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Thursday
November 16, 1995

Briefings on How To Use the Federal Register
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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

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

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

WASHINGTON, DC

[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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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. 221

Thursday, November 16, 1995

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV95–989–4FIR]

Raisins Produced From Grapes Grown in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that authorized expenses and established an assessment rate that will generate funds to pay those expenses. Authorization of this budget enables the Raisin Administrative Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: August 1, 1995, through July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Richard P. Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, suite 102B, 2202 Monterey Street, Fresno, CA 93721, telephone 209–487–5901.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California raisins are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable raisins handled during the 1995–96 crop year, which began August 1, 1995, and ends July 31, 1996. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 20 handlers of California raisins who are subject to regulation under the raisin marketing order, and approximately 4,500 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts (from all sources) are less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than eight handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining eight handlers have sales less than $5,000,000, excluding receipts from any other sources.

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

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected acquisitions of California raisins. Because that rate will be applied to actual acquisitions, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met August 15, 1995, and unanimously recommended a 1995–96 budget of $1,500,000, which is $176,000 more than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Office salaries, $226,000 ($123,000), field and compliance salaries, $75,000 ($44,000), Payroll taxes, $32,000 ($30,000), group retirement, $23,000 ($20,000), employee benefit expense, $6,000 ($2,500), general insurance, $16,000 ($8,000), group medical insurance, $48,000 ($40,000), Committee members insurance, $385 ($350), equipment expense, $20,000 ($10,000), office travel, $20,000

($14,000), objective measurement survey, $15,500 ($14,750), and export program foreign administration, $385,000 ($357,000). The Committee also recommended $35,000 for export program trade activities and $23,000 for research and communications, for which no funding was recommended last year. Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Executive salaries, $170,000 ($230,000), Committee travel, $50,000 ($75,000), and reserve for contingencies, $142,115 ($142,400).

The Committee unanimously recommended an assessment rate of $5.00 per ton, which is $1.00 more than last year. This rate, when applied to anticipated acquisitions of 300,000 tons, will yield $1,500,000 in assessment income, which will be adequate to cover anticipated administrative expenses. Any unexpended assessment funds from the crop year are required to be credited or refunded to the handlers from whom collected.

An interim final rule was published in the Federal Register on September 15, 1995 (60 FR 47860). That interim final rule added § 989.346 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through October 16, 1995. No comments were received.

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

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

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

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 60 FR 47860 on September 15, 1995, is adopted as a final rule without change.

Dated: November 8, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–28323 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–02–P

National Agricultural Statistics Service

7 CFR Part 3600

Organization and Functions

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends regulations of the National Agricultural Statistics Service (NASS) regarding Agency organization and functions of major operational units. This amendment is necessary to reflect changes in the organization of NASS due to an internal reorganization.

EFFECTIVE DATE: November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Rich Allen, Associate Administrator, NASS, U.S. Department of Agriculture, Room 4117 South Building, 12th and Independence Avenue, SW., Washington, DC 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act, 5 U.S.C. 552(a)(1), requires Federal Agencies to publish in the Federal Register descriptions of its central and field organizations. NASS is the agency within the U.S. Department of Agriculture primarily responsible for the development and dissemination of national and State agricultural statistics, statistical research, and coordination of the Department's statistical programs. This amendment to 7 CFR Part 3600 is necessary to reflect changes in the organization of NASS due to an internal reorganization.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

List of Subjects in 7 CFR Part 3600

Organization and functions.

Accordingly, 7 CFR Part 3600 is revised to read as follows:

PART 3600—ORGANIZATION AND FUNCTIONS

Sec.

Authority: 5 U.S.C. 301 and 552: and 7 CFR 2.85.

§ 3600.1 General.

The National Agricultural Statistics Service (NASS) was established on April 17, 1986, by Secretary's Memorandum 1020–24, which renamed the Statistical Reporting Service concurrent with an internal restructuring. Primary NASS responsibilities are development and dissemination of national and State agricultural statistics, statistical research, and coordination of Department statistical programs.

§ 3600.2 Organization.

The headquarters organization consists of: The Administrator and Associate Administrator; Deputy Administrator for Field Operations; Four Divisions: Estimates, Survey Management, Research, and Systems and Information; and the Agricultural Statistics Board. In the field, each of the 45 State Statistical Offices, serving the 50 States, is under a State Statistician.

§ 3600.3 Functions.

(a) *Administrator.* The Administrator is responsible for the formulation of current, intermediate, and long-range policies and plans to carry out a broad statistical program for the agricultural

sector and Departmental functions and activities assigned to NASS. Specific functions are:

(1) Administering an agricultural statistics program which includes estimates of production, marketings, inventories, and selected economic characteristics of the U.S. agricultural and rural economy.

(2) Administering a methodological research program to improve agricultural data collection and processing, data management, estimation, and forecasting.

(3) Administering programs to conduct surveys for other agencies, improve statistics through statistical standards for the Department, and coordinate statistical methods and techniques within the Federal Government.

(4) Administering statistical programs jointly developed through cooperative agreements with State agencies, universities, private groups, and other Federal agencies.

(5) Administering selected international agricultural statistics programs which provide foreign technical assistance, training on statistical methodology for developing countries, and exchange of information.

(b) *Associate Administrator.* The Associate Administrator is responsible for advising and counseling the Administrator and high-level policy officials on matters related to programs of NASS. Major functions include:

(1) Chairing Agricultural Statistics Board activities, designating Board membership, presiding at Board sessions, and formulating specific procedures.

(2) Chairing the NASS Strategic Planning Council which coordinates long-range planning, information resources management, and research reviews.

(3) Chairing the Resource Management Council which coordinates NASS hiring, promotion, and training activities.

(c) *Deputy Administrator for Field Operations.* The Deputy Administrator manages and coordinates data collection and estimating programs carried out by State Statistical Offices. This includes supervision of statistical programs with cooperating State and private groups, universities, and other Federal agencies. Major functions include:

(1) Formulating policies and programs that relate to functions and responsibilities of State Statistical Offices.

(2) Directing agricultural statistics programs established through cooperative agreements with State Departments of Agriculture, Land-Grant colleges and universities, or appropriate private organizations.

(3) Establishing and maintaining relationships with respondents, producers, commodity groups, data users, and other interested groups to gain cooperation in providing useful, timely, and reliable information.

(d) *Director, Estimates Division.* The Director is responsible for NASS estimating and forecasting programs. Major functions include:

(1) Defining input and output requirements, estimators and variances to be utilized, statistical standards, editing and summarization requirements, and analytic procedures.

(2) Collaborating with the Chairperson of the Agricultural Statistics Board to establish the annual programs of statistical reports.

(3) Developing appropriate systems parameters; processing, summarizing, and presenting current survey and related historical data for Agricultural Statistics Board analysis; and preparing official estimates and forecasts.

(e) *Director, Survey Management Division.* The Director is responsible for application of survey design and data collection methodologies to the agricultural statistics program. Major functions include:

(1) Constructing and maintaining appropriate sampling frames for agricultural and rural surveys.

(2) Designing, testing, and establishing survey techniques and standards, including sample design, sample selection, questionnaires, data collection methods, survey materials, and training methods for NASS.

(3) Reviewing specifications for special data collection activities for programs of other Federal or State agencies.

(f) *Director, Research Division.* The Director is responsible for researching statistical methodology for survey design, data collection, processing, estimating, and forecasting. Major functions include:

(1) Conducting statistical research to develop new and improved sampling techniques, develop improved data collection methods, and identify methods of controlling sampling and nonsampling errors.

(2) Researching statistical computing methods and developing efficient uses of computer technology including telecommunications, networking, and other applications.

(3) Developing new statistical theory and models and solving statistical problems, including numerical methods involving advanced mathematical statistics.

(g) *Director, Systems and Information Division.* The Director is responsible for NASS information management system and processing services. Specific functions are:

(1) Designing, maintaining, and providing access to an integrated and standardized information management system containing sampling frames, survey data, estimates, and administrative records utilized by NASS.

(2) Providing appropriate support for assisting users of the information management system through documentation, evaluation, training, and resolution of information management problems.

(3) Designing and issuing all reports releasing official State and national estimates and forecasts from NASS.

(h) *Chairperson, Agricultural Statistics Board.* The Chairperson reviews, prepares, and issues on specific dates, following approval by the Secretary of Agriculture as provided by law (7 U.S.C. 411a) and Departmental Regulation, the official State and national estimates relating to crop production, livestock and livestock products, dairy and dairy products, poultry and poultry products, stocks of agricultural commodities, value of farm products, farm inputs, and other assigned agricultural aspects.

§ 3600.4 Authority to act for the Administrator.

In the absence of the Administrator, the following officials are designated to serve as Acting Administrator in the order indicated:

Associate Administrator
Deputy Administrator for Field Operations
Director, Estimates Division
Director, Survey Management Division
Director, Systems and Information Division
Director, Research Division

Appendix A to Part 3600—List of State Statistical Offices

Section 1. General

Information concerning NASS statistics programs and activities related to individual States may be obtained from the State Statistician, State Statistical Office, NASS, in the locations listed below.

Section 2. List of Addresses

Alabama, Sterling Centre, Suite 200, 4121 Carmichael Road, Montgomery, AL 36106–2872
Alaska, 809 South Chugach Street, Suite 4, Palmer, AK 99645
Arizona, 3003 North Central Avenue, Suite 950, Phoenix, AZ 85012
Arkansas, 3408 Federal Office Building, Little Rock, AR 72201

California, 1220 ''N'' Street, Room 243, Sacramento, CA 95814
Colorado, 645 Parfet Street, Suite W–201, Lakewood, CO 80215–5517
Delaware, Delaware Department of Agriculture Building, 2320 South Dupont Highway, Dover, DE 19901
Florida, 1222 Woodward Street, Orlando, FL 32803
Georgia, Stephens Federal Building, Suite 320, Athens, GA 30613
Hawaii, State Department of Agriculture Building, 1428 South King Street, Honolulu, HI 96814
Idaho, 2224 Old Penitentiary Road, Boise, ID 83712
Illinois, Illinois Department of Agriculture Building, 801 Sangamon Avenue, Room 54, Springfield, IL 62702
Indiana, 1148 AGAD Building, Purdue University, Room 223, West Lafayette, IN 47907–1148
Iowa, 833 Federal Building, 210 Walnut Street, Des Moines, IA 50309
Kansas, 632 S.W. Van Buren, Room 200, Topeka, KS 66603
Kentucky, Gene Snyder & Courthouse Building, 601 W. Broadway, Room 645, Louisville, KY 40202
Louisiana, 5825 Florida Boulevard, Baton Rouge, LA 70806
Maryland, 50 Harry S Truman Parkway, Suite 202, Annapolis, MD 21401
Michigan, 201 Federal Building, Lansing, MI 48904
Minnesota, 8 East 4th Street, Suite 500, St. Paul, MN 55101
Mississippi, 121 North Jefferson Street, Jackson, MS 39201
Missouri, 601 Business Loop West, Suite 240, Columbia, MO 65203
Montana, Federal Building & U.S. Court House, Room 398, 301 S. Park Avenue, Helena, MT 59626
Nebraska, 100 Centennial Mall N., Room 273 Federal Building, Lincoln, NE 68508
Nevada, Max C. Fleischmann Agriculture Building, Room 232, University of Nevada, Reno, NV 89557
New Hampshire, 22 Bridge Street, Room 301, Concord, NH 03301
New Jersey, Health and Agriculture Building, Room 205, CN–330 New Warren Street, Trenton, NJ 08625
New Mexico, 2507 North Telshor Boulevard, Suite 4, Las Cruces, NM 88001
New York, Department of Agriculture & Markets, 1 Winners Circle, Albany, NY 12235
North Carolina, 2 W. Edenton Street, Raleigh, NC 27601–1085
North Dakota, 1250 Albrecht Boulevard, NDSU, Room 448, Fargo, ND 58105
Ohio, 200 N. High Street, New Federal Building, Room 608, Columbus, OH 43215
Oklahoma, 2800 North Lincoln Boulevard, Oklahoma City, OK 73105
Oregon, 1220 S.W. Third Avenue, Room 1735, Portland, OR 97204
Pennsylvania, 2301 N. Cameron Street, Room G–19, Harrisburg, PA 17110
South Carolina, 1835 Assembly Street, Room 1008, Columbia, SC 29201
South Dakota, 3528 S. Western Avenue, Sioux Falls, SD 57117
Tennessee, 440 Hogan Road, Holeman Office Building, Ellington Agricultural Center, Nashville, TN 37220–1626
Texas, 300 E. 8th Street, Federal Building, Room 504, Austin, TX 78701
Utah, 176 N. 2200 West—Suite 260, Salt Lake City, UT 84116
Virginia, 1100 Bank Street, Room 706, Richmond, VA 23219
Washington, 1111 Washington Street, SE, Olympia, WA 98504
West Virginia, 1900 Kanawha Boulevard E, Charleston, WV 25305
Wisconsin, 2811 Agriculture Drive, Madison, WI 53704
Wyoming, 504 W. 17th Street, Suite 250, Cheyenne, WY 82001

Done at Washington, D.C., this 2nd day of November, 1995.

Rich Allen,

Acting Administrator, National Agricultural Statistics Service.

[FR Doc. 95–27678 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–20–M

7 CFR Part 3601

Availability of Information to the Public

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends regulations of the National Agricultural Statistics Service (NASS) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA). This amendment is necessary to inform the public of the change of location and title of the FOIA coordinator for NASS delegated the authority to make initial determinations on FOIA requests.

EFFECTIVE DATE: November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, U.S. Department of Agriculture, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770, (301) 344–2207.

SUPPLEMENTARY INFORMATION: Part 3601 of Title 7, Code of Federal Regulations, is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR Part 1, Subpart A, implementing FOIA. This amendment to §§ 3601.3 and 3601.4 is necessary to inform the public of the change in the location and title of the FOIA coordinator for NASS delegated the authority to make initial determinations on FOIA requests in accordance with 7 CFR 1.3(a)(3).

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply.

List of Subjects in 7 CFR Part 3601

Freedom of Information Act.

Accordingly, 7 CFR Part 3601 is amended to read as follows:

PART 3601—PUBLIC INFORMATION

1. The authority citation for Part 3601 continues to read as follows:

Authority: 5 U.S.C. 301 and 552; 7 CFR 1.1–1.23 and Appendix A.

2. Part 3601 is amended by revising §§ 3601.3 and 3601.4 to read as follows:

§ 3601.3 Requests for records.

Requests for records of NASS shall be made in accordance with § 1.6 (a) and (b) of this title and addressed to: FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344–2207, Facsimile (301) 344–2325, TDD (301) 344–2435. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

§ 3601.4 Denials.

If the FOIA Coordinator determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the FOIA Coordinator shall give written notice of denial in accordance with § 1.8(a) of this title.

Done at Washington, D.C., this 2nd day of November, 1995.

Rich Allen,

Acting Administrator, National Agricultural Statistics Service.

[FR Doc. 95–27679 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–20–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 95–064–2]

Specifically Approved States Authorized To Receive Mares and Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On September 27, 1995, the Animal and Plant Health Inspection Service published a direct final rule. (See 60 FR 49751–49752, Docket No. 95–044–1). The direct final rule notified the public of our intention to amend the animal importation regulations by adding Texas to the list of States approved to receive certain mares and stallions imported into the United States from countries affected with contagious equine metritis (CEM). We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: November 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 39, Riverdale, MD 20737–1231, (301) 734–8423.

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

Done in Washington, DC, this 7th day of November 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–28272 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 106, 9002, 9003, 9004, 9006, 9007, 9008, 9032, 9033, 9034, 9036, 9037, 9038 and 9039

[Notice 1995–20]

Public Financing of Presidential Primary and General Election Candidates; Correction

AGENCY: Federal Election Commission.

ACTION: Technical Corrections to final rules.

SUMMARY: This document contains technical corrections to final rules published June 16, 1995 (60 FR 31854) regarding public financing of presidential primary and general election candidates.

EFFECTIVE DATE: August 16, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On June 16, 1995, the Commission published final rules revising its regulations governing public financing of presidential primary and general election candidates. 60 FR 31854 (June 16, 1995). These regulations implement provisions of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act.

Unfortunately, the June 16 final rule document contained a number of errors that could make the rules misleading and could cause problems when the rules are codified in the Code of Federal Regulations. Some of the errors reflect mistakes contained in the document submitted by the Commission to the Federal Register. Other errors occurred when the Federal Register typeset the document for publication.

Most of the errors are technical in nature. The Commission is publishing this document to correct these technical errors. These corrections are set out below. However, the June 16 final rule document also contains two errors of a more substantive nature that must be corrected. The Commission is publishing another document in today's edition of the Federal Register that corrects these errors. Readers interested in the Commission's public financing regulations should carefully review both notices.

Correction of Publication

Accordingly, the publication of final regulations on June 16, 1995 (60 FR 31854), which were the subject to FR Doc. 95–14667, is corrected as follows:

Explanation and Justification (Preamble) [Corrected]

1. On page 31860, in the third column, in the 19th line, ''workable'' should read ''unworkable''.

2. On page 31860, in the third column, in the 34th line, ''selection'' should read ''election''.

3. On page 31861, in the third column, in the last line, ''not'' should read ''no''.

4. On page 31869, in the second column, in the first paragraph after the italicized heading, in the 12th line, ''(a)(1)(vi)'' should read ''(b)(1)(vi)''.

5. On page 31870, in the first column, in the third paragraph after the headings, in the 12th line, ''radio'' should read ''ratio''.

6. On page 31870, in the second column, in the first and second lines, ''is greater than zero and more accurately reflects the mix'' should be removed.

§ 9003.3 Allowable contributions. [Corrected]

7. On page 31874, in the first column, in § 9003.3(b)(5), in the 11th line, ''expendute'' should read ''expenditure''.

§ 9003.4 Expenses incurred prior to the beginning of the expenditure report period or prior to receipt of Federal funds. [Corrected]

8. On page 31874, in the third column, the amendatory language in instruction 8 should read ''Section 9003.4 is amended by revising the last sentence of paragraph (a)(1), and adding a new sentence to the end of paragraph (a)(1), to read as follows:''.

PART 9006—REPORTS AND RECORDKEEPING [CORRECTED]

9. On page 31877, in the third column, the authority citation following instruction 16 should read:

Authority: 2 U.S.C. 434 and 26 U.S.C. 9009(b).

PART 9008—FEDERAL FINANCING OF PRESIDENTIAL NOMINATING CONVENTIONS [CORRECTED]

10. On page 31880, in the third column, the authority citation following instruction 24 should read:

Authority: 2 U.S.C. 437, 438(a)(8), 26 U.S.C. 9008, 9009(b).

PART 9034—ENTITLEMENTS

§ 9034.4 Use of contributions and matching payments. [Corrected]

11. On page 31882, in the first column, in § 9034.4(a)(3)(i), in the eighth line, insert a comma after ''office supplies''.

12. On page 31882, in the first column, in § 9034.4(a)(3)(iii), in the second line, insert a comma after ''9035.1''.

§ 9034.6 Expenditures for transportation and services made available to media personnel; reimbursements. [Corrected]

13. On page 31884, in the first column, in § 9034.6, in the heading of paragraph (c), ''limitations'' should read ''limitation''.

§ 9038.2 Repayments [Corrected]

14. On page 31886, in the second column, in instruction 44, ''adding paragraphs (a)(4) and (i)'' should read ''adding paragraph (a)(4) and revising paragraph (h)''.

15. On page 31886, in the second column, in § 9038.2(a)(3), in the fourth line, ''given'' should read ''give''.

16. On page 31887, in § 9038.2, in the third column, in the third line, the five asterisks following paragraph (g) should be removed, and in the fourth line, the paragraph designated as paragraph (i) should be designated as paragraph (h).

Dated: November 9, 1995.

Lee Ann Elliott,

Vice Chairman, Federal Election Commission.

[FR Doc. 95–28276 Filed 11–15–95; 8:45 am]

BILLING CODE 6715–01–M

11 CFR Parts 9034 and 9038

[Notice 1995–19]

Public Financing of Presidential Primary and General Election Candidates

AGENCY: Federal Election Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains final rules correcting promulgation errors made in final rules published June 16, 1995 (60 FR 31854) regarding public financing of presidential primary and general election candidates.

DATES: The Commission will announce an effective date for these rules after they have been before Congress for 30 legislative days pursuant to 26 U.S.C. 9039(c). This announcement will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On June 16, 1995, the Commission published final rules revising its regulations governing public financing of presidential primary and general election candidates. 60 FR 31854 (June 16, 1995). These regulations implement provisions of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act.

Unfortunately, there were a number of errors in the June 16 final rule document. The Commission is publishing two documents in today's edition of the Federal Register to correct these errors. Readers interested in the Commission's public financing regulations should carefully review these two documents.

Most of the errors were of a technical nature. A Commission document published elsewhere in today's Federal Register corrects these technical errors.

However, two of the errors in the June 16 final rule document were not purely technical in that they reflect errors made in approval of the final rules. Specifically, the June 16 final rules replaced § 9034.4(a)(3)(ii) with the version of that provision that was in effect before the public financing rules were last revised in 1991. 56 FR 35898 (July 29, 1991). This had the effect of eliminating language relating to candidates who continue to campaign after their dates of ineligibility. The June 16 final rules also removed the ''continuing to campaign'' reference from the heading in § 9034.4(a)(3).

In addition, the rules deleted language inserted in § 9038.2(b)(2)(iii). The deleted language reduces the amount of an ineligible candidate's repayment by shortening the time period during which the candidate's non-qualified campaign expenses would generate a repayment obligation.

The Commission never intended to make these revisions, as is evidenced by references to the deleted provisions that remain in other parts of the final rules. See, e.g., § 9034.4(a)(3)(iii). Consequently, the Commission is publishing this document to restore the deleted provisions. The corrected versions of these rules are set out below. Because the regulated community had an opportunity to comment on these rules before they were promulgated in 1991, the Commission believes an additional comment period is unnecessary. Therefore, in accordance with 5 U.S.C. 553(b)(B), the Commission is approving these corrections as final rules without seeking further comment. The explanation and justification for these rules is set out at 56 FR 35898 (July 29, 1991).

Section 9039(c) of Title 26, United States Code requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 26 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on November 9, 1995.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached final rules, if promulgated, will not have a significant impact on a substantial number of small entities. The basis for this certification is that few, if any, small entities will be affected by these final rules. Furthermore, any small entities affected are already required to comply with the requirements of the Presidential Primary Matching Payment Account Act in these areas.

List of Subjects

11 CFR 9034

Campaign funds.

11 CFR 9038

Campaign funds.

For the reasons set out in the preamble, subchapter F of chapter I of title 11 of the Code of Federal Regulations is amended as follows:

PART 9034—ENTITLEMENTS

1. The authority citation for part 9034 continues to read as follows:

Authority: 26 U.S.C. 9034 and 9039(b).

2. Section 9034.4 is amended by revising the heading in paragraph (a)(3), and by revising paragraph (a)(3)(ii), to read as follows:

§ 9034.4 Use of contributions and matching payments.

(a) * * *

(3) Winding down costs and continuing to campaign. * * *

(ii) If the candidate continues to campaign after becoming ineligible due to the operation of 11 CFR 9033.5(b), the candidate may only receive matching funds based on net outstanding campaign obligations as of the candidate's date of ineligibility. The statement of net outstanding campaign obligations shall only include costs incurred before the candidate's date of ineligibility for goods and services to be received before the date of ineligibility and for which written arrangement or commitment was made on or before the candidate's date of ineligibility, and shall not include winding down costs until the date on which the candidate qualifies to receive winding down costs under paragraph (a)(3)(i) of this section.

Contributions received after the candidate's date of ineligibility may be used to continue to campaign, and may be submitted for matching fund payments. The candidate shall be entitled to receive the same proportion of matching funds to defray net outstanding campaign obligations as the candidate received before his or her date of ineligibility. Payments from the matching payment account that are received after the candidate's date of ineligibility may be used to defray the candidate's net outstanding campaign

obligations, but shall not be used to defray any costs associated with continuing to campaign unless the candidate reestablishes eligibility under 11 CFR 9033.8.

