting Director, Office of Underground Storage Tanks.

[FR Doc. 95–28064 Filed 11–13–95; 8:45 am]

BILLING CODE 6560–50–M

Federal Register

Tuesday
November 14, 1995

Part V

The President

Proclamation 6849—Thanksgiving Day, 1995

Federal Register
Vol. 60, No. 219
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Presidential Documents

Title 3—

The President

Proclamation 6849 of November 9, 1995

Thanksgiving Day, 1995

By the President of the United States of America

A Proclamation

In 1621, Massachusetts Bay Governor William Bradford invited members of the neighboring Wampanoag tribe to join the Pilgrims as they celebrated their first harvest in a new land. This 3-day festival brought people together to delight in the richness of the earth and to give praise for their new friendships and progress. More than 300 years later, the tradition inspired by that gathering continues on Thanksgiving Day across America—a holiday that unites citizens from every culture, race, and background in common thanks for the gifts we receive from God.

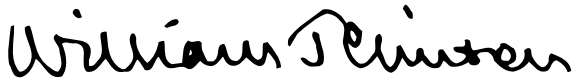
As we pause to reflect on the events of the past year, we recognize anew our Nation's many and wonderful blessings. We are deeply grateful for the abundance that keeps America strong and prosperous; for our freedoms and the freedom spreading to people all over the world; for the new hope of peace in regions where people have suffered much but are working hard toward reconciliation; for the 50 years of international cooperation that have followed the end of World War II; and especially for the generosity and love that united our Nation after the tragedy in Oklahoma City. Let us open our hearts to the grace that makes all good things possible and acknowledge God's care for our world.

Let us each take time to offer thanks for the bounty of our own lives and for the relatives and friends that gather with us to share food and companionship on this special day. We give praise for the relationships that sustain us—in our families, churches, schools, and communities. We voice our appreciation for the satisfaction of work and the joys of leisure, and, most of all, we give thanks for the children that enrich our lives and remind us daily that we are the stewards of the earth and all its possibilities.

This cherished season also calls us to look forward to the challenges that lie before us as individuals and as a country. With God's help, we can shoulder our responsibilities so that future generations will inherit the wealth of opportunities we now enjoy. In everything we do, we must plan for the Thanksgivings to come and continue our efforts to build an America where everyone has a place at the table and a fair share in our Nation's harvest.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday, November 23, 1995, as a National Day of Thanksgiving. I encourage all the people of the United States to assemble in their homes, places of worship, or community centers to share the spirit of goodwill and prayer; to express heartfelt gratitude for the blessings of life; and to reach out in friendship to our brothers and sisters in the larger family of mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 95–28282
Filed 11–13–95; 8:48 am]
Billing code 3195–01–P

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