* * * * *

PART 9038—EXAMINATIONS AND AUDITS

1. The authority citation for part 9038 continues to read as follows:

Authority: 26 U.S.C. 9038 and 9039(b).

2. Section 9038.2 is amended by revising the last sentence in paragraph (b)(2)(iii)(B) to read as follows:

§ 9038.2 Repayments.

* * * * *

(b) * * *

(2) * * *

(iii) * * *

(B) * * * In doing this, the Commission will review committee expenditures from the date of the last matching fund payment to which the candidate was entitled, using the assumption that the last payment has been expended on a last-in, first-out basis.

* * * * *

Dated: November 9, 1995.

Lee Ann Elliott,

Vice Chairman, Federal Election Commission.

[FR Doc. 95–28275 Filed 11–15–95; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–81–AD; Amendment 39–9431; AD 95–23–11]

Airworthiness Directives; Aerostar Aircraft Corporation PA–60–600 (Aerostar 600) Series (Formerly Piper Aircraft Corporation) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Aerostar Aircraft Corporation (Aerostar) PA–60–600 series airplanes. This action requires repetitively inspecting the fuselage horizontal stabilizer attach fittings for cracks, and replacing any cracked fuselage horizontal stabilizer attach fitting. A report of several cracks found on the forward horizontal stabilizer attach spar fitting on an Aerostar Model PA–60–601P airplane prompted this action. The actions specified by this AD are intended to prevent undetected cracked fuselage horizontal attach fittings, which could result in the fuselage horizontal stabilizer separating from the airplane while in flight with subsequent loss of control of the airplane.

DATES: Effective November 30, 1995.

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

Comments for inclusion in the Rules Docket must be received on or before January 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–81–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Aerostar Aircraft Corporation, Customer Service Department, South 3608 Davison Boulevard, Spokane, Washington 99204; telephone (509) 455–8872. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95–CE–81–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Simonson, Aerospace Engineer, Seattle Aircraft Certification Office, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056; telephone (206) 227–2597; facsimile (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report where several cracks were found in the fuselage forward horizontal stabilizer attach spar fitting on an Aerostar Model PA–60–601P airplane. Further investigation revealed that stress corrosion caused the cracks. This airplane had been inspected for cracks in the fuselage horizontal stabilizer attach spar fittings consistently at intervals of 200 hours time-in-service (TIS).

The affected airplane had a total usage time of 4,279 hours (TIS), which is considered about average for the fleet of approximately 600 Aerostar PA–60–600 series airplanes registered in the United States. Undetected cracked fuselage horizontal stabilizer attach fittings could result in the fuselage horizontal stabilizer separating from the airplane while in flight with subsequent loss of control of the airplane.

Aerostar has issued Service Bulletin SB600–130, dated September 26, 1995, which specifies procedures for inspecting fuselage horizontal stabilizer attach fittings on Aerostar PA–60–600 series airplanes.

After examining the circumstances and reviewing all available information related to the incidents described above including the referenced service bulletin, the FAA has determined that AD action should be taken to prevent undetected cracked fuselage horizontal attach fittings, which could result in the fuselage horizontal stabilizer separating from the airplane while in flight with subsequent loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Aerostar PA–60–600 series airplanes of the same type design, this AD requires repetitively inspecting the fuselage horizontal stabilizer attach fittings for cracks, and replacing any cracked fuselage horizontal stabilizer attach fitting with a serviceable approved part of like design. Accomplishment of these inspections are in accordance with Aerostar Service Bulletin SB600–130, dated September 26, 1995. Any fuselage horizontal stabilizer attach fitting replacement that is required shall be accomplished in accordance with the applicable maintenance manual.

The compliance time of this AD is presented in calendar time and hours TIS. Cracking of the fuselage horizontal stabilizer attach fittings on the affected airplane is caused by stress corrosion, which starts as a result of stress loads incurred through operation. Corrosion can then develop regardless of whether the airplane is in flight. The cracks may not be noticed initially as a result of the stress loads, but could then develop through corrosion. In order to ensure that these stress corrosion cracks do not go undetected, a compliance time of specific hours TIS and calendar time (whichever occurs first) is utilized.

Since a situation exists (possible separation of the fuselage horizontal stabilizer separating from the airplane during flight) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior 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 immediate flight safety and,

thus, was not preceded by notice and opportunity to 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 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 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–81–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 and that must be issued immediately to correct an unsafe condition in aircraft, and 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 (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

95–23–11 Aerostar Aircraft Corporation: Amendment 39–9431; Docket No. 95–CE–81–AD.

Applicability: The following model and serial number airplanes, certificated in any category:

Models	Serial Nos.
PA–60–600 ..... Aerostar 600	60–0001–003 through 60–0933–8161262.
PA–60–601 ..... Aerostar 601	61–0001–004 through 61–0880–8162157.
PA–60–601P ..... Aerostar 601P	61P–0157–001 through 61P–0860–8163455.
PA–60–602P ..... Aerostar 602P	62P–0750–8165001 through 60–8365021

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 (d) 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: Required initially within the next 25 hours time-in-service (TIS) after the effective date of this AD or within the next 2 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished, and thereafter at intervals not to exceed 100 hours TIS or 12 calendar months, whichever occurs first.

To prevent the fuselage horizontal stabilizer from separating from the airplane while in flight because of cracked attach fittings, which, if not detected and replaced, could result in loss of control of the airplane, accomplish the following:

(a) Inspect the upper and lower horizontal flanges on the left and right sides of the following parts for cracks in accordance with the INSTRUCTIONS section of Aerostar Service Bulletin SB600–130, dated September 26, 1995.

(1) The part number (P/N) 210006–001 fitting (forward fuselage horizontal stabilizer attach fitting); and

(2) The P/N 210007–001 fitting (aft fuselage horizontal stabilizer attach fitting).

(b) Prior to further flight, replace any fuselage horizontal stabilizer attach fitting found cracked during any inspection required by paragraph (a) of this AD. Accomplish this replacement in accordance with the applicable maintenance manual.

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

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055–4056. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) The inspections required by this AD shall be done in accordance with Aerostar Service Bulletin SB600–130, dated September 26, 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 the Aerostar Aircraft Corporation, Customer Service Department, South 3608 Davison Boulevard, Spokane, Washington 99204. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(f) This amendment (39–9431) becomes effective on November 30, 1995.

Issued in Kansas City, Missouri, on November 8, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–28147 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–210–AD; Amendment 39–9428; AD 95–23–08]

Airworthiness Directives; Avro Model BAe 146 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Avro Model BAe 146 series airplanes. This action requires inspections to detect cracking and damage of the fastener holes in the butt strap at rib 2 at the lower surface of the right-hand wing; repair of discrepancies; and replacement of the fastener bolts. This amendment is prompted by a report that certain wings were manufactured with a reduction in the amount of edge margin between the fastener hole centers and the edge of the butt strap; this condition can result in a decrease in the long-term damage tolerance residual strength of the wing. The actions specified in this AD are intended to prevent cracking and other problems associated with a such decrease in the long-term damage tolerance residual strength of the wing.

DATES: Effective December 1, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 1, 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–210–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from British Aerospace Holdings, 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 Avro Model BAe 146 series airplanes. The CAA advises that four wing-sets, delivered from the vendor and installed on four airplanes, were manufactured with a marked reduction in the amount of edge margin between the fastener hole centers and edge of the rib 2 butt strap on the lower surface of the right-hand wing. (Edge margin is defined as the distance from the center of the fastener hole to the nearest edge of the part.) A reduction in edge margin could lead to a decrease in the long-term damage tolerance residual strength of the wing. This condition, if not corrected, could result in fatigue cracking and other damage occurring in the subject area at a time that is earlier than anticipated.

Avro International Aerospace has issued Service Bulletin 57–40, dated March 18, 1994. This service bulletin describes procedures for removing four specific fasteners from the rib 2 butt strap on the lower surface of the right-hand wing, and conducting an eddy current inspection to detect cracking of the vacant fastener holes. The service bulletin also describes procedures for conducting a visual inspection of the fastener holes to detect other damage, such as scoring that has resulted from removal of the bolts; and to check the diameter of each hole to determine if it is within the allowable tolerance. The service bulletin also contains procedures for repairing cracked, damaged, or incorrectly sized holes by oversizing them, and for installing new fastener bolts. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) 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 cracking and other problems associated with a decrease in the long-term damage tolerance residual strength of the wing. This AD requires repetitive eddy current inspections to detect cracking of the 4 fastener holes at the rib 2 butt strap on the lower surface of the right-hand wing. It also requires repetitive visual inspections of the fastener holes to detect other damage, such as scoring that has resulted from removal of the bolts; and to check the diameter of each fastener hole to determine if it is within the allowable tolerance. If no cracking or damage is detected in a fastener hole, and if the hole's diameter is within tolerance limits, a new bolt must be installed. If any cracking or damage is detected, or if the hole's diameter is outside of tolerance limits, the hole must be oversized and cleaned, and a new bolt must be installed. The actions are required to be accomplished in accordance with the service bulletin described previously.

None of the Model BAe 146 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 8 work hours to accomplish the required actions, at an average labor charge of $60 per work hour. Based on these figures, the total cost impact of this AD would be $480 per airplane.

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and 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–210–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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–23–08 Avro International Aerospace (Formerly British Aerospace): Amendment 39–9428. Docket 95–NM–210–AD.

Applicability: Model BAe 146 series airplanes; having constructors' numbers E2188, E2192, E3190, and E3194; 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 cracking and other problems associated with a decrease in the long-term damage tolerance residual strength of the wing, accomplish the following:

(a) Prior to the accumulation of 36,000 total landings or within 3 months after the effective date of this AD, whichever occurs later, remove the 4 fasteners from the rib 2 butt strap on the lower wing surface of the right-hand wing and accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD, in accordance with Avro Service Bulletin 57–40, dated March 19, 1994:

(1) Perform an eddy current inspection of each of the fastener holes to detect cracking.

(2) Perform a visual inspection of each of the fastener holes to detect evidence of damage, such as scoring that has resulted from removal of the bolts; and to check the diameter of each hole to determine if it is within the allowable tolerance specified in the service bulletin.

(b) If the fastener hole is free of cracks and damage, and if the hole's diameter is within the allowable tolerance, prior to further flight, install a new bolt in accordance with the service bulletin. Thereafter, repeat the inspections specified in paragraph (a) of this AD at intervals not to exceed 9,000 landings.

(c) If the hole is cracked or shows evidence of damage, or if the hole's diameter is outside the allowable tolerance, prior to further flight, oversize the hole, clean out the damage, and install a new bolt, in accordance with the service bulletin. Thereafter, repeat the inspections specified in paragraph (a) of this AD at intervals not to exceed 9,000 landings.

(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 2: 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 §§ 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 Avro Service Bulletin 57–40, dated March 18, 1994. 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 Holdings, 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 December 1, 1995.

Issued in Renton, Washington, on November 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27912 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

Cost Principles for State, Local and Tribal Governments; Clarification of Policy

AGENCY: Office of the Secretary, Interior.

ACTION: Clarification of applicability of policy.

SUMMARY: This document provides clarification of Departmental policy concerning the applicability of the final revision of OMB Circular A–87, ''Cost Principles for State, Local and Indian Tribal Governments,'' published on May 17, 1995 (60 FR 26484–26507). It is the intent of the Department that this revised version of OMB Circular A–87 apply to awards made by the Department and its bureaus and offices as applicable.

EFFECTIVE DATE: The clarification of the applicability of the policy is effective November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Debra E. Sonderman (Director, Procurement and Property Management Systems), (202) 208–3336.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget published a revised version of Circular A–87 on May 17, 1995 (60 FR 26484–26507). Paragraph 7, *Required Action,* of the final revision of the Circular requires that agencies issue codified regulations implementing the provisions of the Circular by September 1, 1995. The Department already has published permanent regulations incorporating the Circular. See 43 CFR 12.2(b)(1). 43 CFR 12.12(c) also makes any changes to the Circular published in the Federal Register a part of the regulation.

The Department adopted the Common Rule on ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'' at 43 CFR Part 12, Subpart C. In addition, promulgation of the regulation, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations,'' in subpart F, implements OMB Circular A–110.

Both of these regulations refer to OMB Circular A–87 as being the applicable directive for cost principles for State and local governments. Neither regulation identifies the specific version of the Circular to which it is referring. Nevertheless, because the Department's regulatory language at 43 CFR 12.12(c) indicates that any changes published in the Federal Register apply, the Department interprets our regulation to mean that the May 17, 1995, publication of the revised OMB Circular A–87 applies, according to the conditions stated in the Circular.

Therefore, the Department is clarifying that the May 17, 1995, version of the Circular is adopted without any further promulgation of regulations. Until OMB issues another version, any reference to OMB Circular A–87 after the effective date for the Circular means the May 17, 1995, version.

Dated: October 28, 1995.

Bonnie R. Cohen,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 95–28288 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–RF–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 384

[FHWA Docket No. MC–93–9]

RIN 2125–AD70

State Compliance With Commercial Driver's License Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final Rule, Technical Amendment.

SUMMARY: The FHWA is changing the applicability date of 49 CFR 384.231(b)(2) from October 1, 1995, to May 18, 1997, in order to allow the States additional time to solve the problem of disqualifying commercial motor vehicle (CMV) operators convicted of a disqualifying offense or offenses who do not possess a commercial driver's license (CDL) and for whom the State cannot identify a social security number (SSN).

EFFECTIVE DATE: November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Finn, Driver Division, Office of Motor Carrier Research and Standards (202) 366–0647, or Ms. Grace Reidy, Motor Carrier Law Division, Office of the Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

In 1986, Congress enacted the Commercial Motor Vehicle Safety Act (Pub. L. 99–570, 100 Stat. 3207–170, as amended; 49 U.S.C. 31302 *et seq.*) (the Act) to improve the safety of CMV drivers throughout the Nation. The goals of the Act are:

(1) Prevent CMV drivers from concealing unsafe driving records by carrying licenses from more than one State,

(2) Ensure that all CMV drivers demonstrate the minimum levels of knowledge and skills needed to safely operate CMVs before being licensed, and

(3) Subject CMV drivers to new, uniform sanctions for certain unsafe driving practices.

To accomplish these goals, Congress assigned responsibilities and deadlines to CMV drivers, employers, States, and the Secretary of Transportation. All responsibilities of the Secretary of Transportation in the Act were delegated to the FHWA. The responsibilities imposed on the States were enumerated in section 12009(a) of the Act (49 U.S.C. 31311). An additional requirement, bringing the number to 17, was later added to 49 U.S.C. 31311 by the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240, 105 Stat. 1914).

A notice of proposed rulemaking (NPRM) was published in the Federal Register (58 FR 34344) on June 24, 1993. It proposes standards which States would have to meet in order to be in compliance with the Act and avoid the loss of Federal-aid highway funds. This NPRM proposes amending title 49 of the Code of Federal Regulations to include a whole new part 384 in which to delineate all the compliance requirements imposed on the States by the Act. This part would also specify the State procedures for determining whether a State was in compliance with the Act.

A final rule reiterating these standards and procedures with some minor adaptations and clarifications was published in the Federal Register (59 FR 26029) on May 18, 1994. As a result of this rulemaking, the States are required by 49 CFR 384.231 (b) and (c) to disqualify expeditiously a person convicted of the offenses enumerated in 49 CFR 383.51(b)(2) (i) through(v). In addition, the State must make a record of the disqualification and provide certain specific personal identifier information on the convicted individual to the Commercial Driver's License Information System (CDLIS) (49 CFR 384.231(d)).

Petition: Mr. John Strandquist, President and Chief Executive Officer of the American Association of Motor Vehicle Administrators (AAMVA), filed a petition on August 23, 1995, asking that the effective date for 49 CFR 384.231(b)(2), regarding disqualification of non-CDL holders, be changed from October 1, 1995, to September 1, 1996. Mr. Strandquist explained that the CDLIS computer record specifications require that the State include the operator's SSN as part of the master pointer record. However, the current requirements in 49 CFR part 383 do not

require a non-CDL holder, operating a CMV, to provide his or her SSN to the State. Mr. Strandquist further pointed out that some consistent and universally agreed upon solution to address the problem of disqualifying CMV operators without a CDL, for whom the State cannot identify a SSN, must be developed by the States. In addition, the States would have to demonstrate that they could successfully operate using the yet to be developed solution. He estimated that it will take at least until September 1, 1996, for all the States to accomplish any solution that might be proposed.

Response: The requirements in 49 CFR part 384 are primarily directed toward State driver licensing administrators and other State officials with responsibility to develop, administer, and enforce the CDL program. The FHWA agrees with AAMVA that the States will not be able to comply with the provisions of 49 CFR 384.231(b)(2) by October 1, 1995. Consequently, the deadline will be extended to May 18, 1997. Traditionally the FHWA has given parties subject to motor carrier regulations at least 3 years in order to comply with new requirements, but the regulations at issue in this case were published on May 18, 1994, and the effective date specified for compliance with 49 CFR 384.321(b)(2) regarding disqualification of non-CDL holders was set as October 1, 1995. By pushing the deadline for compliance back to May 18, 1997, the FHWA is merely providing State officials, to whom 49 CFR Part 384 is principally directed, the customary three years in which to comply. For these reasons and since this rule imposes no additional burdens on the States, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without the 30-day delay in effective date under the Administrative Procedure Act.

Rulemaking Analyses and Notices

The FHWA believes that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B). In addition, this final rule is effective upon publication because the FHWA finds that good cause exists for dispensing with the 30-day delay in effective date ordinarily required under 5 U.S.C. 553(d). The FHWA is not exercising discretion in a way that could be meaningfully affected by public comment. With this rulemaking, the FHWA is merely extending the deadline for compliance by the States with the requirements of 49 CFR 384.231(b)(2). Rather than imposing any additional burden on the States, this rule would actually lessen the burden of complying with these CDL requirements. The FHWA has concluded that it is necessary to provide additional time for States to implement the requirement that certain CMV drivers be disqualified from driving in light of the current lack of a consistent and mutually agreed upon method for recording drivers' SSNs.

Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action under Executive Order 12866, or significant within the meaning of Department of Transportation regulatory policies and procedures. This regulatory action is not likely to have an annual effect on the economy of $100 million or more. In addition, it is not expected to cause an adverse effect on any sector of the economy because this rule will actually lessen the burden imposed by the regulation being amended. No serious inconsistency or interference with another agency's actions or plans will result because this rulemaking deals exclusively with the FHWA's CDL program. Although the rights and obligations of recipients of Federal grants will be affected because compliance with the regulation at issue is a condition for the States receiving Federal-aid highway funds, the rights of the States will not be materially affected. This rulemaking actually makes it easier for them to qualify for these funds. In light of this analysis, the FHWA finds that a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601- 612), the agency has evaluated the effects of this rulemaking on small entities. This rulemaking changes the date by which the States must comply with a regulation regarding the States' disqualification of CMV drivers who do not possess a CDL. CMV operators who do not hold CDLs are not currently required to disclose their SSNs to the States; however, the regulation at issue in this rulemaking requires that the States record disqualifications of non-CDL holding CMV drivers on the CDLIS. This obligates the States to include the CMV driver's SSN. The deadline extension created by the rule at hand was intended to provide the States with time to develop a mutually agreed upon solution to this inconsistency. Thus, this rulemaking will have an impact on the States; however, it is unlikely that this impact will be significant in any way. Furthermore, States are not included within the definition of ''small entity'' set forth in 5 U.S.C. 601. Accordingly, the FHWA certifies that the action contained in this document will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a federalism assessment. This rule will merely delay the deadline for State compliance with an existing Federal regulation. It will not preempt any State law or State regulation and no additional costs or burdens will be imposed on the States. In fact, a regulatory burden will be lessened as a result of this rulemaking. In addition, this rule will not have a significant effect on the States' ability to discharge traditional State governmental functions even though the pre-existing regulation which this rule amends does deal with driver qualification. Driver qualification is an area over which the States have traditionally exercised their sovereign power. The rule at issue in the rulemaking at hand merely extends the deadline by which the States must comply with this pre-existing regulation of CMV driver qualification. Thus, an analysis of the Federalism issue raised by Federal regulation of CMV driver qualification, is not required for the purposes of this rulemaking. In any case, the Federal government's assertion of control over CMV driver qualification represents a justifiable response to the fact that CMV safety is a matter of national concern.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulatory Identification Number

A regulatory identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 384

Commercial driver's license documents, Commercial motor vehicles, Driver qualification, Highways and roads, Motor carriers licensing and testing procedures, and Motor vehicle safety.

Issued on: November 6, 1995.

Rodney E. Slater,

Federal Highway Administrator.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

1. The authority citation for part 384 is revised to read as follows:

Authority: 49 U.S.C. 31136, 49 U.S.C. 31301 *et seq.*, 31502; 49 CFR 1.48.

2. In 384.231, paragraph (b)(2) is revised to read as follows:

§ 384.231 Satisfaction of State disqualification requirements.

* * * * *

(b) * * *

(2) *Non-CDL holders applies on and after May 18, 1997.* A State shall satisfy the requirement of this subpart that the State disqualify a non-CDL holder who is convicted of an offense or offenses necessitating disqualification under § 383.51 by, at a minimum, implementing the limitation on licensing provisions of § 384.210 and the timing and recordkeeping requirements of paragraphs (c) and (d) of this section so as to prevent such non-CDL holder from legally obtaining a CDL from any State during the applicable disqualification period(s) specified in this subpart.

* * * * *

[FR Doc. 95–28227 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 950206040-5040-01; I.D. 110995A]

Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Inseason adjustment, request for comments.

SUMMARY: NMFS is redistributing the 1995 Pacific halibut bycatch allowances specified for the Pacific cod hook-and-line gear fishery and the other non-trawl gear fishery in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to achieve the optimum yield from the groundfish fisheries.

DATES: Effective 12 noon, Alaska local time (A.l.t.), November 9, 1995, until 12 midnight, A.l.t., December 31, 1995. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 24, 1995.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Attn: Lori Gravel, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, or be delivered to Room 457, Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

Pursuant to § 675.21(a)(6) the prohibited species catch (PSC) limit of Pacific halibut caught while conducting any non-trawl fishery for groundfish in the BSAI during any fishing year is an amount of Pacific halibut equivalent to 900 metric tons (mt) of halibut mortality. In accordance with §§ 675.21(b)(2)(i) and (b)(4), the Final 1995 Harvest Specifications for the BSAI groundfish fisheries (60 FR 8479, February 14, 1995, and 60 FR 12149, March 6, 1995) apportioned this PSC limit among the non-trawl gear fishery categories defined at § 675.21(b)(2)(ii) as follows: (1) Pacific cod hook-and-line, 725 mt; (2) ''other non-trawl,'' 175 mt; (3) jig gear (exempt for 1995), 0 mt; (4) groundfish pot gear fisheries, (exempt for 1995), 0 mt; (5) sablefish hook-and-line (exempt for 1995), 0 mt (60 FR 12149, March 6, 1995).

As of October 21, 1995, 90 mt of halibut mortality remains of the ''other non-trawl'' fishery bycatch allowance. This fishery category will require an additional 20 mt of halibut mortality during 1995, leaving 70 mt of Pacific halibut mortality uncaught. The Pacific cod hook-and-line gear fishery has 34 mt remaining of its halibut bycatch allowance, which is inadequate for harvesting the 9,000 mt of Pacific cod remaining in the allocation for hook-and-line or pot gear. The Pacific halibut bycatch allowance for the Pacific cod hook-and-line gear fishery needs to be augmented to promote achieving the optimum yield from the Pacific cod fishery.

Under § 675.20(e), the Regional Director is making an inseason adjustment to increase the Pacific halibut bycatch allowance specified for the Pacific cod hook-and-line gear fishery by 70 mt. The ''other non-trawl'' gear fishery≥s halibut bycatch is decreased by 70 mt. In accordance with § 675.20(e)(1)(iii), NMFS is redistributing the Pacific halibut bycatch mortality allowances of the non-trawl fisheries as follows: (1) Pacific cod hook-and-line, 795 mt; (2) ''other non-trawl,'' 105 mt; (3) jig gear, 0 mt; (4) groundfish pot gear fisheries, 0 mt; (5) sablefish hook-and-line, 0 mt. This adjustment is necessary to prevent the underharvest of the BSAI Pacific cod total allowable catch pursuant to § 675.20(e)(2)(iii)

As required by § 675.20(f), all information relevant to this inseason adjustment, including the effect of overall fishing effort within the statistical area and economic impacts on affected fishing businesses, was considered. Current halibut bycatch allowances will cause a premature closure of the Pacific cod hook-and-line gear fishery and, therefore, will not promote optimum yield of groundfish and will result in economic harm to fishermen and processors who would otherwise participate in that fishery. Interested persons are invited to submit comment in writing to the previously cited address on or before November 24, 1995.

Classification

This action is taken under § 675.20(e)(1)(iii), (e)(2)(iii) and (e)(5) and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior public notice and comment on the inseason adjustment. Immediate effectiveness is necessary to prevent foregone revenue to the Pacific cod hook-and-line fishery, which would otherwise be prevented from conducting operations.

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

Dated: November 9, 1995.

Richard W. Surdi,

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

[FR Doc. 95–28248 Filed 11–9–95; 4:13 pm]

BILLING CODE 3510–22–F

50 CFR Part 676

[Docket No. 940683–4277; I.D. 110695C]

RIN 0648–AE79

Limited Access Management of Federal Fisheries In and Off of Alaska; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule that was published Friday, October 7, 1994. This document republishes the regulatory text describing a ''qualified person'' under the Individual Fishing Quota (IFQ) program for the fixed gear fishery for Pacific halibut and sablefish in and off of Alaska.

EFFECTIVE DATE: November 7, 1994.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Under § 676.20, initial allocation of Pacific halibut and sablefish quota share (QS) is assigned to qualified persons based upon specified criteria (e.g., qualifying years, evidence of vessel ownership, evidence of vessel lease, evidence of legal landings, vessel categories). These criteria were published in the final rule implementing the IFQ system for Pacific halibut and sablefish, Amendment 15 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 20 to the FMP for Groundfish of the Gulf of Alaska (GOA), and appear at 58 FR 59406 (November 9, 1993).

The IFQ system was revised with the implementation of a Modified Block Proposal to clarify the transfer process for QS and to prevent excessive consolidation in the Pacific halibut and sablefish fisheries, Amendment 31 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 35 to the FMP for Groundfish of the Gulf of Alaska. The proposed rule was published June 28, 1994 (59 FR 33272) and the final rule was published October 7, 1994 (59 FR 51135). Neither Amendment 31 or 35 indicated that the criteria for a qualified person or the vessel categories under the original IFQ program were to be revised. Although there is some confusion in the proposed and final rule implementing Amendments 31 and 35, the preamble to the final rule (59 FR 51136, October 7, 1994) explicitly states:

> 1. The amendatory language to § 676.20 in the proposed rule was numbered in such a manner that existing paragraphs (a)(1) *Qualified persons* and (a)(2) *Vessel categories* would have been deleted. This was a technical oversight. Paragraphs (a)(1) and (a)(2) will remain as published on November 9, 1993 (59 FR 59375) and will not be amended by this final rule.

NMFS interpreted the final rule as stated above and circulated copies of the regulations with paragraphs (a)(1) and (a)(2) as published at 58 FR 59375 (November 9, 1993). Not withstanding the explicit statement in the preamble and NMFS' interpretation of this provision, the amending instruction for § 678.20 was not clear and could be construed as deleting paragraphs (a)(1) and (a)(2). See 59 FR 51138 (October 7, 1995). Consequently, NMFS is issuing this correction and republishing the criteria of § 676.20(a)(1) and (a)(2).

List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: November 8, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

Accordingly, 50 CFR part 676 is amended by making the following correction:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 676.20, paragraphs (a)(1) and (a)(2) are added to read as follows:

§ 676.20 Individual allocations.

(a) * * *

(1) *Qualified person.* As used in this section, a ''qualified person'' means a ''person,'' as defined in § 676.11 of this part, that owned a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year. A person is a qualified person also if (s)he leased a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year. A person who owns a vessel cannot be a qualified person based on the legal fixed gear landings of halibut or sablefish made by a person who leased the vessel for the duration of the lease. Qualified persons, or their successors-in-interest, must exist at the time of their application for QS. A former partner of a dissolved partnership or a former shareholder of a dissolved corporation who would otherwise qualify as a person may apply for QS in proportion to his interest in the dissolved partnership or corporation. Sablefish harvested within Prince William Sound, or under a State of Alaska limited entry program, will not be considered in determining whether a person is a qualified person.

(i) A QS qualifying year is 1988, 1989, or 1990.

(ii) Evidence of vessel ownership shall be limited to the following documents, in order of priority:

(A) For vessels required to be documented under the laws of the United States, the U.S. Coast Guard abstract of title issued in respect of that vessel;

(B) A certificate of registration that is determinative as to vessel ownership; and

(C) A bill of sale.

(iii) Conclusive evidence of a vessel lease will include a written vessel lease agreement or a notarized statement from the vessel owner and lease holder attesting to the existence of a vessel lease agreement at any time during the QS qualifying years. Conclusive evidence of a vessel lease must identify the leased vessel and indicate the name of the lease holder and the period of time during which the lease was in effect. Other evidence, which may not be conclusive, but may tend to support a vessel lease, may also be submitted.

(iv) Evidence of ownership interest in a dissolved partnership or corporation shall be limited to corporate documents (e.g., articles of incorporation) or notarized statements signed by each

former partner, shareholder or director, and specifying their proportions of interest.

(v) As used in this section, a ''legal landing of halibut or sablefish'' means halibut or sablefish harvested with fixed gear and landed in compliance with state and Federal regulations in effect at the time of the landing. Evidence of legal landings shall be limited to documentation of state or Federal catch reports that indicate the amount of halibut or sablefish harvested, the IPHC regulatory area or groundfish reporting area in which it was caught, the vessel and gear type used to catch it, and the date of harvesting, landing, or reporting. State catch reports are Alaska, Washington, Oregon, or California fish tickets. Federal catch reports are weekly production reports required under §§ 672.5(c) and 675.5(c) of this chapter. Sablefish harvested within Prince William Sound, or under a State of Alaska limited entry program, will not be considered in determining qualification to receive QS, nor in calculating initial QS.

(2) *Vessel categories*. Vessel categories include:

(i) Category A—freezer vessels of any length;

(ii) Category B—catcher vessels greater than 60 feet (18.3 meters) in length overall;

(iii) Category C—catcher vessels less than or equal to 60 feet (18.3 meters) in length overall for sablefish, or catcher vessels greater than 35 feet (10.7 meters) but less than or equal to 60 feet (18.3 meters) in length overall for halibut; and

(iv) Category D—catcher vessels that are less than or equal to 35 feet (10.7 meters) in length overall for halibut.

* * * * *

[FR Doc. 95–28204 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 221
Thursday, November 16, 1995

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 950

[Docket No. FV95–950–1PR]

Irish Potatoes Grown in Maine; Proposed Termination of Marketing Order No. 950

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to terminate the Federal marketing order regulating the handling of Irish potatoes grown in Maine (order) and the rules and regulations issued thereunder. The Maine potato industry has not operated under the order for almost three decades and the current order does not reflect current industry structure and operating procedures. Thus, there is no need for the Department of Agriculture to continue this order.

DATES: Comments must be received by December 18, 1995.

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

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone (202) 690–0464, FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposed rule is governed by the provisions of section 608c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act and § 950.84 of the order.

This regulatory action is being taken as a part of the National Performance Review to eliminate unnecessary regulations and to improve those that remain in force.

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

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

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

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

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

There are approximately 750 producers. Some of them are also handlers who would be subject to seasonal handling regulations under the order, but no such regulations have been implemented since the 1967–68 season, and there is no indication that such regulations will again be needed. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms, which include handlers, are defined as those whose annual receipts are less than $5,000,000. The majority of the Maine potato producers and handlers may be classified as small entities.

The order was initially established on August 24, 1954, to help the industry solve specific marketing problems and maintain orderly marketing conditions. It was the responsibility of the Maine Potato Marketing Committee (committee), the agency established for local administration of the marketing order, to periodically investigate and assemble data on the growing, harvesting, shipping, and marketing conditions of Maine potatoes. The committee endeavored to achieve orderly marketing and improve acceptance of Maine potatoes through the establishment of minimum size and quality requirements. When regulated, fresh potato shipments consisted only of those grades and sizes desired by consumers.

Although the Department has not conducted interviews of current industry members with respect to the need for a marketing order, neither has it received recent inquiries from the industry asking for reactivation. The Maine potato industry has not operated under the marketing order for almost three decades. Regulations have not been applied to Maine potato handlers since the late 1960's and a committee to locally administer the marketing order has not been appointed since the early 1970's. In August 1954, when the marketing order was issued, there were almost 4,500 producers of Maine potatoes. Currently, there are about 750 producers.

While a sizeable potato industry remains active in Maine, there seems to be virtually no interest in a marketing order. Most of the members appointed to the last committee have retired from commercial potato production or handling.

Over the years, there have been periodic inquiries about reviving the marketing order, but no formal requests for reactivation have ever materialized. In any case, with the passage of time and changes in industry structure and operating practices since the order was formulated, a much revised marketing order would have to be established. The need for a new marketing order would have to be justified and supported by a large majority of current Maine potato producers. This would require a public hearing and a producer referendum. Thus, there is little justification to continue the current marketing order.

We believe that conducting a termination referendum would merely reaffirm the Maine potato industry's continued lack of interest in a marketing order and that conducting such a referendum would be wasteful of Departmental and public resources.

Therefore, pursuant to section 608c(16)(A) of the Act and § 950.84 of the order, the Department is considering the termination of Marketing Order No. 950, covering Irish potatoes grown in Maine. If the Secretary decides to terminate the order, trustees would not need to be appointed to continue in the capacity of concluding and liquidating the affairs of the former committee, since no funds or property remain to be distributed or liquidated.

Section 608c(16)(A) of the Act requires the Secretary to notify Congress 60 days in advance of the termination of a Federal marketing order. Congress will be so notified upon publication of this proposed rule.

Based on the foregoing, the Administrator of the AMS has determined that this action would not have a significant impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 950

Marketing agreements, Reporting and recordkeeping requirements, Potatoes.

PART 950—[REMOVED]

For the reasons set forth in the preamble, and under the authority of 7 U.S.C. 601–674, 7 CFR part 950 is proposed to be removed.

Dated: November 9, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95–28324 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 95–012–1]

Viruses, Serums, Toxins, and Analogous Products; Rabies Vaccine, Killed Virus and Rabies Vaccine, Live Virus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the standard requirements for establishing the immunogenicity of Rabies Vaccine, Killed Virus and Rabies Vaccine, Live Virus. The amendment would change and clarify alternate test procedures which may be used in animals other than carnivores. Under the proposed rule, when a reduced number of challenge animals is used in a rabies immunogenicity test, all vaccinates must survive challenge. If one or more of the challenged vaccinates die of rabies, all of the remainder of the vaccinates would have to be challenged or the test would be deemed unsatisfactory and terminated.

This proposed action would correct a problem associated with rabies immunogenicity tests in the regulations and make other changes deemed necessary for clarity and consistency.

DATES: Consideration will be given only to comments received on or before January 16, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–012–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–012–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, 4700 River Road Unit 148, Riverdale, MD 20737–1237, (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 113 pertain to standard requirements for the preparation of veterinary biological products. A standard requirement consists of test methods, procedures, and criteria established by the Animal and Plant Health Inspection Service to determine that a veterinary biological product is pure, safe, potent, and efficacious and not worthless, dangerous, contaminated, or harmful.

The standard requirements for Rabies Vaccine, Killed Virus, and for Rabies Vaccine, Live Virus, appear in §§ 113.209 and 113.312, respectively. Sections 113.209(b)(4) and 113.312(b)(4) provide for an alternative immunogenicity test, for domestic species other than dogs and cats, that reduces the number of animals that must be challenged to a minimum of five vaccinates and five unvaccinated control animals. The regulations require that a minimum of 25 animals be vaccinated and blood be taken for serology at prescribed intervals postvaccination. All surviving test animals must be challenged 1 year after vaccination unless the alternative test is used. In the case of the alternative test for domestic species other than dogs or cats, the five vaccinates with the lowest rabies antibody titers at each of the last two bleedings, and all vaccinates with titers below 1:10, as determined by the mouse serum neutralization (SN) test or below 1:16 by the rapid-fluorescent-focus-inhibition test at any bleeding, must be challenged at 1 year after vaccination.

The following example illustrates how the current regulations can lead to different interpretations for the rabies immunogenicity test for species other than dogs and cats. The regulations in §§ 113.209(b)(3)(v) and 113.312(b)(3)(v) (applicable to all animal species) require that the statistical equivalent of 22 out of 25 or 26 out of 30 vaccinates remain well for 90 days after challenge. If only five vaccinates are challenged and three die of rabies, the test would be deemed unsatisfactory under §§ 113.209(b)(3)(v) and 113.312(b)(3)(v). The results would be considered unsatisfactory because survival of 2 of 5 animals is not statistically equivalent to survival of 22 of 25 or 26 of 30 animals.

Sections 113.209(b)(4) and 113.312(b)(4) (which apply to animals other than dogs and cats), however, state that all unchallenged vaccinates shall be considered protected for purposes of the test when evaluated for acceptance. The previous test would be considered satisfactory under §§ 113.209(b)(4) and 113.312(b)(4), since the unchallenged vaccinates would be deemed protected, meeting the requirement that 22 of the 25 vaccinates be protected for a satisfactory test. For this reason, the

regulations in §§ 113.209(b)(4) and 113.312(b)(4) need to be amended.

Sections 113.209(b)(4) and 113.312(b)(4) also need to be amended because serologic titer is not sufficiently correlated with efficacy to ensure that all of the unchallenged vaccinates in a reduced immunogenicity test would be protected after a real challenge.

The amendment would clarify which of the vaccinates should be challenged under §§ 113.209(b)(4) and 113.312(b)(4), and would require that all challenged vaccinates remain well for 90 days in order for the test to be satisfactory. The amendment would specify that the reduced immunogenicity test described in §§ 113.209(b)(4) and 113.312(b)(4) may not be used for carnivores (e.g., dogs, cats, and ferrets). The amendment would therefore exclude from a reduced challenge test species of animals that have a high potential for transmitting rabies.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule amending §§ 113.209 and 113.312 is necessary to clarify the regulations regarding the rabies immunogenicity test. The amendment would clarify which animals are to be challenged in a reduced immunogenicity study and the procedures to follow when one or more of the vaccinates die of rabies. The proposed amendment would require that additional vaccinates be challenged if one of the low titer vaccinates succumbs to rabies. In 7 of the last 10 rabies challenge tests of non-carnivores, firms elected to challenge 25 or more animals. In the remaining three cases in which a reduced number of animals were challenged in accordance with current § 113.209 or § 113.312, paragraph (b)(4), no additional animals were challenged and no additional animals would have been challenged under the proposed rule. The proposed amendment, therefore, would have minimal economic effect.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

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

Paperwork Reduction Act

This proposed rule contains no new information collection or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 would be amended as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 113.209 would be amended by revising paragraph (b)(4) to read as follows:

§ 113.209 Rabies Vaccine, Killed Virus.

* * * * *

(b) * * *

(4) An alternative to challenging all surviving test animals in accordance with paragraph (b)(3)(iv) of this section may be used when the test animals are of species other than carnivores. Vaccinates shall be challenged at 1 year postvaccination. These shall include five vaccinates with the lowest SN titers at the 270th-day bleeding, five vaccinates with the lowest SN titers at the 365th-day bleeding, and all vaccinates with SN titers below 1:10 by the mouse SN test or below 1:16 by the rapid-fluorescent-focus-inhibition test at any bleeding. At least five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be titrated to an endpoint. All of the challenged vaccinates must remain well for a period of 90 days, and at least 80 percent of the controls must die of rabies for a satisfactory test without further challenge. If one or more of the vaccinates die from rabies, all the remaining vaccinates, regardless of titer, along with the five controls shall be challenged. The cumulative results from the two challenges shall be evaluated for acceptance as specified in paragraph (b)(3)(v) of this section.

3. Section 113.312 would be amended by revising the section heading and paragraph (b)(4) to read as follows:

§ 113.312 Rabies Vaccine, Live Virus.

* * * * *

(b) * * *

(4) An alternative to challenging all surviving test animals in accordance with paragraph (b)(3)(iv) of this section may be used when the test animals are of species other than carnivores. Vaccinates shall be challenged at 1 year postvaccination. These shall include five vaccinates with the lowest SN titers at the 270th-day bleeding, five vaccinates with the lowest SN titers at the 365th-day bleeding, and all vaccinates with SN titers below 1:10 by the mouse SN test or below 1:16 by the rapid-fluorescent-focus-inhibition test at any bleeding. At least five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be titrated to an endpoint. All of the challenged vaccinates must remain well for a period of 90 days, and at least 80 percent of the controls must die of rabies for a satisfactory test without further challenge. If one or more of the vaccinates die from rabies, all the remaining vaccinates, regardless of titer, along with the five controls shall be challenged. The cumulative results from the two challenges shall be evaluated for acceptance as specified in paragraph (b)(3)(v) of this section.

* * * * *

Done in Washington, DC, this 8th day of November 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–28325 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AGL–17]

Proposed Establishment of Class E Airspace; Hettinger, ND, Hettinger Municipal Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Hettinger, ND. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 30 has been developed for the Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) and from 1200 feet AGL is needed for aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before December 29, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 95–AGL–17, 2300 East Devon Avenue, Des Plaines, Illinois 60018

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AGL–17.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Hettinger, ND. This proposal would provide adequate Class E airspace for operators executing the GPS Runway 30 SIAP at Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet AGL and 1200 feet AGL is needed for aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instruments conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

AGL ND E5 Hettinger, ND [New]
Hettinger Municipal Airport, ND
(Lat. 46°00′56″N, long. 102°39′20″W).

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Hettinger Municipal Airport and within 1.9 miles each side of the 136 bearing from the Hettinger Municipal Airport from the 6.4-mile radius to 8.9 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 462000N/Long. 1025800W, to Lat. 462000N/Long. 1024400W, to Lat. 454500N/Long. 1020900W, to Lat. 454500N./Long. 1025800W to point of beginning excluding that airspace previously described as Victor 491.

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Issued in Des Plaines, Illinois on October 31, 1995.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 95–28344 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–AGL–8]

Proposed Revision of Class E Airspace; Rice Lake, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) which proposed to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI. The NPRM is being withdrawn as a result of wrong geographical coordinates and airport name change.

DATES: This withdrawal is effective November 16, 1995.

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

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On August 4, 1995, a Notice of Proposed Rulemaking was published in the Federal Register to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI (60 FR 39893).

Subsequent to publication in the Federal Register it was discovered that the geographical coordinates and airport name were in error.

Conclusion

In consideration of the erroneous information, action to revise the Class E airspace serving Rice Lake Municipal Airport, Rice Lake, WI, has been withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 95–AGL–8, as published in the Federal Register on August 4, 1995, (60 FR 39893), is hereby withdrawn.

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

* * * * *

Issued in Des Plaines, IL, on November 2, 1995.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 95–28343 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 423

Request for Comments Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the ''Commission'') is requesting public comments on a proposed conditional exemption to its Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods (''the Care Labeling Rule'' or ''the Rule''). The proposed conditional exemption would permit the use of certain care symbols in lieu of words on the permanently attached care label, as long as hangtags with explanatory language are used for the first 12 month period of symbol use. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal.

DATES: Written comments will be accepted until January 31, 1996.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H–159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about this conditional exemption to the Care Labeling Rule should be identified as ''Conditional exemption for symbols, 16 CFR Part 423—Comment.''

FOR FURTHER INFORMATION CONTACT: Constance M. Vecellio, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326–2966.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 15, 1994, the Commission published a Federal Register notice (''FRN'') requesting comment on various aspects of the Care Labeling Rule, including whether the Rule should be modified to permit the use of symbols in lieu of words. The Commission has now tentatively determined to permit the use of certain symbols, under certain conditions, and now seeks additional comment on the specifics of the proposal. The Commission will summarize other results of the regulatory review it conducted in a separate notice.

II. Background

The Rule was promulgated by the Commission on December 16, 1971, 36 FR 23883 (1971), and amended on May 20, 1983, 48 FR 22733 (1983). The Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' (16 CFR 423.6(a) and (b)) The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions. (16 CFR 423.6(c))

The ''Terminology'' section of the Rule, 16 CFR 423.2(b), currently requires that care instructions be stated in ''appropriate terms,'' although it also states that ''any appropriate symbols may be used on care labels or care instructions, *in addition to the required appropriate terms* so long as the terms fulfill the requirements of this regulation.'' (Emphasis added). Although the Rule does not specifically state that the instructions must be in English, they usually are in English. The FRN stated that the North American Free Trade Agreement (''NAFTA'') ''has created industry interest in being permitted to use symbols in lieu of words to provide care instructions, and the Commission seeks comment on the costs and benefits of such a change.''

The FRN included the following questions on this issue:

(7) Should the Commission amend the Rule to allow care symbols to be used in lieu of language in care instructions? If so, is there an existing set of care symbols that would provide all or most of the information required by the current Rule? What are the advantages and disadvantages of the existing systems of care symbols?

(a) In particular, what are the advantages and disadvantages of the system of care symbols developed by the International Association for Textile Care Labeling (''Ginetex'') and adopted by the International Standards Organization as International Standard 3758?

(b) What are the advantages and disadvantages of the system of care symbols developed by the American Society for Testing and Materials (''ASTM'') and designated as ASTM D5489 Guide to Care Symbols for Care Instructions on Consumer Textile Products?

III. Analysis of Comments

Eighty-one comments were received.[1] Sixty-five of the comments discussed the use of symbols in lieu of written language to communicate care instructions; 60 of those favored the use of symbols.[2] Five comments opposed allowing symbols in lieu of written instructions.[3] Most comments stated that they favored symbols because symbols would make international trade easier.

Canada and Mexico currently allow the use of symbols to convey garment care instructions. Many comments focused on trade with Mexico and Canada, stating or implying that symbols that harmonize with those used in Mexico and Canada would further the goals of NAFTA.[4] Some of these comments stated or implied that, in addition to harmony with Canada and Mexico, whatever system is adopted should be in harmony with the symbol system used in Europe.[5] Other comments placed more importance on harmony with the European system than with NAFTA.[6]

Some comments said there would be some initial cost to changing to a symbol system, but they either stated or implied that the long-run cost savings would exceed these initial ''change-over'' costs. Some comments explained in more detail why the current Rule impedes trade within North America. One comment stated that the requirement that care instructions be written makes for very long labels because it ''forces manufacturers and retailers wanting to sell products freely within the NAFTA territory to display care instructions in English, French and Spanish.'' [7] Many other comments stated that the use of symbols would cause production costs to decline because the size of labels would be reduced and smaller labels are less expensive.[8]

Several comments noted that the use of symbols would help U.S. consumers who cannot speak English (or whose primary language is not English) and consumers who cannot read (or cannot read well).[9] Some comments noted that smaller labels may improve consumer comfort.[10] Other comments stated that smaller labels would also make garments more attractive.[11] Several comments stated that savings from smaller labels could be passed on to consumers as reductions in the cost of apparel.[12]

Many comments that favored the use of symbols emphasized that the symbols should not be mandatory, but a voluntary option, and that the use of written care instructions should continue to be allowed, either as a supplement to symbols or alone.[13] Several comments noted that all possible care instructions cannot be conveyed by symbols; certain special handling instructions such as ''remove promptly''; ''double rinse for best results''; ''wash inside out''; ''wash with like garments''; or ''wash before wearing'' will probably have to be communicated in words.[14] But one comment noted that ''symbols alone could easily accommodate 75–80% of the merchandise sold.'' [15]

In sum, most of the comments state that the use of symbols would benefit both manufacturers, by lowering production costs and increasing exports, and consumers, by communicating care instructions clearly and by potentially

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[1] The commenters included cleaners; consumers; public interest-related groups; fiber, textile, or apparel manufacturers or sellers (or conglomerates); federal government entities; fiber, textile, or apparel manufacturers or retailers trade associations; two label manufacturers; one cleaning products manufacturer; one association representing the leather apparel industry; one Committee formed by industry members from the countries signatory to NAFTA; one appliance technician; one appliance manufacturers trade association; two standards-setting organizations; and two representatives from foreign nations. Each comment was assigned a number. The first time a comment is cited it is cited by the full name of the commenter and the assigned number; subsequently, it is cited by the number and a shortened form of the name. The comments are available for inspection in the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC, from 8:30 a.m. to 5:00 p.m., Monday through Friday, except federal holidays.

[2] These comments are: Benjamin Axleroad (1), Baby Togs, Inc. (2), Judith S. Barton (7), C.M. Offray & Son, Inc. (9), The Schwab Company (10), Fieldcrest Cannon (11), Ardis W. Koester (12), University of Kentucky College of Agriculture (15), ASTM Committee D–13 on Textiles (16), Pittsfield Weaving Co. (17), European Union (GATT Secretariat) (18), Todd Uniform, Inc. (19), Acqua Clean System (20), Woolrich, Inc. (21), The Massachusetts Toxics Use Reduction Institute (23), Carter's (24), Braham Norwick (25), Oshkosh B'Gosh, Inc. (27), Ecofranchising, Inc. (28), Consumers Union (31), Clorox Company (32), The Warren Featherbone Company (33), Industry Canada (37), Business Habits, Inc. (38), Clothing Manufacturers Association of the United States of America (40), National Association of Hosiery Manufacturers (41), Paxar Corporation (42), Jo Ann Pullen (44), The Warren Featherbone Company (46), United States Apparel Industry Council (47), Dan River, Inc. (48), American Fiber Manufacturers Association, Inc. (49), The Leslie Fay Companies, Inc. (50), Springs Industries, Inc. (51), Salant Corporation (52), Association of Home Appliance Manufacturers (53), Milliken (54), Ruff Hewn (55), American Textile Manufacturers Institute (56), United States Association of Importers of Textiles and Apparel (57), Authentic Fitness Corporation (60), Warnaco (61), Salant Corporation (63), Fruit of the Loom (64), Drycleaners Environmental Legislative Fund (65), Angelica Corporation (66), Department of the Air Force (67), American Apparel Manufacturers Association (68), Trilateral Labeling Committee (69), J.C. Penney (70), Liz Claiborne, Inc. (71), Wemco, Inc. (72), Horace Small Apparel Company (74), Perry Manufacturing Company (75), Russell Corporation (76), Oxford Industries, Inc. (77), The GAP, Inc. (78), Haggar Apparel Company (79), Capital Mercury Shirt Corp. (80), Bidermann Industries (81).

[3] Evelyn Borrow (4), Margaret Tilden (13), Capital Mercury Shirt Corp. (26), Ann Geerhart (29), and VF Corporation (36).

[4] Togs (2) p.1; Offray (9) p.1; Fieldcrest (11) p.2; Koester (12) p.2; Pittsfield (17) pp. 2–3; Mass. Toxics Reduction (23) p.2; Carter's (24) p.1; Featherbone (33) p.2; Industry Canada (37) p.3; Paxar (42) p.1; Featherbone (46) p.1; USAIC (47) p.2; Dan River (48) p.1; AFMA (49) p.1; Salant (52) p.1; AHAM (53) p.2; Milliken (54) p.2; Ruff Hewn (55) p.2; ATMI (56) p.1; USA–ITA (57) p.3; Authentic Fitness (60) pp. 1–2; Warnaco (61) pp. 1–2; Salant (63) pp. 1–2; Fruit (64) p.2; Angelica (66) p.6; AAMA (68) p.1; Trilateral Committee (69) pp. 1–2; Wemco (72) p.1; Horace Small (74) p.1; Russell (76) p.2; Oxford (77) p.1; Haggar (79) p.1; Bidermann (81) p.1.

[5] *E.g.*, Fieldcrest (11) p.2; Pittsfield (17) p.3.

[6] European Union (18) pp. 2–3; Leslie Fay (50) p.1; Gap (78) p.4. The Ginetex/ISO system is used in Europe.

[7] Fruit (64) p.2.

[8] Fieldcrest (11) p.2; Pittsfield (17) p.1; Mass. Toxics Reduction (23) p.2; Carter's (24) p.1; Norwick (25) p.1; Capital Shirt (26) p.1; Featherbone (33) p.2; VF Corp. (36) p.4; Industry Canada (37) p.2; Paxar (42) p.1; Pullen (44) p.4; USAIC (47) p.2; ATMI (56) p.3; USA–ITA (57) p.2; Salant (63) p.1; Fruit (64) p.2; Air Force (67) p.2; AAMA (68) p.2; Haggar (79) p.1.

[9] Togs (2) p.1; Koester (12) p.2; Pittsfield (17) p.2; Norwick (25) p.1; Pullen (44) p.2.

[10] A few comments mention that some labels are scratchy and irritate the skin. Axleroad (1) p.1; Borrow (4) p.1; Martin (8) p.1; Pittsfield (17) p.1; Featherbone (33) p.1; Salant (63) p.1; Capital Shirt (80) p.1.

[11] AAMA (68) p.2.

[12] Paxar (42) p.1, Fruit (64) p.2, Haggar (79) p.1.

[13] Oshkosh (27) p.1; USAIC (47) p.2; Springs (51) p.1; ATMI (56) p.2; Salant (63) pp. 1–2; Fruit (64) p.2; Air Force (67) p.2; AAMA (68) p.3; Trilateral Committee (69) p.2; Penny (70) p.2.

[14] Fieldcrest (11) p.3; Pittsfield (17) p.1; European Union (18) p.2, Woolrich (21) p.1, VF Corp. (36) p.4.

[15] Penney (70) p.2.

decreasing garment prices. Moreover, one comment stated that it ''considers that the obligation of using mandatory language instructions would have the effect of creating unnecessary obstacles to international trade.'' [16] Another comment stated that the mandatory language requirement could function as a non-tariff barrier to trade which would ''significantly impede the free flow of goods within the NAFTA territory in direct contravention of the NAFTA.'' [17]

The record contains persuasive evidence indicating that allowing care information to be conveyed by symbols would lower production costs and would also have benefits for consumers. Moreover, the record indicates that care symbols are used in many other countries, and presumably the symbols communicate the information they contain to the consumers in those countries. Nevertheless, many comments noted the need for consumer education and expressed confidence that U.S consumers could adapt to care symbols with appropriate education.[18] Some comments indicated that symbols should be used with words until the U.S. population understands the symbols.[19] Pittsfield, on the other hand, argued that consumer education based on dual disclosure—the use of symbols with accompanying written instructions on the label—will not work, as shown by the U.S. experience with the metric system.[20]

Section 18(g)(2)of the FTC Act, 15 U.S.C. 57a(d)(2)(B), provides that ''[i]f * * * the Commission finds that the application of a rule prescribed under subsection (a)(1)(B) to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or part of such rule.'' The record indicates that care information can be conveyed by means of symbols, but it also indicates that American consumers need to be educated—or to be provided with ''decoding'' charts or hangtags—in order to learn to use a particular symbol system. Consequently the Commission proposes to grant a conditional exemption from the ''Terminology'' section of the Care Labeling Rule. However, for the reasons discussed above, the Commission proposes that the conditional exemption state that care labels that use symbols instead of language to convey information must be accompanied by hangtags explaining the meaning of the symbols. If the symbols on the label are accompanied by explanatory hangtags, then an exemption from the requirement that words be used on the label is appropriate because words on the label are not necessary to ''prevent the unfair or deceptive act or practice to which the rule relates.''

IV. Symbol Systems That Were Considered

The Commission examined two existing symbol systems—the Ginetex system and the ASTM system—to identify which conveys all or most of the information the Rule requires to be conveyed and meets other important criteria. As explained below, the ASTM system best meets the needs of consumers and industry at the present time.

A. ISO/Ginetex System

Because the Ginetex system has been adopted by the International Standards Organization (''ISO'') as International Standard 3758,[21] the Commission gave careful consideration to this system.[22] However, the ISO/Ginetex system does not provide symbols for some of the basic information the Rule requires to be conveyed. For example, if chlorine bleach would harm a product but non-chlorine bleach would not, section 423.6(b)(1)(iv) of the Rule requires that the label contain a warning such as ''only non-chlorine bleach when needed.'' However, the ISO/Ginetex system contains no symbol for non-chlorine bleach.[23] Further, the system's symbols for reduced spin and reduced mechanical action, required under section 423.(b)(1)(v) [''Warnings''] of the Rule, are linked to temperature.[24] (ISO standard 3759 Table 1). This linkage is inconsistent with the technology of American washers.[25] Its temperature ranges for tumble drying (normal and low—ISO standard 3759 Table 5) are also inconsistent with American technology.[26] It has no symbols for natural drying, or the use of steam in ironing, which are care practices addressed by the Rule.[27]

For dry cleaning, the ISO/Ginetex system provides only a symbol (constituting an underlining of the circle) that means ''strict limitations on the addition of water and/or mechanical action and/or temperature during cleaning and/or drying.'' (ISO standard 3759 Table 4). However, section 423.6(b)(2)(ii)(A) provides that, if a dry cleaning instruction is included on the label, it must also warn against any part of the dry cleaning process which consumers or dry cleaners could reasonably be expected to use that would harm the product or others being cleaned with it.[28] The ISO/Ginetex system does not have a method for providing warnings about which specific parts of the dry cleaning process should be avoided. Accordingly, the dry cleaning symbol in the ISO/Ginetex system does not satisfy the Rule's requirements for dry cleaning instructions.

Thus, the ISO/Ginetex system cannot convey all the information that the Commission has found to be necessary to prevent the unfair and deceptive

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[16] European Union (18) p.1.

[17] Fruit (64) p.2. See also AHAM (53) p.2.

[18] Schwab (10) p.1; Fieldcrest (11) pp. 2–3; ASTM (16) p.8; Pittsfield (17) p.1; Woolrich (21) p.1; Carter's (24) p.2; Consumers Union (31) p.1; Clorox (32) p.4; Business Habits (38) p.4; Pullen (44) p.4; AHAM (53) p.2; Fruit (64) p.3; AAMA (68) p.3. Some comments stated that symbols should not replace words until a consumer education program has become effective. Consumers Union (31) p.1; VF Corp. (36) p.4; Gap (78) p.3. However, consumers do not need to memorize the symbols if they have ''decoding'' charts they can place in their laundry rooms and if such ''decoding'' charts, or hangtags, are available in retail stores.

[19] Consumers Union (31) p.1; Gap (78) p.3.

[20] Comment 17, p.2.

[21] Ginetex (Groupement International d'Etiquetage pour l'Entretien des Textiles, or International Association for Textile Care Labeling) is an organization composed of national member bodies, with a goal, among other things, of drawing up ''guidelines and compulsory directives for the use of the uniform GINETEX symbols and to control their application.'' The Ginetex system was adopted as an international standard by the International Organization for Standardization (ISO) in 1991 as ISO Standard 3758.

[22] The Trade Agreements Act of 1979 states that any federal agency must, in developing standards, ''take into consideration international standards and shall, if appropriate, base the standards on international standards.'' Trade Agreements Act of 1979, title IV, section 402, 93 Stat. 242 (1979) (codified as amended at 19 U.S.C. 2532(2)(A) (Supp. 1995)).

[23] Several comments noted this deficiency. Pittsfield (17) p.2; Clorox (32) p.4; V.F. Corp. (36) p.4; Pullen (44) p.5; ATMI (56) p.4; GAP (78) p.4. Consumer Union (31) stated, at p.2, that ''we need a symbol pertinent to non-chlorine bleach as the industry plans to move away from chlorine bleach.'' The Trilateral Committee (69), at p.2, and ATMI (56), at p.2, both recommend that any care symbol system adopted by the U.S. include chlorine and non-chlorine bleach instructions.

[24] The system also indicates temperatures for washing in precise degrees Centigrade, but few washing machines in the United States have internal heating devices as European machines do.

[25] Pittsfield (17), at p.2, noted ''technical inconsistencies such as the interconnection of temperature and cycle conditions''; Pullen (44), at p.5, noted the lack of a complete selection of symbols for all washing cycles and temperatures.

[26] ATMI (56) p.4; Penney (70), noting at p.2, that the Ginetex symbols are ''technically incomplete for the American consumer's laundering practices.''

[27] Section 423.6(b)(1)(ii) states that the label must state whether the product should be dried by machine or by some other method. Section 423.6(b)(1)(v) states that there must be a warning against any part of the prescribed procedure which consumers can reasonably be expected to use that would harm the product. However, without a symbol for steam ironing, it is impossible to warn against steam ironing.

[28] The Appendix to the Rule provides specific examples such as ''short cycle,'' ''low moisture,'' ''do not tumble,'' and ''no steam.''

practices that the Rule was designed to prevent.[29] Moreover, the ISO/Ginetex system is inconsistent with American technology in several ways. The Trade Agreements Act explicitly identifies several reasons why basing a standard on an international standard may not be appropriate, including the prevention of deceptive practices and fundamental technological problems. 19 U.S.C. 2532(2)(B)(i) (1980). Accordingly, the Commission has concluded the use of ISO standard 3758 is not appropriate for the United States at this time.[30]

Another problem that weighed against the ISO/Ginetex system is the fact that Ginetex asserts trademark rights relating to the symbols. Annex A to ISO 3758 states that the symbols used in that standard are registered with the World Intellectual Property Organization (WIPO) and owned by Ginetex. Part A.2.1 of Annex A of ISO Standard 3758 constitutes an agreement between ISO and Ginetex that ''GINETEX's ownership rights related to the marks are preserved under the terms of this agreement, as well as the structure, rights and obligations of its national committees.'' The Trilateral Committee (a committee formed by industry members from the countries signatory to NAFTA), those comments that explicitly supported its conclusions, and numerous other comments stated that they could only support a symbol system that was free of proprietary claims.[31] The Commission agrees with these comments.[32]

B. The System

ASTM is a scientific and technical organization that publishes voluntary consensus standards. Its Committee D–13 on Textiles contains a Subcommittee D13.62 on Care Labeling, which developed the voluntary consensus standard D5489 referenced in the FRN. A copy of Standard D5489 is attached to ASTM's comment. A copy of an explanatory or ''decoding'' chart can be found at the end of this notice.

The ASTM system provides symbols relating to the basic information required by the Rule. It includes machine and hand washing, with hand washing indicated by a hand in the washtub. It indicates permanent press cycle by underlining the washtub, and gentle cycle by underlining it twice. It includes chlorine and non-chlorine bleach instructions (the latter indicated by a shaded triangle), and tumble drying and natural drying instructions. It indicates dryer cycles by underlining, with single underlining for permanent press and double underlining for gentle cycle. The iron symbolizes ironing and pressing, and includes an indication as to whether steam can be used (an instruction that may be particularly important for commercial laundries). Temperature—for water, dryers, or ironing—is indicated by a series of dots, with one dot indicating cold, two indicating warm, three indicating hot, four indicating very hot. Five and six dots may be used for even higher temperatures. (Alternatively, temperature may be stated in degrees Celsius.)

For dry cleaning, it indicates short cycle, no steam finishing, reduce moisture, and low heat, respectively, by means of a line drawn under, above, to the left, or to the right of the circle. Finally, the ASTM system (in Standard section 5.10) allows for optional symbols that may be used for additional procedures or warnings (*e.g.*, do not wring).

More comments favored the ASTM system than the Ginetex system for a variety of reasons, including the fact that it is more comprehensive.[33] One comment noted that it is easier to add new symbols in the ASTM system.[34]

The Commission notes that ASTM has obtained a copyright for the entire Standard D5489, including an explanatory chart.[35] Several comments expressed concern over possible copyright licensing fees for the use of the chart.[36] However, ASTM recently submitted to the Commission a document entitled ''Conditions for Republishing the ASTM D 5489 Care Symbol Chart'' which states that ASTM will grant other organizations a royalty free license for the republication of the complete chart, or portions thereof, provided that the charts include a line crediting ASTM and providing that the copies are not sold separately from the products to which the copies are affixed.[37] This document may alleviate

[29] Section 423.5 describes the unfair or deceptive acts or practices the Rule was designed to prevent. Section 423.5(a)(2) states that it is an unfair or deceptive act or practice for a manufacturer or importer to fail to disclose instructions which prescribe a regular care procedure necessary for the ordinary use and enjoyment of the product. Section 423.5(a)(2) states that it is an unfair or deceptive act or practice to fail to warn a purchaser when any part of the prescribed regular care procedure, which a consumer or professional cleaner could reasonably be expected to use, would harm the product or others being cleaned with it.

[30] The European Union (GATT Secretariat), noting that the Ginetex system was adopted as international standard ISO 3758 in 1991, stated that Article 2.2 of the Agreement on Technical Barriers to Trade requires U.S. authorities to use international standards as a basis for technical regulations. Comment 18, pp.1–2. However, while Article 2.2 of the Agreement on Technical Barriers to Trade provides that ''technical regulations shall not be more trade restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create,'' it recognizes prevention of deceptive practices as a legitimate objective. It also states that, in assessing such risks, ''relevant elements of consideration are, *inter alia:* available scientific and technical information, related processing technology or intended end-uses of products.'' Thus, the differences in U.S. and European technology provide a valid reason for the U.S. to adopt a system that is slightly different than the European system. Nevertheless, the Commission agrees with those comments that indicate that the creation of a system of care symbols appropriate for use worldwide is desirable. However, ISO Standard 3758, as it now exists, simply does not fulfill the legitimate objectives of the United States.

[31] Carter's (24) p.3; Oshkosh (27) p.1; AHAM (53) p.2; Milliken (54) p.2; ATMI (56) p.2; Authentic Fitness (60) p.2, Warnaco (61) p.2; Fruit (64) p.4; Drycleaners Fund (65) p.3; AAMA (68) p.4; Penney (70) p.1; Trilateral Committee (79) p.2; GAP (78) p.4. In addition, ATMI (56) objected, at p.4, to the fact that Ginetex requires that a national body in the country using the system register with Ginetex and monitor use of the system within the country. (See section A.1. of Annex A to ISO Standard 3758, which states, ''Ginetex has delegated to its national committees, i.e., its members, the task of promoting the implementation of textile care labelling symbols, of granting the right to reproduce and use the symbols, and of monitoring their use.'')

[32] Before the ISO subcommittee voted to make the Ginetex system an international standard, several countries (including the U.S.) objected to the use of a proprietary system as an international standard, but they were outvoted. Subsequent to the adoption of ISO 3758, the USA delegation to the ISO textile committee submitted to ISO a document entitled ''USA Comments and Questions Related to ISO 3758'' in which they stated, ''The USA opposes any standard that requires royalty fees from any organization. Therefore, USA opposes 'ISO 3758–1991- Care labelling code using symbols' and recommends it be withdrawn as an ISO Standard.'' Attachment to ASTM comment (16).

[33] Togs (2) p.1; Fieldcrest (11) pp. 3–4; Koester (12) pp. 1–2; U. of Kentucky (15) p.2; ASTM (16) p.1; Pittsfield (17) p.2; Carter's (24) p.3; Norwick (25) p.3, Oshkosh (27) p.1, Clorox (32) pp. 3–4; Pullen (44) pp. 4–7, Salant (52) p.1; Milliken (54) pp. 1–2; ATMI (56) pp. 4–5; Air Force (67) p.2; J.C. Penney (70) p.2.

[34] VF Corp. (36), although not supporting the use of symbols without words, did note, at pp.4–5, that under Ginetex, ''current symbols cannot be modified and additional symbols cannot be added'' and that an advantage of the ASTM system is that there ''is a procedure to modify or add other symbols.'' According to the forward to the Annual Book of ASTM Standards, Section 7 Textiles, an ASTM standard ''is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn.''

[35] Letter of June 7, 1994, from Bode Buckley, Manager, Technical Committee Operations, ASTM, to Kay Villa, ATMI, attached to ATMI comment (56). The letter states that a fee will be established for the use of the chart. A copy of the chart was attached to the ASTM comment (16).

[36] Milliken (54), noting, at p.2, that ''there is some concern that ASTM (the organization) has not completely followed the wishes of its volunteer members in making the symbol chart. . . freely available without copyright licensing considerations''; ATMI (56), asking, at p.5, that the FTC ''obtain official information from the ASTM about this fee structure and assure that there would be no fee for use of the symbol chart prior to any adoption of the standard by the FTC''; AAMA (68), stating, at p.4, that ''the most important reason for not accepting the ASTM system is the copyright issue.''

[37] Moreover, it states that if the chart or symbols are modified, then they may not be represented as

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concerns about ASTM's copyright and remove any impediments to the dissemination of explanatory materials about the system. However, the Commission seeks comment on this issue.

V. Use of the ASTM System in Canada and Mexico

Although the Commission's first criterion in considering a symbol system was whether it could fulfill the requirements of the Rule, an equally important criterion was whether the system could be harmonized with the symbol systems used in Canada and Mexico. NAFTA specifically requires the U.S. to attempt to harmonize its textile labeling requirements with those of Canada and Mexico. Article 906 of NAFTA states that ''the Parties shall, to the greatest extent practicable, make compatible their respective standards-related measures, so as to facilitate trade in a good or service between the Parties.'' Article 913 requires the creation of a Committee on Standards-Related Measures, which shall include a Subcommittee on Labelling of Textile and Apparel Goods, in accordance with Annex 913.5.a–4. Annex 913.5.a–4. states that the Subcommittee on Labelling of Textile and Apparel Goods

> shall develop and pursue a work program on the harmonization of labelling requirements to facilitate trade in textile and apparel goods between the Parties through the adoption of uniform labelling provisions. The work program should include the following matters: (a) pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on textile and apparel goods in multiple languages; (b) care instructions for textile and apparel goods;
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The Canadian and Mexican systems use the same five basic symbols that are used in the Ginetex and ASTM systems: a washtub to indicate washing (with a hand in the washtub to indicate hand washing), a triangle to indicate bleaching, a square to indicate drying (and a circle within a square to indicate machine drying), an iron to indicate ironing, and a circle to indicate dry cleaning. An ''X'' cancelling out the symbol warns against using the designated cleaning technique, *e.g.*, ''do not dry clean.''

One commenter suggested that the Commission adopt the Canadian system, which uses the five generic symbols and three colors (red, green, and yellow).[38] However, several comments noted that the use of color makes labels much more expensive.[39] In addition, neither the Canadian nor the Mexican system provides a method of communicating all the information required by the current Care Labeling Rule. For example, if chlorine bleach would harm a product but non-chlorine bleach would not, section 423.(b)(1)(iv) of the Rule requires that the label contain a warning such as ''only non-chlorine bleach when needed.'' However, these systems do not address the use of non-chlorine bleach.[40] Moreover, with respect to dry cleaning, they do not have a method for providing warnings about parts of the dry cleaning process that might damage the garment.[41]

With respect to machine washing, the Mexican system does not convey any refinements, such as ''gentle cycle,'' and the Canadian system does so by means of color (a yellow washtub means ''gentle setting.'') Neither system offers a means of referring to ''permanent press cycle'' in washing, or various cycles in dryers. Both offer symbols for natural drying (dry flat, hang to dry, and, in Canada, drip dry.) Both systems require that temperature for washing be indicated in Celsius in the washtub. For tumble drying, Mexico has no indication of temperature, and Canada uses a yellow symbol to mean ''low temperature.'' In both systems, temperatures for ironing can be indicated by a system of three dots, one for low, two for medium, and three for high.

The Commission has concluded that the ASTM system basically is compatible with the Canadian and Mexican systems. Although there are differences among the systems, they do not pose insurmountable problems.[42] The ASTM system includes some refinements that are not a part of those systems (*e.g.*, underlining to indicate gentle or permanent press cycles in washers and dryers). The Commission has tentatively decided that consumer education would be more effective if the system was introduced as a whole, including the use of underlining.[43] Nevertheless, the Commission seeks comment on whether the ASTM system, with its use of underlining to reflect cycle variations, should be permitted or whether only the basic symbols, without refinements, should be allowed.

With respect to temperature indications, the ASTM system differs slightly from the Canadian and Mexican systems. Nevertheless, the dot system for temperature, which can be combined with the Celsius temperature as required for the washtub symbol in Mexico and Canada, seems the best compromise for temperature indications.[44]

The ''do not bleach'' symbol (a triangle with an ''X'' through it) represents the only instance in which a symbol in the ASTM system has a different meaning in Canada or Mexico. In Mexico, this symbol means ''do not use chlorine bleach''; in the ASTM system, it means ''do not [use any] bleach,'' chlorine or non-chlorine. To avoid this conflict, the Commission has tentatively decided to accept the ASTM system with one exception and addition - *i.e.*, the elimination of the triangle with an ''X'' through it and the substitution of a shaded triangle with an ''X'' through it for the ''do not bleach'' symbol. However, the Commission has been informed that members of the ASTM subcommittee that developed that care symbol system are considering making this modification to the system. If this change is made by ASTM prior to the final issuance by the Commission of a conditional exemption for the use of symbols, the Commission will simply reference the modified version of the ASTM system, without exceptions or additions.[45]

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being the ASTM standard. By implication, however, modified charts could be distributed under some other title (e.g., Care Symbols Used in the U.S.) This document has been placed on the public record for examination by interested parties.

[38] Todd Uniform (19), p.1.

[39] Woolrich (21) p.1; Carter's (24) p.1. Fruit (64), at p.4, stated that it could not endorse a system which required the use of color, but, with that proviso, it endorsed the Canadian system.

[40] Several comments noted this deficiency. Pittsfield (17) p.2; Clorox (32) p.4; V.F. Corp. (36) p.4; Pullen (44) p.5; ATMI (56) p.4; GAP (78) p.4. Consumer Union (31) stated, at p.2, that ''we need a symbol pertinent to non-chlorine bleach as the industry plans to move away from chlorine bleach.'' The Trilateral Committee (69), at p.2, and ATMI (56), at p.2, both recommend that any care symbol system adopted by the U.S. include chlorine and non-chlorine bleach instructions.

[41] For dry cleaning, section 423.(b)(2)(ii) of the Rule states that there must be a warning about any part of the normal dry cleaning process that would harm the product, and the Appendix provides examples such as ''short cycle,'' ''low moisture,'' ''do not tumble,'' and ''no steam.'' Canada uses a yellow circle to indicate ''dry clean with caution,'' but that warning is too vague to satisfy the requirements of the Rule.

[42] The Canadian system is not mandatory; thus, the use of symbols without colors should be acceptable.

[43] Some comments expressed the concern that the ASTM system may be too complicated. USA–ITA (57) p.3; Fruit (64) p.4.

[44] The ASTM standard is not entirely clear as to whether temperature can be indicated by the use of dots and the Celsius temperature. The Commission solicits comment on this issue.

[45] The ASTM subcommittee recently voted on two additions to the symbols for machine drying: a circle in the square with no dots to indicate any heat; a blacked-in circle to indicate air dry only (no heat). These changes must still be submitted to the entire membership of ASTM. In addition, the subcommittee has discussed modifying the dry cleaning symbol so that lines indicating refinements to dry cleaning are placed next to the circle at an acute angle; if all four refinements were used, the symbol would consist of a circle surrounded by four lines in a diamond formation rather than a square. This avoids conflict with the symbol for machine

VI. Consumer Education

Many comments noted the need for education, although most expressed confidence that U.S consumers could adapt to care symbols with appropriate education.[46] Some comments indicated that symbols should be used with words until the U.S. population understands the symbols.[47] Pittsfield, on the other hand, argued that consumer education based on dual disclosure—the use of symbols with accompanying written instructions on the label—will not work, as shown by the U.S. experience with the metric system.[48]

The Commission agrees that the use of symbols with explanatory written instructions on the permanently attached label would probably not be an effective way to teach the symbol system. However, other comments suggested strategies that would allow consumers to use the symbols while learning them, such as hangtags on garments or charts placed on washing machines, product packaging, or on the back of detergent boxes.[49] ASTM, cognizant of this issue, formed a Task Group on Care Symbol Education that includes the Soap and Detergent Association, the Association of Home Appliance Manufacturers and numerous other trade associations and representatives from the USDA Extension Service.[50] The members of this task group are interested in educating consumers about the symbols. In addition, numerous commenters stated they would participate in a program of consumer education. The Commission seeks comment on the amount of time that would be needed to develop and disseminate consumer education and what forms consumer education might take. The Commission itself would be pleased to work with industry members on such campaigns if the Commission ultimately adopts the proposed conditional exemption.

The Commission believes, however, that although educational campaigns will be necessary and helpful, for at least an initial 12 month period, manufacturers and importers who choose to use symbols without words should be required to attach explanatory hangtags to each such garment. This will ensure that consumers continue to have access to information about garment care when they make their purchases. Consumers who wish to do so could keep one or more of these hangtags in their laundry rooms. The Commission seeks comment on this proposed requirement of the exemption.

VII. Request for Comment

A. Terms of the Proposed Conditional Exemption

The Commission proposes a conditional exemption to the Rule to allow the use of certain care symbols without language. The proposed conditional exemption from the Care Labeling Rule simply expands the terminology that those covered by the Rule can use to convey the required information. Specifically, the proposed conditional exemption would (1) permit the use of the ASTM system of symbols with an exception and addition (i.e., the substitution of a different ''do not bleach'' symbol) and (2) require that, for a 12 month period, care labels with information conveyed only in symbols be accompanied by hangtags explaining the meaning of the symbols.

B. Questions on Proposed Conditional Exemption

The Commission specifically solicits written public comments on the following questions, as well as any other issues relevant to granting or denying the conditional exemption described above:

1. Will the underlining of the washtub or the machine drying symbol be confusing to Canadian and Mexican consumers? Will the underlining be confusing to American consumers? If so, should the Commission ''except'' this part of the ASTM system from the conditional exemption?[51] Will ''excepting'' the underlining of symbols reduce the benefit of symbols or impose costs on manufacturers?

2. Should the Commission specify the minimum size of the symbols or are existing requirements of legibility sufficient?[52]

3. Should explanatory hangtags providing care information in language be required for more than one year? Less than one year? How long would it take for hangtags to be prepared and affixed to garments?

4. What types of consumer education should be planned and to what extent are industry members willing to participate in such campaigns? How long would it take to develop and undertake such campaigns?

5. If the Commission were to grant a conditional exemption, when should it become effective?

6. Does ASTM's copyright pose a barrier to the use of the ASTM system?

List of Subjects in 16 CFR Part 423

Care labeling of textile wearing apparel and certain piece goods; Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

BILLING CODE 6750–01–P

drying (which is a circle in a square). These changes provide useful additional symbols, and, if these changes are adopted by ASTM, the Commission proposes adopting the ASTM system with these changes. However, if adopted, the conditional exemption will reference a specific version of the ASTM system.

[46] Schwab (10) p.1; Fieldcrest (11) pp. 2–3; ASTM (16) p.8; Pittsfield (17) p.1; Woolrich (21) p.1; Carter's (24) p.2; Consumers Union (31) p.1; Clorox (32) p.4; Business Habits (38) p.4; Pullen (44) p.4; AHAM (53) p.2; Fruit (64) p.3; AAMA (68) p.3. Some comments stated that symbols should not replace words until a consumer education program has become effective. Consumers Union (31) p.1; VF Corp. (36) p.4; Gap (78) p.3.

[47] Consumers Union (31) p.1; Gap (78) p.3.

[48] Comment 17, p.2.

[49] Fieldcrest (11) p.3; Pittsfield (17) p.2; Carter's (24) p.2; Fruit (64) p.3; AAMA (68) p.3.

[50] Attachment to Subcomm. D13.62 Minutes, attached to ASTM comment (16).

[51] Mexico does not indicate cycles at all, and Canada does so by the use of color.

[52] Pittsfield, a woven label manufacturer, stated that ''after surveying the label-producing industry, we would also recommend that care symbols on a label be a minimum of 5 mm in height to ensure legibility.'' Comment 17, p.3. Paxar, which described itself as the ''world's largest manufacturer of various forms of identification for the textile and apparel industry,'' stated that woven label manufacturers may find it difficult to weave symbols clearly, but no problems should exist with printed labels. Comment 42, p.1. The Rule currently defines a ''care label'' as a permanent label or tag that ''will remain legible during the useful life of the product.'' 16 CFR 423.1(a).

Commercial & Home Laundering and Drycleaning Symbols

THE FOLLOWING CHART illustrates the symbols to use for laundering and drycleaning instructions. As a minimum, laundering instructions shall include, in order, four symbols: washing, bleaching, drying, and ironing; and drycleaning instructions shall include one symbol. Additional symbols may be used to reduce language-dependent instructions.

GUIDE TO CARE SYMBOLS

Washing

Hand Wash

Machine Wash Normal Cycle

Machine Wash Durable Press Cycle

Machine Wash Delicate/Gentle Cycle

Do Not Wash (Used Only With Do Not Dry)

Water Temperature in Celsius or in Dots ✱ =

95 C	70 C	60 C	50 C	40 C	30 C
●●● ●●●	●●● ●●	●●●● (very hot)	●●● (hot)	●● (warm)	● (cold)
(200 F)	(160 F)	(140 F)	(120 F)	(105 F)	(85 F)

Do Not Wring (Placed After the Instructions)

Bleaching

Any Bleach When Needed

Only Non-Chlorine Bleach When Needed

Do Not Bleach

Drying

Tumble Drying

Tumble Dry Normal Cycle

Tumble Dry Durable Press Cycle

Tumble Dry Gentle/Delicate Cycle

Do Not Tumble Dry (Warning Placed After the Instructions)

Tumble Dry Temperature ✱ =

Hot

Medium

Low

No Heat

Do Not Dry (Used Only with Do Not Wash)

Natural Drying

Line Dry

Drip Dry

Dry Flat

In The Shade (Added to Line Dry, Drip Dry, or Dry Flat)

Ironing

Steam

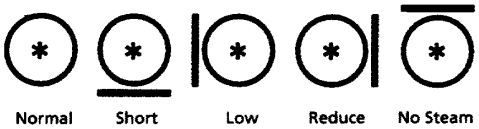
No Steam

Iron Temperature ✱ =

●●●	●●	●
Hot Iron (200 C)(390 F)	Warm Iron (150 C)(300 F)	Cool Iron (110 C)(230 F)

Do Not Iron

Drycleaning



Normal Cycle | Short Cycle | Low Moisture | Reduce Heat | No Steam Finishing

Solvent ✱ =
A = Any Solvent
P = Any Solvent Except Trichloroethylene
F = Petroleum Solvent Only
L = Leather Dryclean

Do Not Dryclean

[FR Doc. 95–28290 Filed 11–15–95; 8:45 am]
BILLING CODE 6750–01–C

DEPARTMENT OF THE TREASURY

U.S. Customs Service

19 CFR Part 134

RIN 1515–AB82

Country of Origin Marking

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to ease the requirement that whenever words appear on an imported article indicating the name of a geographic location other than the true country of origin of the article, the country of origin marking always must appear in close proximity to those words. Customs believes that, consistent with the statutory requirements of 19 U.S.C. 1304, the country of origin is only necessary to be in close proximity to the name of the other geographic location on the imported article if the name of the other geographic location may mislead or deceive the ultimate purchaser as to the actual country of origin of the imported article.

DATES: Comments must be received on or before January 16, 1996.

ADDRESSES: Comments (preferably in triplicate) must be submitted to the U.S. Customs Service, ATTN: Regulations Branch, Franklin Court, 1301 Constitution Avenue, NW., Washington, D.C. 20229 and may be inspected at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, D.C., between the hours of 9:00 a.m. and 4:30 p.m. on regular business days.

FOR FURTHER INFORMATION CONTACT: Anthony Tonucci, Office of Regulations and Rulings, 202–482–6980.

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304) provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. 1304 was that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods are the product. Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

Section 134.46, Customs Regulations (19 CFR 134.46) provides that in any case in which the words ''United States,'' or American,'' the letters ''U.S.A.,'' any variation of such words or letters, or the name of any city or locality in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced, appear on an imported article or its container, there shall appear, legibly and permanently, in close proximity to such words, letters or name, and in at least a comparable size, the name of the country of origin preceded by ''Made in,'' ''Product of,'' or other words of similar meaning.

A strict application of § 134.46 would require that in any case in which a non-origin locality reference appears on an imported article or its container, the actual country of origin of the article must appear in close proximity and in comparable size lettering to the locality reference preceded by the words ''Made in,'' ''Product of,'' or other words of similar meaning.

This document proposes to modify this regulation to reflect Customs application of the regulation consistent with 19 U.S.C. 1304. In practice, Customs has applied a less stringent standard in determining whether the country of origin marking appearing on an imported article or its container is acceptable. That is, Customs takes into account the question of whether the presence of words or symbols on an imported article or its container can mislead or deceive the ultimate purchaser as to the actual country of origin of the article. Consequently, if a non-origin locality reference appears on an imported article or its container, Customs applies the special marking requirements of § 134.46 only if it finds that the reference may mislead or deceive the ultimate purchaser as to the actual country of origin of the imported article. If it is concluded that the non-origin locality reference would not mislead or deceive an ultimate purchaser as to the actual country of origin of the imported article, Customs policy is that the special marking requirements of § 134.46 are not triggered, and the origin marking only needs to satisfy the general requirements of permanency, legibility and conspicuousness under 19 U.S.C. 1304 and 19 CFR Part 134. This less stringent application is evidenced in numerous Headquarters Customs Rulings.

For example, Customs has allowed a ''design/decoration'' exception for not applying the special marking requirements of § 134.46. In Headquarters Ruling Letter (HQ) 732412 of August 29, 1989, Customs considered whether jeans met the country of origin marking requirements of § 134.46. In that case, the jeans were labeled as follows:

> ''Kansas'' appeared on a fabric label attached to the rear right pocket. ''Kansas Jean'' appeared on the rear pocket snaps. ''Kansas'' and ''Kansas Jeans Navy Wear'' were printed on a leather label attached to the front right pocket. And a stylized ''K'' and the words ''J. Kansas'' decorated the front button. The country of origin of the jeans appeared on a fabric label sewn into the waistband.

Noting that Customs often distinguished those special cases in which the circumstances were such that reference to a place other than the country of origin on an imported article would not confuse the ultimate purchaser as to the true country of origin, *i.e.*, design/decoration use of locality name and finding that the country of origin marking was conspicuous in that it appeared in a usual place, in lettering sufficient to be easily found and read, Customs determined that the United States references (''Kansas'') did not trigger the marking requirements of § 134.46. See also HQ 723604 of November 3, 1983, in which ''USA'' letters on men's bikini-style swimming trunks did not trigger the marking requirements of 19 CFR 134.46 because such marking was used as a symbol or decoration and would not reasonably be construed as indicating the country of origin of the article.

In HQ 733833 of February 19, 1991, however, Customs found that the design/decoration exception to § 134.46 was not applicable to the letters ''USA'' printed alone next to the name ''Brittania'' on a leather-like pouch affixed to a pair of jeans because it could potentially mislead an ultimate purchaser and could be considered an indication of origin rather than part of the design of the jeans, thus triggering the special marking requirements of 19 CFR 134.46.

Section 134.46 was promulgated pursuant to the statutory authority of 19 U.S.C. 1304(a)(2), which provides that the Secretary of the Treasury may by regulations require the addition of any words or symbols which may be appropriate to prevent deception or mistake as to the origin of the article or as to the origin of any other article with which such imported article is usually combined subsequent to importation but before delivery to an ultimate purchaser.

Customs believes that the strict requirements of § 134.46 are not always necessary to ''prevent deception or mistake as to origin of the article'' in accordance with 19 U.S.C. 1304. Accordingly, Customs is proposing to modify § 134.46 as set forth below.

Proposal

Customs proposes to amend § 134.46 to reflect the fact that the special marking requirements of § 134.46 shall apply only if the non-origin reference is likely to mislead or deceive the ultimate purchaser as to the actual country of origin of the article.

This document also proposes to remove § 134.36(b), Customs Regulations (19 CFR 134.36(b)). This regulation provides that an exception from marking shall not apply to any article or retail container bearing any words, letters, names or symbols described in § 134.46 or § 134.47 which imply that an article was made or produced in a country other than the actual country of origin.

Since the special marking requirements of § 134.46, as proposed to be amended, would be triggered only when the marking appearing on an imported article or its container is capable of misleading or deceiving an ultimate purchaser as to the actual country of origin of the article, § 134.36(b) which serves the same purpose for the ultimate purchaser would be redundant and no longer needed.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are timely submitted to Customs. All such comments received from the public pursuant to this notice of proposed rulemaking will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)) during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, 1099 14th Street, NW., Suite 4000, Washington, D.C.

Regulatory Flexibility Act

Based on the analysis set forth in the preamble, it is certified under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, the rule is not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information: The principal author of this document was Janet L. Johnson, Regulations Branch, U. S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 134

Customs duties and inspection, Labeling, Packaging and containers.

Proposed Amendments

It is proposed to amend Part 134, Customs Regulations (19 CFR Part 134), as set forth below.

PART 134—COUNTRY OF ORIGIN MARKING

1. The general authority citation for Part 134 would continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1304, 1624.

2. It is proposed to amend § 134.36 by revising its heading to read ''Inapplicability of Marking Exception for Articles Processed by Importer'', removing the designation and heading of paragraph (a) and removing paragraph (b).

3. It is proposed to revise § 134.46 to read as follows:

§ 134.46 Marking when name of country or locality other than country of origin appears.

In any case in which the words ''United States,'' or ''American,'' the letters ''U.S.A.,'' any variation of such words or letters, or the name of any city or location in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced, appear on an imported article or its container, which may mislead or deceive the ultimate purchaser as to the actual country of origin of the article, there shall appear, legibly and permanently, in close proximity to such words, letters or name, and in at least a comparable size, the name of the country of origin preceded by ''Made in,'' ''Product of,'' or other words of similar meaning.

Approved: September 6, 1995.

George J. Weise,

Commissioner of Customs.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–28253 Filed 11–15–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Training of Lessee and Contractor Employees Engaged in Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of a public workshop and a pilot testing program.

SUMMARY: This notice announces a public workshop and a pilot testing program that Minerals Management Service (MMS) will conduct. The public workshop will assist MMS to acquire additional information and comments pertinent to the recently published training proposed rule and the pilot testing program. The purpose of the pilot testing program is to assess the drilling training and testing that lessee and contract employees receive.

DATES: MMS will conduct the public workshop on December 6, 1995, from 8:30 a.m. to 5:00 p.m., at the location listed in the **ADDRESSES** section.

ADDRESSES: MMS will hold the workshop in the MMS Gulf of Mexico Regional Office located at 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome, Information and Training Branch, telephone (703) 787–1587 or FAX (703) 787–1575.

SUPPLEMENTARY INFORMATION: MMS recently published a proposed rule (60 FR 55683, November 2, 1995) concerning Subpart O—Training, in the Federal Register. New elements that provide more flexibility include alternative training methods and third-party training program accreditation (previously termed ''certification''). In order to discuss the new elements of the training rule, MMS will conduct the workshop listed in the **ADDRESSES** section. The workshop will include a session on the proposal to allow third parties to accredit to accredit worker training programs. Currently, MMS accredits these programs.

MMS will also present a summary of the third-party accreditation comments received from the August 5, 1994, advance notice of proposed rulemaking (59 FR 39991). We will outline the range of options that we have identified for third-party accreditation. These options range from MMS accrediting third parties to having non-profit organizations accredit them. The workshop will provide an additional opportunity to discuss third-party options.

MMS has launched a pilot testing program that will initially cover the drilling well-control training that lessee and contract employees receive. Under the authority located at paragraph (b) of 30 CFR 250.215, MMS may test trainees at a training facility.

MMS has gathered sample test questions from various schools. These questions form the current data base that MMS is using to generate tests. MMS will randomly visit schools to administer a test to trainees in drilling. The test will take place after the trainees complete the course. Any trainee who does not pass the MMS-conducted test must pass a retest administered by the school to continue to work in drilling in the OCS.

MMS is currently administering a written test at a small sampling of schools. MMS will use the workshop as an opportunity to exchange ideas about the pilot testing program.

MMS encourages all interested parties to attend this workshop. The workshop will include presentations by MMS and an open comment period.

Registration: The workshop will not have a registration fee. However, to assess the probable number of participants, MMS requests participants to register by contacting Wilbon Rhome, Information and Training Branch, telephone (703) 787–1587 or FAX (703) 787–1575. Limited seating is available and will be on a first-come-first-seated basis.

Proceedings: MMS will have a service transcribe the proceedings and make copies available for purchase. We will supply the details during the workshop for obtaining copies of the proceedings.

Dated: November 3, 1995.

Thomas M. Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 95–28175 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Land Management

43 CFR Part 2810

[WO–420–6310–00]

Tramroads and Logging Roads—Subpart 2812—Over O. and C. and Coos Bay Revested Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Land Management (BLM) plans to revise regulations governing logging roads over revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands (collectively known as the O&C lands). The changes will bring the existing cost-sharing road program under the regulatory framework of Section 502 of the Federal Land Policy and Management Act of 1976 (FLPMA) and incorporate environmental protection and other requirements for rights-of-way over public lands found in Title V of FLPMA. Another change will allow compensation for the use of roads and rights-of-way where the landowner has granted BLM rights of access for recreational purposes. In addition, the entire subpart will be revised, using a ''plain English'' approach, to remove obsolete terms and improve its clarity, organization, and readability. The purpose of this notice is to solicit comments to help guide preparation of the proposed rule. This notice presents only a general description of the actions being considered and includes no regulatory text.

DATES: Comments on this advance notice of proposed rulemaking must be received by December 18, 1995. Comments postmarked after this date may not be considered in the preparation of the proposed rule.

ADDRESSES: Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW, Room 401LS, Washington, DC 20240.

Comments may be sent via Internet to: WO140@attmail.com. Please include ''ATTN: O&C'' and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Styduhar, Oregon State Office, Bureau of Land Management, (503) 952–6454.

SUPPLEMENTARY INFORMATION: The BLM is responsible for the conservation and management of about two million acres of public forestlands in western Oregon, commonly referred to as the O&C lands. The O&C lands are generally intermingled with private lands in a checkerboard pattern which creates particular problems with respect to land management as each party must cross the lands of the other for access.

The Oregon and California Revested Lands Sustained Yield Management Act of August 28, 1937 (43 U.S.C. 1181a and 1181b) granted to the Secretary of the Interior the general authority to provide for the use, occupancy, and development of the O&C lands through permits and rights-of-way. The BLM has had a cost-share logging road right-of-way program in western Oregon under this authority since the early 1950's. The regulations for this program are contained in 43 CFR Subpart 2812. With the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA), all right-of-way authorizations must be issued under the authority and requirements of Title V of FLPMA (43 U.S.C. 1761–1771). The Secretary was given specific authority to enter into cost-share agreements under Section 502 of the Act.

The BLM has continued the use of regulations in 43 CFR Subpart 2812 on an interim basis pending the preparation and publication of new cost-share regulations. Since the regulations contained in this subpart clearly represent a cost-share road agreement concept, it is proposed by the Secretary that these regulations be revised as necessary and adopted pursuant to the authority contained in Section 310 of FLPMA (43 U.S.C. 1740) for the purpose of implementing Section 502. Continuing the use of pre-existing regulations with only minor modifications and changes would provide for the orderly and continuous administration of all outstanding permits and agreements issued prior to the effective date of this rulemaking.

BLM has identified the following changes that it intends to include in the proposed rule and invites the public to submit information and comments:

1. Include as an authority Title V of FLPMA, thus bringing the authority section up to date.

2. Modify the definition of ''management'' to include the conservation of environmental resources. This will ensure that protection of the environment is

considered equally with all other management objectives.

3. Provide for reimbursement of reasonable costs incurred by the United States in considering right-of-way requests. The BLM currently charges no fees for processing right-of-way applications under this subpart.

4. Remove the restriction on granting permits to noncitizens since this restriction is no longer required under FLPMA.

5. Permit the collection of additional information that the Secretary deems necessary to determine whether a right-of-way should be granted, issued, or renewed, and what terms and conditions should be included in the right-of-way.

6. Remove the provision allowing construction in advance of the issuance of a permit, because there is no authority for it in Title V of FLPMA.

7. Allow either party to record legal instruments. As a practical matter, BLM rather than the applicant often records these instruments, and the regulation should be amended to authorize this practice.

8. Provide regulatory authority for the BLM to object to the location of a road right-of-way across public lands because of potential effects on species listed as threatened or endangered under the Endangered Species Act.

9. Add terms and conditions including environmental protection provisions and measures to protect cultural sites and objects. Include a reservation of the right of the government to permit compatible use of the right-of-way by others.

10. Add an abandonment provision providing that failure to use the right-of-way for a continuous 5-year period will be treated as abandonment. This presumption of abandonment would be rebuttable by the holder.

11. Establish terms and conditions whereby the government can exercise the rights received from a permittee for use by properly licensed hunters and fishermen and by other recreationalists to reach United States lands.

The public is invited to raise any additional issues or concerns related to the proposed rulemaking, including any other factors that should be considered in its development. BLM is particularly interested in ideas about how to reorganize, simplify, and clarify the existing regulations.

In accordance with the Paperwork Reduction Act of 1995, BLM is required to provide notice in the Federal Register concerning a proposed collection of information. The purpose of the notice is to solicit comments on whether the collection of information is necessary, the accuracy of BLM's estimate of the burden imposed by the collection, ways to enhance the quality and usefulness of the information, and ways to minimize the burden. Elsewhere in this issue of the Federal Register, BLM is publishing a notice concerning the form used by applicants for right-of-way permits.

The principal author of this advance notice of proposed rulemaking is John Styduhar, Oregon State Office, assisted by Pat Boyd, Regulatory Management Team, Washington Office.

Dated: November 13, 1995.

Annetta Cheek,

Regulatory Management Team.

[FR Doc. 95–28294 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–28; Notice 4]

RIN 2127–AF73

Lamps, Reflective Devices and Associated Equipment; November Advisory Committee Public Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA); DOT.

ACTION: Notice; change of location of November Advisory Committee Meeting.

SUMMARY: This notice announces a change in the dates and location of the November meeting of NHTSA's Advisory Committee on Regulatory Negotiation (concerning the improvement of headlamp aimability performance and visual/optical headlamp aiming).

DATES: Tuesday–Thursday, November 28–30.

ADDRESSES: The November meetings of the Advisory Committee will be held at Maryland State Highway Administration, 7491 Connelly Drive, Hanover, Maryland 21076.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Vehicle Safety Standards, NHTSA (Phone: 202–366–5276; FAX: 202–366–4329). *Mediator:* Lynn Sylvester, Federal Mediation and Conciliation Service (phone: 202–606–9140; FAX: 202–606–3679).

SUPPLEMENTARY INFORMATION: In Notice 3 of Docket No. 95–28, the National Highway Traffic Safety Administration (NHTSA) announced that the November meetings of the Advisory Committee for the purposes of negotiating the contents of the preamble and a proposed amendment to 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to develop recommended specifications for adding a visual/optical aimability requirement for the lower beam headlamp, would be held on Tuesday/Wednesday November 28/29 beginning at 9:00 a.m. in room 2230 of the Nassif Building, 400 Seventh Street, SW., Washington, DC (60 FR 42496).

The Committee has decided to hold a third day of meetings, on Thursday, November 30, and to conduct all its November meetings at the offices of the Maryland State Highway Administration, 7491 Connelly Drive, Hanover, Md. This action is taken to facilitate a nighttime demonstration of headlamp aiming and visibility of overhead signs. The meeting on Tuesday, November 28 will begin at 12:30 p.m. The meeting on Wednesday, November 29 will begin at 10:00 a.m. The meeting on Thursday, November 30, will begin at 9:00 a.m.

The meetings are open to the public, except for the nighttime demonstration of headlamp aiming and visibility of overhead signs. For logistical reasons, this must be restricted to the Committee, and to State Highway Administration personnel involved in the demonstration.

As announced previously, the Committee will review the tentative schedule for meetings for January, February, and March 1996, at its November meeting, and a further notice will be published if there is any change in this schedule.

Issued: November 9, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28296 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–59–P

49 CFR Part 571

[Docket No. 95–88, Notice 01]

RIN 2127–AG02

Federal Motor Vehicle Safety Standards; Brake Hoses; Whip Resistance Test

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: As the result of an inquiry from Earl's Performance Products, this document proposes to amend Standard

No. 106, *Brake Hoses,* by revising the whip resistance test. Under the proposal, it would be permissible, for the purpose of the test, to mount such brake hose assemblies using a supplemental support. This proposal would serve to amend a provision that has the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose that has significant safety advantages.

DATES: *Comments.* Comments must be received on or before January 16, 1996.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (202–366–5274).

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–366–2992).

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 106, *Brake Hoses,* specifies labeling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings. The Standard includes several requirements, including one for whip resistance. Section S5.3.3, *Whip resistance,* specifies that ''A hydraulic brake hose assembly shall not rupture when run continuously on a flexing machine for 35 hours.'' The purpose of the whip resistance requirement is to replicate the bending cycles that a brake hose experiences when mounted on a vehicle's front axle. The flexing machine simulates the turning of the front wheels combined with the jounce and rebound of the wheel on rough roads.

Section S6.3 specifies the test conditions for the whip resistance test, including the testing apparatus, test preparation, and test operation. The standard specifies that the testing apparatus is required to be equipped with capped end fittings that permit mounting at each end point. The present specifications requirements for the whip test apparatus are patterned after an existing Society of Automotive Engineers (SAE's) Recommended Practice, J1401, *Hydraulic Brake Hose Assemblies for Use with Nonpetroleum Based Hydraulic Fluids* (June 1990).

II. Request for Interpretation and NHTSA's Response

On December 8, 1994, Earl's Performance Products (Earl's) contacted the agency requesting an interpretation of the whip resistance requirements in Standard No. 106. Specifically, that company asked about the permissibility of using an alternative whip resistance test apparatus for testing hydraulic brake hose. Earl's is seeking permission to use the alternative fixture because it wishes to begin selling its armored brake hose for use on the public roads and its hose will not pass the present whip resistance test. The test fixture would provide a pivoted supplemental hose support for use with Earl's brake hose, which is armored with braided stainless steel. The alternative test fixture is based on the manner in which its brake hose is currently mounted on racing vehicles and in which it would be mounted on vehicles used on the public roads if the agency adopts the amendment requested by Earl's. The Standard specifies that the test sample be ''mounted through bearings at each end * * *'' (S6.3.1(a)) Earl's armored brake hoses are installed differently than conventional hoses, since Earl's hoses, unlike conventional hoses, are attached to the vehicle frame.

Earl's has manufactured its armored brake hose for use in off-road, high performance race cars since the 1960s. It claimed that its product is of very high quality and easily meets all of the requirements in Standard No. 106, except the whip resistance test. Its product fails the whip resistance test due to cyclic stress at the interface between the hose and the swaged collar at the fixed end of the hose assembly. Such cyclic stress occurs in the real world also, but does not pose a problem in that environment because the hose is protected by the supplemental support.

Earl's further indicated that it had successfully tested hose assemblies from 9 inches to 24 inches using its new test fixture. In describing its test fixture, that company stated that

> * * * the whip dampener consists of a spherical bearing enclosed in a machined housing. The housing clips into the OEM bracket where the OEM hard brake tubing joins to the flexible brake hose. The flexible brake hose of stainless armored teflon is inserted through the bearing on assembly and cannot be removed. Suitable threaded couplings * * * are provided at each end of the assembly to match the OEM threads at the end of the hard lines and at the caliper of the wheel cylinder * * *

On April 24, 1995, NHTSA responded to Earl's request for an interpretation, by stating that

> Section S6.3 cannot be interpreted to permit mounting the brake hose at the ''whip dampener.'' S6.3.1 *Apparatus* specifies a test apparatus that mounts the brake hose at ''capped end fittings'' on one end and ''open end fittings'' on the other, and specifies no mounting points in between. Thus a test apparatus that mounts the brake hose at a ''whip dampener,'' which is not an end fitting would not meet Standard No. 106.

The agency then stated that it would initiate rulemaking to further consider whether to amend the whip resistance test to permit a supplemental support.

III. Agency Proposal

After reviewing the issues raised in the letter from Earl's, NHTSA has decided to propose amending the whip resistance test of Standard No. 106. Under this proposal, section S6.3.2 would be amended to permit a pivoted supplemental support, thereby providing an optional way to mount certain brake hose assemblies during the test. Without such an amendment, those armored hoses would remain prohibited because they cannot comply with the current whip resistant test. The proposed amendment is intended to allow the mounting of Earl's brake hose assembly in the same way that it is mounted in the real world. The proposal applies to those brake hose assemblies that are fitted with a supplemental support which cannot be removed from the hose without destroying the hose. The supplemental support would be placed so that it is spaced in accordance with the recommendation of the brake hose assembly manufacturer. The agency invites comments about the appropriateness of the proposed modification to the whip resistance test.

NHTSA believes that the provision it proposes to amend has the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose that has significant safety advantages. Among the safety advantages are the elimination of hose swell under pressure which results in a significant reduction in brake pedal travel and a much firmer brake pedal feel. The firmer pedal allows the driver to modulate braking force more precisely. These safety advantages are relevant in ''typical road environments.'' The agency notes that armored brake hoses are designed to withstand operating conditions, such as those experienced in racing environments, that are significantly more severe than those experienced in typical road environments. Brake hoses of this type

are of higher quality and more expensive than those typically installed for use on the public roads.

Leadtime

The statute requires that each order shall take effect no sooner than 180 days from the date the order is issued unless good cause is shown that an earlier effective date is in the public interest. 49 U.S.C. 30111(d) NHTSA has tentatively concluded that there would be good cause not to provide the 180 day lead time given that this amendment would have no adverse effect on manufacturers. The proposal merely specifies an alternative method of testing certain brake hoses. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more leadtime is necessary.

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule, if adopted, would have no mandatory effects. Instead, the proposed rule would permit the use of brake hoses which are designed to be installed using a supplemental support, such as those manufactured by the petitioner that are armored with braided stainless steel. Therefore, this rulemaking would not have any cost impacts.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. Vehicle and brake hose manufacturers typically would not qualify as small entities. Further, as noted above, the proposal would have minimal, if any impacts on costs or benefits. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 106, *Brake Hoses*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. § 571.121 would be amended by adding S6.3.2(d), which would read as follows:

§ 571.121 Standard No. 106; Brake Hoses.

* * * * *

S6.3.2 * * *

(d) For a brake hose assembly fitted with a supplemental support which cannot be removed from the hose without destroying the hose, the brake hose assembly may be mounted using a supplemental support. Mount the supplemental support in the same vertical and horizontal planes as the stationary header end of the whip test fixture described in S6.3.1(b). Place the supplemental support so that it is spaced in accordance with the recommendation of the brake hose assembly manufacturer for mounting the hose assembly on a vehicle.

* * * * *

Issued on: November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28357 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–59–P

49 CFR Part 571

[Docket No. 95–79; Notice 1]

RIN 2127–AG01

Federal Motor Vehicle Safety Standards; Steering Control Rearward Displacement

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to exclude certain vehicles from the application of the agency's standard on steering control rearward displacement. The excluded vehicles would be passenger cars and other light vehicles that are certified to comply with the frontal barrier crash test requirements of the agency's occupant crash protection standard by means of an air bag. The agency believes that the engineering considerations that go into designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by regulation.

DATES: *Comment Date:* Comments must be received by January 16, 1996.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Clarke B. Harper, Office of Vehicle Safety Standards, NPS–12, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329. For legal issues: Mr. Edward Glancy, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2992.

SUPPLEMENTARY INFORMATION: Pursuant to the March 4, 1995 directive, ''Regulatory Reinvention Initiative,'' from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its regulations and directives. During the course of this review, the agency identified several regulations that are potential candidates for rescission or amendment. One of these regulations is Standard No. 204, *Steering Control Rearward Displacement,* which may be redundant for certain vehicles, given the actions which are separately required to be taken to comply with Standard No. 208, *Occupant Crash Protection.*

Standard No. 204 specifies requirements that limit the rearward motion of the steering column in a frontal crash. The standard specifies that the upper end of the steering column and shaft may not be displaced horizontally rearward more than 5 inches in a 30-mile-per-hour frontal barrier crash test. The standard applies to passenger cars and other light vehicles.

Standard No. 204 is one of the agency's original safety standards. In conjunction with Standard No. 203, *Impact Protection For The Driver From The Steering Control System,* the standard is intended to reduce the likelihood of chest, neck or head injuries in frontal impact accidents.

In 1975, NHTSA amended Standard No. 203 to exclude from its requirements vehicles that complied with the frontal barrier crash test requirements (S5.1) of Standard No. 208 by means other than safety belts, i.e., by air bags. 40 FR 17992, April 24, 1975. NHTSA stated at that time that redundant occupant crash protection offered by certain standards is justified for those situations where the primary occupant crash protection system fails or multiple collisions occur. However, NHTSA determined that the redundant protection of Standard No. 203 was not justified where it directly interfered with the development of a more advanced, convenient and effective occupant protection system, such as air bags.

In 1988, NHTSA denied a petition for rulemaking from Mitsubishi which requested that the agency amend Standard No. 204 to exclude vehicles that comply with the frontal barrier crash test requirements of Standard No. 208 by means other than safety belts. 53 FR 780, January 13, 1988. The agency stated:

> The agency does not agree that the protection provided by Standard No. 204 is unnecessary for vehicles equipped with air bags. The standard essentially requires hardware to disconnect steering gear movement from the steering column under crash conditions. The standard provides protection to the driver of an air bag equipped vehicle against chest, neck or head injuries which could occur in frontal collisions at speeds below the deployment level of the vehicle's air bag, or in angular impacts where an air bag might not be as likely to deploy. NHTSA further believes that, in the absence of Standard No. 204, it is possible for a steering assembly to displace more than five inches in a situation where the injury criteria of Standard No. 208 were met. Thus, although the driver's impact with the assembly fell within the injury criteria of the latter standard, the rearward motion of the assembly might entrap the driver or make escape from the vehicle more difficult.

In the context of reviewing whether any of its requirements are no longer necessary, NHTSA believes it is appropriate to reconsider the position it took in denying the Mitsubishi petition. In particular, the agency believes that it should distinguish between whether it is possible for a steering assembly to displace more than five inches in a situation where an air-bag-equipped vehicle meets the injury criteria of Standard No. 208, and whether there is any reasonable likelihood of such an event.

NHTSA believes that one of the most fundamental engineering considerations that manufacturers take into account in designing an air-bag-equipped vehicle is to provide a secure platform for the air bag. This is because, in order to design an effective air bag, the designer must know the relative location of the air bag and the protected occupant. If the air bag platform were moving up or down, or backwards or forward during a crash, it could adversely affect performance. Since the driver air bag is located on the steering column, NHTSA believes that the engineering consideration of ensuring that the air bag platform remains secure will lead manufacturers to take steps that will also ensure that Standard No. 204's specified performance for steering control rearward displacement is satisfied, even in the absence of such standard.

NHTSA also believes that another important engineering consideration that manufacturers take into account in designing air-bag equipped vehicles is ensuring that the air bags are not too close to the vehicle occupants. This is an important consideration because a deploying air bag can injure a person who is sitting too close to the air bag.

The agency notes that the Motor Vehicle Manufacturers Association (now called the American Automobile Manufacturers Association) was sufficiently concerned about the issue of proper spacing between vehicle occupants and air bags to petition NHTSA to require a vehicle label that would, among other things, caution passengers not to sit unnecessarily close to the point from which the air bag will be deployed. As a result of this petition, the agency amended Standard No. 208

to require a label providing this information. See 57 FR 59043, December 14, 1992, and 58 FR 46551, September 2, 1993.

The agency believes that manufacturers take account of this same concern in designing their air-bag equipped vehicles. Hence, the consideration of ensuring that the driver air bag is not too close to the driver will lead manufacturers to limit rearward movement of the steering column in a crash, i.e., movement toward the driver, even in the absence of a regulation.

For the reasons discussed above, NHTSA has tentatively concluded that the requirements of Standard No. 204 are unnecessary for vehicles which are certified to comply with the frontal barrier crash test requirements of Standard No. 208 by means of air bags. The agency is accordingly proposing to exclude such vehicles from the applicability of Standard No. 204.

The agency emphasizes that the reason for its tentative conclusion that Standard No. 204 is unnecessary for these vehicles is its belief, discussed above, that the engineering considerations that go into designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by Standard No. 204. NHTSA continues to believe in the importance of limiting steering control rearward displacement, and specifically requests comments on its belief that Standard No. 208's air bag requirements will indirectly ensure this aspect of safety performance. Comments are specifically sought on whether a rescission of this requirement in Standard No. 204 could lead to an increase in injuries of a type not protected against in Standard No. 208.

The agency is proposing an effective date of 30 days after publication of a final rule. NHTSA believes that there would be good cause for such an effective date since the amendment would not impose any new requirements but instead reduce manufacturers' costs without any adverse impact on safety.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be not ''significant'' under the Department of Transportation's regulatory policies and procedures. NHTSA believes that there would be no gain or loss of benefits from Standards No. 204 as a result of excluding vehicles which are certified to comply with the frontal barrier crash test requirements of Standard No. 208 by means of air bags. This is because, for reasons discussed above, these vehicles would continue to have the same performance with respect to steering control rearward displacement as vehicles without air bags. Manufacturers would have minor, nonquantifiable cost savings as they would no longer have to certify compliance with this requirement.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. The rule would not impose any new requirements but would instead exclude from the applicability of Standard No. 204 those light vehicles that are equipped with air bags. The proposed rule, if made final, would likely result in small, nonquantifiable cost savings for motor vehicle manufacturers since they would not need to certify the vehicles to Standard No. 204. The cost savings would be too small to have any significant impact on vehicle prices. Therefore, small businesses, small organizations and small governmental units which purchase motor vehicles would not be significantly affected by the proposed rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the

closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.204 would be amended by revising S2 to read as follows:

§ 571.204 Standard No. 204; Steering control rearward displacement.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses. However it does not apply to vehicles that conform to the frontal barrier crash protection requirement (S5.1) of Standard No. 208 (49 CFR 571.208) by means of an inflatable restraint system. It also does not apply to walk-in vans.

* * * * *

Issued on November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28351 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–59–P

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49 CFR Part 571

[Docket No. 93–02; Notice 11]

RIN 2127–AF79

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a request by the Aluminum Association, this document proposes amending the specifications in FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity,* with respect to CNG containers made with aluminum alloys. The proposed changes, if adopted, would make FMVSS No. 304 consistent with the most recent voluntary standard issued by the aluminum industry.

DATES: Comments must be received on or before January 2, 1996.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Mr. Samuel Daniel, NPS–01.01, Special Projects Staff, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202–366–4921) (FAX 202–366–4329).

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202–366–2992) (FAX 202–366–3820) (internet mshaw@nhtsa.dot.gov)

SUPPLEMENTARY INFORMATION:

I. Final Rule Establishing FMVSS No. 304

On September 26, 1994, NHTSA published a final rule addressing the safe performance of compressed natural gas (CNG) containers [1] (59 FR 49010). The final rule established a new Federal motor vehicle safety standard (FMVSS) FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity.* The Standard specifies pressure cycling, burst, and bonfire tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers. In addition, the Standard specifies labeling requirements for CNG fuel containers. FMVSS No. 304 took effect on March 27, 1995.

FMVSS No. 304 is patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2. ANSI/NGV2 was developed by the Natural Gas Vehicle Coalition. ANSI/NGV2 and FMVSS No. 304 specify detailed material and other requirements for different types of CNG containers, including those made with aluminum alloys. For each type of container, ANSI/NGV2 and FMVSS No. 304 specify a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. In addition, a container must meet the applicable material and manufacturing requirements as well as the burst test.

FMVSS No. 304 specifies certain material and manufacturing characteristics for aluminum containers using alloy 6010 and alloy 6061. The material characteristics specify the percentage of various elements, including magnesium, silicon, copper, and manganese. The specifications for the two aluminum alloys listed in FMVSS No. 304 were patterned after the specifications set forth in ANSI/NGV2. In establishing the specifications applicable to aluminum alloys, the Natural Gas Vehicle Coalition relied on the *Aluminum Association Standards Data* document (Sixth Edition 1979).

On March 24, 1995, The Aluminum Association, Inc. (TAAI) submitted a letter to NHTSA, requesting several changes be made to FMVSS No. 304, with respect to specifications for aluminum alloys 6010 and 6061 which are used to make CNG fuel containers. TAAI stated that FMVSS No. 304 is inconsistent with the TAAI registered limits for materials used in these two aluminum alloys. That organization stated that because the 1979 document, on which the FMVSS No. 304 composition tables are based, has been superseded several times in recent years, the chemical compositions for aluminum alloys set forth in FMVSS No. 304 do not reflect the current compositions for these alloys, as accepted by the aluminum industry. TAAI provided a copy of the most recent document in which the industry aluminum alloy specifications are contained: The Registration Record of Aluminum Association Designations and Chemical Composition Limits for Wrought Aluminum and Wrought Aluminum Alloys (Revised December 1993).

The discrepancies between the 1993 Registration Record and FMVSS No. 304 are as follows:

Alloy 6010:

*Chromium is shown in FMVSS No. 304 as an alloying element, as opposed to an impurity which it is, with a 0.05% minimum limit as well as the proper maximum limit of 0.10%

[1] When used as a motor fuel, natural gas is stored on-board a vehicle in cylindrical containers at a pressure of approximately 20,684 kPa (3,000 psi). Among the terms used to describe CNG fuel containers are tanks, containers, cylinders, and high pressure vessels. The agency will refer to them as ''containers'' throughout this document.

*Limits are defined for both Bismuth (0.003% maximum) and lead (0.003% maximum). These individual elements are properly covered or included in ''Others Each'' in TAAI's registration.

*Magnesium, silicon, copper, and manganese limits are shown to two decimal places, instead of one, for levels greater than 0.55%.

Alloy 6061

*Magnesium limits are specified in FMVSS No. 304 as 0.60 to 1.20%, as opposed to TAAI registered limits of 0.8 to 1.2%.

*Limits are defined for both bismuth (0.003%) and Lead (0.003%). These individual elements are properly covered in ''Others Each'' in TAAI's registration.

*Magnesium, silicon, and iron limits are all properly covered to two decimal places, instead of one, for levels greater than 0.55%.

After reviewing the information supplied by TAAI, NHTSA has decided to propose amending FMVSS No. 304 with respect to the aluminum alloy specifications for CNG containers. The proposed changes, if adopted, would make FMVSS No. 304 consistent with the most recent aluminum industry specifications for those materials.[2] The agency requests comments about the appropriateness and safety implications of adopting TAAI's request.

Leadtime

The statute requires that each order (i.e., final rule) shall take effect no sooner than 180 days from the date the order is issued unless good cause is shown that an earlier effective date is in the public interest. NHTSA has tentatively concluded that there would be good cause not to provide the 180 day lead time given that this amendment would have no adverse effect on manufacturers. The proposal merely proposes minor changes to the chemical compositions in FMVSS No. 304. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more lead time is necessary.

[2] The agency has already corrected the magnesium limits for alloy 6061 to the range of 0.80 to 1.20, based on a typographical correction provided by the American Gas Association. This was published on July 24 1995, as part of a final rule on petitions for reconsideration on FMVSS No. 304 (60 FR 37836).

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule, if adopted, would have no effect on costs or benefits, since the proposal adopts current industry specifications. The aluminum alloys 6010 and 6061 specified in FMVSS No. 304 have a slightly different composition than alloys manufactured in accordance with current specifications for these materials. TAAI did not identify any safety problems such as reduced strength, durability or resistance to environmental hazards that might result from this difference in aluminum specifications for CNG containers. The potential costs, benefits, and other impacts of not adopting this petition cannot be quantified at this time.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. CNG container manufacturers typically would not qualify as small entities. Further, as noted above, the proposed changes would not have more than a minimal impact on the costs or benefits associated with FMVSS No. 304. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.304 would be amended by revising S5.2.2 to read as follows:

§ 571.304 Standard No. 304, Compressed Natural Gas Fuel Container Integrity

* * * * *

S5.2.2 *Aluminum containers and aluminum liners.* (Type 1, Type 2 and Type 3) shall be 6010 alloy, 6061 alloy, and T6 temper. The aluminum heat analysis shall be in conformance with one of the following grades:

TABLE TWO.—ALUMINUM HEAT ANALYSIS

Grade element	6010 alloy percent	6061 alloy percent
Magnesium ..	0.6 to 1.0	0.8 to 1.2
Silicon	0.8 to 1.2	0.40 to 0.8
Copper	0.15 to 0.6 ...	0.15 to 0.40
Chromium	0.10 max	0.04 to 0.35
Iron	0.50 max	0.7 max
Titanium	0.10 max	0.15 max
Manganese ..	0.20 to 0.8 ...	0.15 max
Zinc	0.25 max	0.25 max
Others, Each (1).	0.05 max	0.05 max
Others, Total (1) (2).	0.15 max	0.15 max
Aluminum min.	Remainder ...	Remainder

(a) ''Others'' includes listed elements for which no specific limit is shown as well as unlisted metallic elements. The producer may analyze samples for trace elements not specified in the registration or specification. However, such analysis is not required and may not cover all metallic ''other'' elements. Should any analysis by the producer or purchaser establish that an ''others'' element exceeds the limit of ''Each'' or that the aggregate of several ''others'' elements exceeds the limit of ''Total,'' the material shall be considered non-conforming.

(b) The sum of those ''Others'' metallic elements 0.10 percent or more each, expressed to the second decimal before determining the sum.

(Registration Record of Aluminum Association Designations and Chemical Composition Limits for Wrought Aluminum and Wrought Aluminum Alloys, The Aluminum Association, Inc. Rev. Dec. 1993)

* * * * *

Issued on: November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28358 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 60, No. 221
Thursday, November 16, 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

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

November 9, 1995.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, D.C. 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

Consolidated Farm Services Agency

- *Title:* 7 CFR 719—Eminent Domain Acquisitions: Reallocating Allotments, Quotas, and Acreage Bases.

Summary: The Agricultural Adjustment Act of 1938 as amended provides for pooling allotments for any commodity for any land from which the owner is displaced because of acquisition of land by any federal, state or local agency having right of eminent domain.

Need and Use of the Information: The collection of information is necessary to determine eligibility for program benefits. The forms are used to establish the record of the producer's pooled allotments or bases, and to request a transfer of the pooled allotments or bases to other owned land.

Description of Respondents: Farms.

Number of Respondents: 3,000.

Frequency of Responses: Reporting—On occasion.

Total Burden Hours: 3,000.

Emergency processing of this submission has been requested by November 13, 1995.

- *Title:* Payment Limitation and Determination of Eligibility of Foreign Individuals or Entities to Receive Program Benefits—7 CFR parts 795, 1497, and 1498.

Summary: Regulation require an ''actively engaged in farming'' status determination be made for individuals or entities with respect to a particular farming operation in order for them to be considered a person eligible for program payments, from Price Support Programs, Production Adjustments, and Conservation Reserve Programs.

Need and Use of the Information: Information is needed so maximum payment eligibility can be determined for the Price Support Production Adjustments and Conservation Reserve Programs. The information collected will be used to determine eligibility and for general statistical purposes.

Description of Respondents: Farms; State, Local or Tribal Government.

Number of Respondents: 356,800.

Frequency of Responses: Reporting—Annually.

Total Burden Hours: 307,985.

Emergency processing of this submission has been requested by November 14, 1995.

Donald Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 95–28322 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 95–076–1]

Plant Genetic Systems (America), Inc.; Receipt of Petition for Determination of Nonregulated Status for Corn Genetically Engineered for Male Sterility and Glufosinate Herbicide Tolerance as a Marker

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Plant Genetic Systems (America), Inc., seeking a determination of nonregulated status for a corn line designated as event MS3 that has been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether this corn line presents a plant pest risk.

DATES: Written comments must be received on or before January 16, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–076–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–076–1. A copy of the petition and any comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690–2817.

FOR FURTHER INFORMATION CONTACT: Dr. James White, Team Leader, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1237; (301) 734–7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a

determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On August 16, 1995, APHIS received a petition (APHIS Petition No. 95–228–01p) from Plant Genetic Systems (America), Inc., (PGS) of Des Moines, IA, requesting a determination of nonregulated status under 7 CFR part 340 for a male sterile, glufosinate tolerant corn line designated as transformation event MS3 (event MS3). The PGS petition states that corn event MS3 should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn event MS3 has been genetically engineered with a gene from *Bacillus amyloliquefaciens* encoding a ribonuclease called barnase, which inhibits pollen formation and results in male sterility of the transformed plants. Corn event MS3 also contains the *bar* gene isolated from the bacterium *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate. Linkage of the *barnase* gene, which induces male sterility, with the bar gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line before the plant begins to flower. Event MS3 was transformed via immature embryo electroporation in yellow dent corn material. Expression of the introduced genes is controlled in part by the P35S promoter derived from the plant pathogen cauliflower mosaic virus and the 3'nos sequence from the plant pathogen *Agrobacterium tumefaciens.*

PGS' corn event MS3 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains the above-mentioned gene sequences derived from plant pathogenic sources. The subject corn line has been evaluated in field trials conducted since 1992 under APHIS permits or notifications. In the process of reviewing the applications for field trials of the corn event MS3, APHIS determined that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), ''plant pest'' is defined as ''any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants.'' APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, the EPA must approve the new or different use. In conducting such an approval, the EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide. When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

The FDA published a statement of policy on foods derived from new plant varieties in the Federal Register on May 29, 1992 (57 FR 22984–23005). The FDA statement of policy includes a discussion of the FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the Federal Register announcing the regulatory status of PGS' corn event MS3 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa–150jj, 151–167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 8th day of November 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–28326 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Wild and Scenic River Suitability Study for the South Platte River and the North Fork of the South Platte River in Douglas, Jefferson, and Park Counties, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a legislative environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare a wild and scenic river study report and legislative environmental impact statement (LEIS) to address the suitability of sections of the South Platte River and the North Fork of the South Platte River primarily within the Pike National Forest in Douglas, Jefferson, and Park counties, Colorado, for inclusion into the National Wild and Scenic Rivers System. The Forest Service invites written comments and suggestions on the management of these river sections and the scope of this analysis. The agency gives notice of the full environmental analysis and decision making process that will occur in this study so that interested and affected people are aware of how they may participate and contribute to the final recommendation to Congress.

DATES: Comments concerning the study of these rivers should be received by May 31, 1996. Send written comments and suggestions concerning the management of this river to Rick D. Cables, Forest Supervisor, Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, 1920 Valley Drive, Pueblo, Colorado 81008.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft LEIS should be directed to Steve Davis, Wild and Scenic River Planning Team Leader, Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, 1920 Valley Drive, Pueblo, Colorado 81008; telephone (719) 585–3714.

SUPPLEMENTARY INFORMATION: The Forest Service is studying these rivers as required under Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 (Pub. L. 90–542, 82 Stat. 906, as amended; 16 U.S.C. 1271–1287). Section 5(d)(1) allows for the study of new potential wild and scenic rivers not designated under Section 3(a) or designated for study under Section 5(a) of the Act. Section 5(d)(1) states ''In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national, wild, scenic, and recreational river areas''. The study will consider a 22.8-mile segment of the South Platte River from below Elevenmile Dam to the high water line of Cheeseman Reservoir, a 23-mile segment of the South Platte River from below Cheeseman Dam to the high water line of Strontia Springs Reservoir, and a 23.1-mile segment of the North Fork of the South Platte River from the upstream boundary of the Berger property, near Insmont, downstream to its confluence with the South Platte River, to include lands within ¼ mile from each stream bank. Preliminary alternatives include a wild and scenic designation for each segment for the length of the proposal, and an unsuitable for designation alternative. Other appropriate alternatives may be considered.

Rick D. Cables, Forest Supervisor, Pike and San Isabel National Forests, Comanche and Cimmarron National Grasslands is the responsible official for preparing the suitability study. Dan Glickman, Secretary of Agriculture, U.S. Department of Agriculture, Room 200–A, Administration Building, Washington, DC 20250, is the responsible official for recommendations for wild and scenic river designation.

Public participation is especially important at several points in the study process. The first point is the scoping process (40 CFR 1501.7). The Forest Service is seeking information comments, and assistance from Federal, State, and local agencies, individuals and organizations who may be interested in or affected by the proposed action. The public input will be used in preparation of the draft LEIS.

The draft LEIS is expected to be filed with the Environmental Protection Agency (EPA), and available for public review by October, 1996. At that time, the EPA will publish a notice of availability of the draft LEIS in the Federal Register.

The comment period on the draft LEIS will be 90 days from the date the EPA's notice of availability appears in the Federal Register. It is very important that those interested in the management of this river participate at that time. To be the most helpful, comments on the draft LEIS should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft LEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft LEIS stage but that are not raised until after completion of the final LEIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1988) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

After the comment period ends on the draft LEIS, comments will be analyzed and considered by the Forest Service in preparing the final LEIS. In the final LEIS, the Forest Service will respond to comments received (40 CFR 1503.4). The final LEIS is scheduled to be completed by the end of October 1997. The Secretary will consider the comments, responses, and consequences discussed in the LEIS, applicable laws, regulations, and policies in making a recommendation to the President regarding the suitability of these river segments for inclusion into the National Wild and Scenic Rivers System. The final decision on inclusion of a river in the National Wild and Scenic Rivers System rests with the Congress of the United States.

Dated: November 9, 1995.

Tom L. Thompson,

Deputy Regional Forester.

[FR Doc. 95–28319 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of the Census

1996 Integrated Coverage Measurement (ICM) Address Listing Activities

AGENCY: Bureau of the Census, Commerce.

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 16, 1996.

ADDRESSES: Direct all written comments to Gerald Taché, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David C. Whitford, Bureau of the Census, Room 3771, Washington, DC 20233, (301) 457–4035.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of the Census developed the ICM approach for measuring coverage during the decennial census. The Independent Listing will obtain a complete housing unit inventory of all addresses within the 1996 ICM test area just before the 1996 test census commences. There will be two Independent Listing forms, DT–1302 and DT–1302A. The DT–1302 will contain experimental questions designed to enhance our address listing procedures. We will compare the results

using Form DT–1302 with those from a control listing form that did not contain the experimental questions, Form DT–1302A, to see if the experimental questions improved our coverage of addresses. For quality assurance purposes, a sample of each block will be advance listed (by observation) in the Quality Assurance Advance Listing Book, DT–1314. This quality assurance listing will not impose any respondent burden.

The listings will be matched to the census list of addresses; the unmatched cases will be sent to the field for reconciliation using the Housing Unit Follow-up Form, DT–1377. For quality assurance purposes, a sample of the follow-up cases will be verified to ensure that the follow-up enumerators visit the block clusters, resolve the cases, and correctly followed procedures. The resultant address listing will be used in the next phase of the ICM, the ICM Person Interview.

As part of our evaluation requirements, we will perform an independent rematch and reconciliation of a sample of the housing unit addresses. The quality assurance and evaluation operations will be conducted using the same form, DT–1377.

II. Method of Collection

Person to person interview.

III. Data

OMB Number: Not available.

Form Number: DT–1302 and DT–1302A, Independent Listing Forms; DT-1314, Quality Assurance Advance Listing Book; and DT–1377, Housing Unit Follow-up Form.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000 Housing units.

Estimated Time Per Response: 2 minutes (Independent Listing) and 5 minutes (Housing Unit Followup).

Estimated Total Annual Burden Hours: Total = 494 Hours. Independent Listing = 333 hours (2 minutes × 10,000 housing units); the Housing Unit Followup = 83 hours, (5 minutes × 1,000 housing units); the Housing Unit Follow-up Quality Assurance = 41 hours (5 minutes × 487 housing units); and the Housing Unit Follow-up Evaluation = 37 hours (5 minutes × 446 housing units).

Estimated Total Annual Cost: $289,749.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 9, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–28352 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: November 16, 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, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 C.F.R. 353.22(a) and 355.22(a) (1994), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates.

Initiation of Reviews

In accordance with sections 19 C.F.R. 353.22(c) and 355.22(c), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. The Department is not initiating an administrative review of any exporters and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under § 353.22(a) (19 CFR 353.22(a)). We intend to issue the final results of these reviews not later than October 31, 1996.

	Period to be reviewed
Antidumping Duty Proceedings	
Italy:	
Pressure Sensitive Plastic Tape, A–475–059	
3M Italia S.p.A.	10/10/94–09/30/95
Japan:	
Tapered Roller Bearings, Four Inches or Less, and Certain Components Thereof, A–588–054	
Koyo Seiko Co., Ltd., Honda Motor Co., Ltd., Fuji Heavy Industries, Kawasaki Heavy Industries, Yamaha Motor Co., Ltd., Nigata Convertor Co., Ltd., Suzuki Motor Co., Toyosha Co., Ltd	10/01/94–09/30/95
Tapered Roller Bearing, Over Four Finished and Unfinished, and Parts Thereof, A–588–604	
Koyo Seiko Co., Ltd., Honda Motor Co., Ltd., Fuji Heavy Industries, Kawasaki Heavy Industries, Yamaha Motor Co., Ltd., Nigata Convertor Co., Ltd., Suzuki Motor Co., Toyosha Co., Ltd, NTN Corporation, Nittetsu Bolton, Showa Seiko Co., Ltd., Ichiyanagi Tekko, Sumikin Seiatsu	10/01/94–09/30/95

	Period to be reviewed
Malaysia:	
Extruded Rubber Thread, A–557–805	
Heveafil Sdn. Bhd., Filmax Sdn. Bhd., Rubberflex Sdn. Bhd., Filati Lastex Elastofibre, Rubfil Sdn. Bhd	10/01/94–09/30/95
The People's Republic of China:	
CDIW Fittings and Glands, A–570–820	
Star Pipe Products, Inc	09/01/94–08/31/95
The People's Republic of China:	
Helical Spring Lock Washers, A–570–822	
Hangzhou Spring Washer Plant	10/01/94–09/30/95
Countervailing Duty Proceedings	
Brazil:	
Certain Agricultural Tillage Tools, C–351–406	
Marchesan Implementos Argicolas, S.A.	01/01/94–12/31/95
India:	
Certain Iron-Metal Castings, C–533–063	
Calcutta Ferrous, Carnation Enterprise Pvt. Ltd., Commex Corporation, Crescent Foundry Co. Pvt. Ltd., Delta Enterprises, Dinesh Bros., Kajaria Iron Castings Pvt. Ltd., Kejriwal Iron & Steel Works, Nandikeshwari Iron Foundry Pvt. Ltd., Orissa Metal Industries, R.B. Agarwalla & Company, R.B. Agarwalla & Co. Pvt. Ltd., RSI Limited, Serampore Industries Pvt. Ltd., Shree Ram Enterprise, Shree Uma Foundries, Siko Exports, Super Iron Foundry, Uma Iron & Steel, Victory Castings Ltd	01/01/94–12/31/94
Sweden:	
Certain Carbon Steel Products, C–401–401	
SSAB Svenskt Stal AB	01/01/94–12/31/94
Suspension Agreements	
Kazakhstan:	
Uranium, A–834–802	10/01/94–09/30/95
Krygzstan:	
Uranium, A–835–802	10/01/94–09/30/95
Russia:	
Uranium, A–821–802	10/01/94–09/30/95
Uzbekistan:	
Uranium, A–844–802	10/01/94–09/30/95

*This case was inadvertently omitted from the previous initiation notice.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: November 9, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–28452 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Czech Republic

November 9, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port orcall (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 import restraint limits for textile products, produced or manufactured in the Czech Republic and exported during the period January 1, 1996 through December 31, 1996 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1996 limits.

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). Information regarding the 1996 CORRELATION will be published in the Federal Register at a later date.

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 ATC, 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 9, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round

Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in the Czech Republic and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996, in excess of the following limits:

Category	Twelve-month restraint limit
410	1,546,704 square meters.
433	6,074 dozen.
435	3,997 dozen.
443	74,051 numbers.
624	1,794,108 square meters.

Imports charged to these category limits for the period January 1, 1995 through December 31, 1995 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 95–28355 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Macau

November 9, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, 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) 927–6709. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryforward.

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 17331, 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 9, 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, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on November 16, 1995, you are directed to amend further the directive dated March 30, 1995 to adjust the limits for the following categories, as provided for under the terms of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
333/334/335/833/834/835.	245,472 dozen of which not more than 119,802 dozen shall be in Categories 333/335/833/835.
336/836	59,955 dozen.
338	316,237 dozen.
339	1,317,536 dozen.
340	308,948 dozen.
347/348/847	744,530 dozen.
351/851	69,690 dozen.
359–C/659–C [2]	382,152 kilograms.
359–V [3]	115,829 kilograms.
633/634/635	544,213 dozen.
638/639/838	1,669,200 dozen.
642/842	120,657 dozen.
647/648	549,495 dozen.
Sublevel in Group II	
445/446	96,430 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

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. 95–28353 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced of Manufactured in Thailand

November 9, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: November 16, 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 these limits, refer to the Quota Status Reports posted on the bulletin boards of of each Customs port or call (202) 927–6717. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 17337, 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 9, 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, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on November 16, 1995, you are directed to increase 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	5,080,404 kilograms.
Levels in Group I	
218	17,174,292 square meters.
219	5,656,164 square meters.
300	4,242,123 kilograms.
301–P [2]	4,242,123 kilograms.
301–O [3]	848,425 kilograms.
314	41,980,800 square meters.
317/326	11,872,560 square meters.
369–S [4]	282,808 kilograms.
607	2,779,293 kilograms.
613/614/615	40,800,842 square meters of which not more than 24,503,389 square meters shall be in Category 614 and not more than 22,633,511 square meters shall be in Categories 613/615).
617	15,434,328 square meters.
620	6,363,184 square meters.
625/626/627/628/629	12,466,188 square meters of which not more than 9,898,286 square meters shall be in Category 625.
669–P [5]	5,964,655 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

[2] Category 301–P: only HTS numbers 5206.21.0000, 5206.22.0000, 5206.23.0000, 5206.24.0000, 5206.25.0000, 5206.41.0000, 5206.42.0000, 5206.43.0000, 5206.44.0000 and 5206.45.0000.

[3] Category 301–O: only HTS numbers 5205.21.0000, 5205.22.0000, 5205.23.0000, 5205.24.0000, 5205.25.0000, 5205.41.0000, 5205.42.0000, 5205.43.0000, 5205.44.0000 and 5205.45.0000.

[4] Category 369–S: only HTS number 6307.10.2005.

[5] Category 669–P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.

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 Implementatin of Textile Agreements.

[FR Doc.95–28354 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Turkey

November 9, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6718. 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 import restraint limits for textile products, produced or manufactured in Turkey and exported during the period January 1, 1996 through December 31, 1996 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1996 limits. The 1996 limits for Categories 338/339/638/639, 338–S/339–S/638–S/639–S, 350 and 351/651 have been reduced for carryforward used in 1995.

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). Information regarding the 1996 CORRELATION will be published in the Federal Register at a later date.

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 ATC, 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 9, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing (ATC) and the Memorandum of Understanding dated July 19, 1995 between the Governments of the United States and the Republic of Turkey; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Turkey and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996, in excess of the following limits:

Category	Twelve-month restraint limit
Fabric Group	
219, 313, 314, 315, 317, 326, 617, 625/626/627/628/629, as a group.	151,245,814 square meters of which not more than 34,562,752 square meters shall be in 219; 42,243,363 square meters shall be in 313; 24,577,957 square meters shall be in 314; 33,026,631 square meters shall be in 315; 34,562,752 square meters shall be in 317; 3,840,305 square meters shall be in 326; 23,041,836 square meters shall be in 617.
Sublevel in Fabric Group	
625/626/627/628/629.	15,559,001 square meters of which not more than 6,223,600 square meters shall be in 625; 6,223,600 square meters shall be in 626; 6,223,600 square meters shall be in 627; 6,223,600 square meters shall be in 628; and 6,223,600 square meters shall be in 629.
Limits not in group	
200	1,458,336 kilograms.
300/301	7,100,535 kilograms.
335	306,579 dozen.
336/636	722,164 dozen.
338/339/638/639	4,244,264 dozen of which not more than 3,183,198 dozen shall be in Categories 338–S/339–S/638–S/639–S [1].
340/640	1,416,425 dozen of which not more than 402,850 dozen shall be in shirts made from fabric of two or more colors in the warp and/or the filling in Categories 340–Y/640–Y [2].
341/641	1,398,786 dozen of which not more than 489,575 dozen shall be in blouses made from fabric of two or more colors in the warp and/or the filling in Categories 341–Y/641–Y [3].
342/642	803,919 dozen.
347/348	4,373,865 dozen of which not more than 1,521,420 dozen shall be in trousers in Categories 347–T/348–T [4].
350	430,368 dozen.
351/651	688,085 dozen.
352/652	2,332,000 dozen.
361	1,532,897 numbers.
369–S [5]	1,584,724 kilograms.
410/624	1,075,430 square meters of which not more than 695,866 square meters shall be in Category 410.
448	36,902 dozen.
604	1,829,236 kilograms.
611	45,761,766 square meters.

[1] 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.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054; Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

[4] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2010, 6104.62.2025, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[5] Category 369–S: only HTS number 6307.10.2005.

Imports charged to these category limits for the periods January 1, 1995 through December 31, 1995 and March 28, 1995 through December 31, 1995 (Categories 352/652) shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustments in the future pursuant to the Uruguay Round Agreements Act, the ATC and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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. 95–28356 Filed 11–15–95; 8:45 am]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 96–C0001]

J.B.I., Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the Federal Register in accordance with the terms of 16 CFR 1118.20(e)-(h). Published below is a provisionally-

accepted Settlement Agreement with J.B.I., Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by December 1, 1995.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 96-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Ronald G. Yelenik, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: November 8, 1995.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. J.B.I., Inc. (''J.B.I.'' or ''Respondent'') enters into this Settlement Agreement and Order with the staff of the Consumer Product Safety Commission pursuant to the procedures set forth in section 1118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act (''CPSA''), 16 CFR 1118.20.

The Parties

2. The ''Staff'' is the staff of the Consumer Product Safety Commission (''the Commission'' or ''CPSC''), an independent regulatory agency of the United States government responsible for the enforcement of the CPSA, 15 U.S.C. 2051 *et seq.*

3. Respondent J.B.I. is a corporation organized and existing under the laws of the state of California with its principal corporate offices located in Long Beach, California.

Staff Allegations

The Staff contends, as set forth in paragraphs 4 through 9, that:

4. Between 1982 and 1987, J.B.I. manufactured approximately 1,200 units of Tug-N-Turn playground equipment exclusively for and together with a fast food restaurant operator. The Tug-N-Turns were installed at the fast food restaurants nationwide. J.B.I. is a ''manufacturer'' of the Tug-N-Turns as that term is defined in section 3(a)(4) of the CPSA, 15 U.S.C. 2052(a)(4).

5. The Tug-N-Turn is a ride designed and intended for use by children. A child can spin the ride by turning the steering wheel, or an individual can cause the ride to spin by pushing it from the outside. The Tug-N-Turn is a ''consumer product'' which was ''distributed in commerce'' as those terms are defined in sections 3(a) (1) and (11) of the CPSA, 15 U.S.C. 2052(a) (1) and (11).

6. The Tug-N-Turn created an unreasonable risk of serious injury or contained a defect which could create a substantial product hazard in that hardware protruded from the stationary center column of the unit, creating the possibility that children's shoe laces or pants cuffs could become entangled, causing serious injury. In cooperation with the CPSA staff investigation, J.B.I. voluntarily produced information showing that it became aware of approximately 70 reports of injuries between 1982 and 1991 involving the Tug-N-Turn, at least 40 of which allegedly were fractured legs or ankles.

7. On or about November 24, 1982, J.B.I. first became aware of an injury involving a Tug-N-Turn.

8. Both prior to and during the period in which J.B.I. received notice of injuries involving Tug-N-Turns, J.B.I. voluntarily attempted, without success, to remedy the protruding hardware problem.

9. Although J.B.I. obtained sufficient information to reasonably support the conclusion that the Tug-N-Turns, described in paragraphs five and six above, contained a defect which could create a substantial product hazard, or created an unreasonable risk of serious injury, it failed to report such information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b). This is a knowing violation of section 15(b) of the CPSA, is a violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), and subjects Respondents to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069.

Response of J.B.I.

J.B.I. contends, as set forth in paragraphs 10 through 14, that:

10. The Tug-N-Turn does not contain a defect which creates or which could create a substantial product hazard or create an unreasonable risk of serious injury within the meaning of section 15 of the CPSA, 15 U.S.C. 2064.

11. The leg and ankle injuries reported to J.B.I. were sustained on Tug-N-Turns that were improperly installed or maintained, and where original hardware was substituted. As a result of improper installation or maintenance, children's clothing became entangled on hardware that protruded from the center column.

12. J.B.I. is unaware of any instance where a child was injured on a properly installed and maintained Tug-N-Turn unit as a result of clothing becoming entangled on hardware. A Tug-N-Turn that is properly installed and maintained neither creates a substantial product hazard nor an unreasonable risk of serious injury.

13. Between 1982 and 1991, J.B.I. voluntarily took significant actions to ensure proper installation of the Tug-N-Turn units, including the dissemination of Safety Notices, Warning Labels, and ultimately a Removal/Retrofit program.

14. Prior to receiving a letter from the CPSC in January 1992, J.B.I. was unaware of the reporting provisions of the CPSA. J.B.I. never ''knowingly'' failed to report to the Commission under section 15(b) of the CPSA, 15 U.S.C. § 2064(b), with respect to these Tug-N-Turn units.

Agreement of the Parties

15. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*

16. This Settlement Agreement and Order becomes effective only upon its final acceptance by the Commission and service of the incorporated Order upon Respondent.

17. J.B.I. waives any rights it may have (1) to an administrative or judicial hearing with respect to the Commission's claim for a civil penalty, (2) to judicial review or other challenge or contest of the validity of the Commission's action with regard to its claim for a civil penalty, (3) to a determination by the Commission as to whether a violation of Section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, (4) to a statement of findings of fact and conclusions of law with regard to the Commission's claim for a civil penalty, and (5) to any claims under the Equal Access to Justice Act, 28 U.S.C. 2412.

18. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued, and the Commission may publicize the terms of the Settlement Agreement and Order, as stated herein.

19. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

20. The provisions of this Settlement Agreement and Order shall apply to J.B.I. and its successors and assigns.

21. J.B.I. shall inform the Commission if it learns of any additional Tug-N-Turn incidents not previously reported to the Commission or information indicating

that any Tug-N-Turns in use are still capable of turning.

22. J.B.I. shall not contest a United States government subpoena for J.B.I. representatives to testify at a trial related to the Tug-N-Turn in any court in the United States. The government will provide fees and allowances to any subpoenaed witness in accordance with 28 U.S.C. 1821.

23. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, the Commission shall place this Agreement and Order on the public record and publish it in the Federal Register in accordance with the procedures set forth in 16 CFR 1118.20(e)-(h). If the Commission does not to accept the Settlement Agreement and Order within 15 days of such publication, the Agreement and Order shall be deemed finally accepted and the Final Order shall issue on the 16th day.

24. Upon final acceptance of this Settlement Agreement and Order, the Commission shall issue the attached Order.

25. A violation of the Order shall subject the parties to appropriate legal action.

J.B.I. Inc.

Jay Buchbinder,

President, J.B.I., Inc.

The Consumer Product Safety Commission

Eric A. Rubel,

General Counsel.

David Schmeltzer,

Associate Executive Director, Office of Compliance and Enforcement.

Eric L. Stone,

Acting Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

Dated: February 1, 1995.

Ronald G. Yelenik,

Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

Dated: February 1, 1995.

Jayme Rizzolo Epstein,

Attorney, Office of General Counsel.

Order

Upon consideration of the Settlement Agreement between the staff and Respondent, and it appearing the Settlement Agreement is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted, as indicated below; and it is

Further ordered, that Respondent upon final acceptance of the Settlement Agreement, shall pay to the U.S. Treasury a civil penalty in the amount of two hundred twenty five thousand dollars ($225,000), within twenty (20) days after service of this Final Order.

Provisionally accepted and Provisional Order issued on the 8th day of November, 1995.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95–28347 Filed 11–15–95; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Construction and Operational Changes Associated With Realignment of F/A–18 Aircraft to Naval Air Station Oceana, Virginia Beach, VA From Naval Air Station, Cecil Field, FL

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental consequences of the realignment of F/A–18 aircraft and their associated personnel to Naval Air Station (NAS) Oceana, located in Virginia Beach, Virginia. This action is being conducted in accordance with the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101–510), as implemented during 1995.

In accordance with congressional direction implementing the 1995 recommendations of the Defense Base Closure and Realignment Commission (BRAC 95), the Navy will close NAS Cecil Field, Florida, and realign F/A–18 aircraft, personnel, and ancillary activities associated with the existing F/A–18 aircraft, personnel, and ancillary activities associated with the existing F/A–18 missions. F/A–18 assets from NAS Cecil Field will be distributed to support the Navy's operational mission by use of existing infrastructure and capacity, elimination of substantial new construction, and maintenance of operational flexibility for deployment. For BRAC 95, two F/A–18 reserve squadrons are proposed to be sent to NAS Atlanta for integration with Naval Reserve Forces and two operational squadrons are proposed to be sent to MCAS Beaufort to establish joint operations capability with existing Marine Corps F/A–18 assets. These two moves will be addressed in separate NEPA documentation. The remainder of F/A–18 assets (up to ten squadrons) are proposed to be sent to NAS Oceana and is the subject of this EIS. The move to NAS Oceana includes approximately 175 aircraft, 3,600 military personnel, and 200 civilians. In order to accommodate this realignment, approximately 200,000 square feet of new/existing facilities will be constructed or modified. In addition, the realignment will result in a greater level of aircraft operations at NAS Oceana, at Naval Auxiliary Landing Field (NALF) Fentress, located in Chesapeake, Virginia, and within various aircraft training ranges and warning areas in and adjacent to Virginia and eastern North Carolina, including Dare County, BT–9 (Brant Island Shoal), and BT–11 (Piney Island).

The Navy intends to analyze the potential impacts of the realignment on the natural environment, including but not limited to air quality, plant and animal habitats, and water resources, such as streams and wetlands. It will also evaluate potential effects to the built environment, including land use patterns, cultural resources, transportation, housing, community services, and the regional economy. Further, the Navy will be preparing analyses of the projected operations of the incoming F/A–18 aircraft on the existing airspace range structure in Virginia and eastern North Carolina, and on aircraft noise exposure levels in and around NAS Oceana and NALF, Fentress, and training areas in Virginia and North Carolina.

In accordance with the Clean Air Act, as amended in 1990 (42 U.S.C. 7401–7661q), as implemented by the Environmental Protection Agency Regulations on Determining Conformity of General Federal Actions to Federal or State Implementation Plans (40 CFR Parts 6, 53, and 93), the Navy will conduct a conformity review, assessing whether total direct and indirect air emissions associated with the realignment are consistent or in compliance with all relevant requirements and milestones contained in the relevant State Implementation Plan (SIP). All required public comment periods, hearings and notices associated with the conformity review will be conducted concurrently with those associated with the EIS.

The Navy will initiate a scoping process for the purpose of determining the scope of significant issues to be addressed in the EIS related to the proposed action. The Navy will hold five public scoping meetings on the following dates: December 5, 1995 beginning at 7 p.m. at the Carteret County Courthouse, Courthouse Square,

U.S. Route 70, Beaufort, North Carolina 28516; December 6, 1995 beginning at 7 p.m. at the Pamlico County Courthouse, NC Highway 55 (near NC Highway 304), Bayboro, North Carolina 28515; December 7, 1995 beginning at 7 p.m. at the North Carolina Aquarium and Marine Resources Center, Main Auditorium, Airport Road (adjacent to the Dare County Airport), Manteo, North Carolina 27954; December 12, 1995 beginning at 7 p.m. at the Seatack Elementary School, Main Auditorium, 411 Birdneck Circle, Virginia Beach, Virginia 23454; and December 13, 1995 beginning at 7 p.m. at the Butts Road Intermediate School Gymnatorium, 1571 Mount Pleasant Road, Chesapeake, Virginia 23322.

Following a presentation on the EIS process and the Navy's proposed action, Navy representatives will be available at these meetings to receive comments from agencies and the public regarding issues of concern. It is important that federal, state, and local agencies and interested persons take this opportunity to identify environmental concerns that should be addressed in the EIS. In order to ensure adequate time for those wishing to make public comments, speakers will be limited to five minutes.

Agencies and the public are also invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the scoping meeting. To be most helpful, scoping comments should clearly describe the specific issues or topics that the commenter believes the EIS should address. Please mail written comments no later than January 5, 1996 to: Commander, Atlantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, Virginia 23511, Attn: Code 2032DC (Mr. Dan Cecchini), telephone (804) 322–4891, fax (804) 322–4894.

Dated: November 13, 1995.

M.A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95–28299 Filed 11–15–95; 8:45 am]

BILLING CODE 3810–77–M

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of closed meeting by teleconference.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the meeting.

DATE: November 21, 1995.

TIMES: 11 a.m. to noon.

LOCATION: Room 604e, 555 New Jersey Ave., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Christensen, Designated Federal Official, Office of Educational Research and Improvement, 555 New Jersey Ave., NW., Washington, DC 20208–7579. Telephone: (202) 219–2065. 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 Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement 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 meeting of the Executive Committee is closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemption (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L 94–409; 5 U.S.C. 552b(c)(6)). The committee will discuss candidates for the position of executive director and touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemptions (2) and (6) of Section 552b(c) of the Government in the Sunshine Act Pub. L. 94–409; 5 U.S.C. 552b(c). The Executive Committee will consider matters that relate solely to the internal rules and practices of the Board and personal qualifications and experience of potential candidates for the position of executive director, matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

The public is being given less than the required 15 days' notice because of the difficulty in accommodating the schedules of all members of the Executive Committee, which must complete its recommendations prior to the next full Board meeting on November 30.

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 Ave., NW., Washington, DC 20208–7564.

Dated: November 9, 1995.

Sharon P. Robinson,

Assistant Secretary.

[FR Doc. 95–28252 Filed 11–15–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Docket No. CP95–35–000 and PRPB Docket No. 94–62–1219–JPM]

EcoEléctrica, L.P., Notice of Availability of the Draft Environmental Impact Statement/Preliminary Environmental Impact Statement for the Proposed EcoEléctrica LNG Import Terminal and Cogeneration Project in Guayanilla, Puerto Rico

November 9, 1995.

The staff of the Federal Energy Regulatory Commission (FERC) and the Puerto Rico Planning Board (PRPB) have prepared this joint draft environmental impact statement/preliminary environmental impact statement (DEIS/PEIS) on the natural gas facilities proposed by EcoEléctrica, L.P. (EcoEléctrica) in the above dockets.

The joint EIS was prepared to satisfy the requirements of the National Environmental Policy Act and Puerto Rico's law requiring an EIS under the Puerto Rico Environmental Quality Board Regulations (Article 4[c] of law No. 9). The FERC and PRPB believe, subject to public comment, that approval of the proposed project, with appropriate mitigation measures including receipt of necessary permits and approvals, would have limited adverse environmental impact. The joint EIS evaluates alternatives to the proposal.

The joint EIS assesses the potential environmental effects of the construction and operation of the proposed EcoEléctrica LNG Import Terminal and Cogeneration Project, which includes the following facilities:

- A marine terminal for unloading liquified natural gas (LNG) tankers, two 1,000,000-barrel LNG storage tanks, an LNG vaporization system, and a natural gas accumulator pipeline.
- A 461-megawatt electric cogeneration facility that would use the vaporized LNG as a fuel source. The power plant facility would consist of two gas turbines fueled by natural gas and one steam generator. The gas turbines could also use propane (LPG) as a secondary fuel and number 2 oil as an emergency fuel.
- A desalination facility that could generate up to 4,000,000 gallons of potable water per day. The multistage flash system would use the surplus heat from power production to produce freshwater. The power plant would require up to 1,000,000 gallons per day for operating needs. The surplus would be sold for public use.
- Other facilities necessary for operation of the cogeneration facility include a 2.3-mile-long, 230-kilovolt transmission line connecting the plant substation to an existing Puerto Rico Electric Power Authority (PREPA) substation; a 1.1-mile-long, 8-inch-diameter natural gas pipeline to the PREPA power plant; a 3.5-mile-long, 10-inch-diameter pipeline to supply LGP to the cogeneration facility; and a 1.2-mile-long, 8-inch-diameter water pipeline to connect to an existing offsite water supply or to outside delivery systems.

The joint EIS has been placed in the public files of the FERC and is available for public inspection at:

Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426–1119, (202) 208–1371

Puerto Rico Planning Board, P.O. Box 41119, Santurce, Puerto Rico 00940, (809) 727–4444

Copies have been mailed to Federal, commonwealth and local agencies, public interest groups, interested individuals, public libraries, newspapers, and parties to this proceeding.

A limited number of copies of the joint EIS are available from either:

Mr. Chris Zerby, Federal Energy Regulatory Commission, FERC EIS Project Manager, Office of Pipeline Regulation, Room 7312, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0111.

Mrs. María Gordillo, Puerto Rico Planning Board, PRPB EIS Project Manager, P.O. Box 41119, Santurce, Puerto Rico 00940–1119, (809) 727–4444

Any person wishing to comment on the joint EIS may do so. Written comments must reference FERC Docket No. CP95-35–000 and PRPB Docket No. 94–62–1219–JPM. Comments should be addressed to:

Secretary of the Commission, 888 First Street, NE., Washington, DC 20426

Luis Frías, Secretary, Secretary PRPB, P.O. Box 41119, Santurce, P.R. 00940–1119

Comments should be filed as soon as possible, but must be received no later than December 26, 1995,[1] to ensure consideration prior to a FERC or PRPB decision on this proposal. A copy of any comments should also be sent to Mr. Chris Zerby, FERC EIS Project Manager, or Mrs. María Gordillo, PRPB EIS Project Manager at the above addresses.

Comments will be considered by the FERC and PRPB but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the FERC's Rules of Practice and Procedure (18 CFR 385.214).

In addition to asking for written comments, we invite you to attend any of the joint public meetings the FERC and PRPB will conduct to solicit comments on the draft EIS. The locations and times for these meetings are listed below.

The public meetings will be designed to give you more detailed information and another opportunity to offer your comments on the proposed project. Those wanting to speak at the meetings can call the EIS Project Manager to preregister their names on the speaker list. Those people on the speaker list before the date of the meeting will be allowed to speak first. A second speaker list will be developed at each meeting. Priority will be given to people representing groups. A transcript of each meeting will be made so that your comments will be accurately recorded. This transcript will be available in both Spanish and English.

Schedule for Joint EIS Public Scoping Meetings

December 11, 1995 (10:00 am)
San Juan, Puerto Rico, Puerto Rico Planning Board, Minillas Building, 14th floor

December 12, 1995 (10:00 am)
Peñuelas, Puerto Rico, Alcaldia (Municipal Building)

December 13, 1995 (10:00 am)
Guayanilla, Puerto Rico, Centro Cultural Mariá Arzola

Additional information about this project is available from Mr. Chris Zerby, FERC EIS Project Manager, at (202) 208–0111. Information concerning the involvement of the Puerto Rico Planning Board can be obtained from Mrs. María Gordillo, PRPB EIS Project Manager at (809) 727–4444.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28286 Filed 11–15–95; 8:45 am]

BILLING CODE 6717–01–M

[1] The ''to the party addressed'' letter in the EIS stated that comments must be received by December 18, 1995. However, we are extending this date to December 26, 1995.

[Docket No. RP96–36–000]

CNG Transmission Corporation; Notice of Termination of Gathering Service

November 9, 1995.

Take notice that on November 2, 1995, CNG Transmission Corporation (CNG) filed pursuant to Section 4 of the Natural Gas Act and compliance with the Commission's direction in Docket No. CP93–200, a notice to terminate gathering service of uncertificated gathering lines on or after 30 days from the date of the filing. The uncertificated gathering lines to be abandoned in place or removed are listed in Appendix A attached to the filing.

It is asserted that no contract for transportation service with CNG would be canceled or terminated. The lines being abandoned solely served wells owned by CNG which are being plugged and abandoned. It is alleged that no default contract is being submitted because CNG believes that the nature of the abandonment of the gathering lines is one that does not require the use of a default contract. The uncertificated gathering lines are located in Elk, Clearfield, and Cameron Counties, Pennsylvania.

CNG requests that the order issued this proceeding, permit such termination of service and such waivers of the Commission's rules and regulations for the limited purpose of terminating service on the specified uncertificated gathering lines.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 or 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28284 Filed 11–15–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP95–197–000 and RP95–197–001]

Transcontinental Gas Pipe Line Corporation; Notice of Informal Settlement Conference

November 9, 1995.

Take notice that Commission Staff will convene an informal settlement conference in this proceeding on November 28, 1995, at 10:00 a.m. The conference will be held at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), may attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations, 18 CFR 385.214.

For additional information, contact Warren Wood at (202) 208–2091 or Donald Heydt at (202) 208–0740.

Lois D. Cashell,

Secretary.

[FR Doc. 95–28285 Filed 11–15–95; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability Council Meeting

November 13, 1995.

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the thirteenth meeting of the Network Reliability Council (''Council''), which will be held at the Federal Communications Commission in Washington, DC.

DATES: Wednesday, December 13, 1995 at 1:00 p.m.

ADDRESSES: Federal Communications Commission, Room 856, 1919 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Kimball at (202) 418–2339.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability.

The agenda for the thirteenth meeting is as follows: (1) The final recommendations of Focus Group II, Network Interconnection and Focus Group III, New Technology, will be presented for consideration and adoption by the Council; (2) the Facilities Solutions Team will present its recommendations for mitigating facilities outages; and (3) there will be an update on network reliability. Other business may also be considered.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. The public may submit written comments to the Council's designated Federal Officer before the meeting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–28298 Filed 11–15–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–011259–011.

Title: United States/Southern and Eastern Africa Conference Agreement.

Parties: Empresa de Navegacao Internacional, Lykes Bros. Steamship Co, Inc., Mediterranean Shipping Company S.A., Safbank Line, Ltd.

Synopsis: The proposed amendment adds a new Sub-Article 7.2 to provide for associate membership to the Agreement. It also adds Wilhelmsen Lines AS and makes other nonsubstantive changes.

Dated: November 13, 1995.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–28291 Filed 11–15–95; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Carnival Corporation, 3655 N.W. 87th Avenue, Miami, Florida 33178–2428.

Vessel: Jubilee.

Dated: November 13, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–28292 Filed 11–15–95; 8:45 am]

BILLING CODE 6730–01–M

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.

Odyssey International Forwarding Services, 1216 39th Avenue, SE., Puyallup, WA 98374, Eloise Ann Brandstetter, Sole Proprietor

Able Freight Services Inc., 801 West Hyde Park Blvd. Inglewood, CA 90302, Officers: Scott Irvin Murray, President, Orlando Wong, Vice President

Willson International Inc., 250 Cooper Ave., Suite 102, Buffalo, NY 14150, Officers: Michael Dahm, President, R.C. Clendenning, Vice President

Phoenix International Business Logistics, Inc., Port Elizabeth, 1201 Corbin Street, Elizabeth, NJ 07201, Officers: Philip E. Hobson III, President, Stanley U. North, Secretary

Dated: November 13, 1995.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–28293 Filed 11–15–95; 8:45 am]

BILLING CODE 6730–1–M

FEDERAL RESERVE SYSTEM

Citizens Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 8, 1995.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Citizens Bancshares, Inc., Salineville, Ohio; to acquire 100 percent of the voting shares of Western Reserve Bank of Ohio, Lowellville, Ohio.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Dakotah Bankshares, Inc., Fairmount, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples State Bank, Fairmount, North Dakota.

Comments on this application must be received no later than November 29, 1995.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–28267 Filed 11–15–95; 8:45 am]

BILLING CODE 6210–01–F

Shirley A. Gruber; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 28, 1995.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Shirley A. Gruber, Barnard, Kansas; to acquire a total of 66.2 percent; Timothy J. Schroeder, Beverly, Kansas, to acquire an additional 15.4 percent, for a total of 15.7 percent; Michael N. Millikan, Salina, Kansas, to acquire a total of 15.7 percent, of the voting shares of Beverly Bankshares, Inc., Beverly, Kansas, and thereby indirectly acquire Beverly State Bank, Beverly, Kansas.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–28268 Filed 11–15–95; 8:45 am]

BILLING CODE 6210–01–F

Republic Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received not later than November 28, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Republic Bancorp, Inc., Owosso, Michigan; to acquire through its majority owned subsidiary, CUB

Funding, Calabasas, California, a 50.1 percent voting interest in Premier Partners-James R. Gary Realtors, Woodland Hills, California (a joint venture), and thereby engage in originating, funding, and servicing residential mortgage loans on a retail basis, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–28269 Filed 11–15–95; 8:45 am]

BILLING CODE 6210–01–F

U.S. Trust Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 28, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. U.S. Trust Corporation, New York, New York; to engage *de novo* through its subsidiary, U.S. Trust Company of New Jersey, Princeton, New Jersey, in tax planning and tax preparation services for individuals, businesses and non-profit organizations, pursuant to § 225.25(b)(21) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–28270 Filed 11–15–95; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Automotive Fuel Ratings, Certification and Posting

AGENCY: Federal Trade Commission.

ACTION: Grant of partial exemption from the Commission's Fuel Rating Rule.

SUMMARY: The Commission has granted the petition of Gilbarco, Inc. (''Gilbarco''), a manufacturer of gasoline dispensers, on behalf of several major oil companies, requesting permission to post octane ratings by use of octane labels that differ from certain of the specifications contained in the Commission's Automotive Fuel Ratings, Certification and Posting Rule (''the Rule''). Pursuant to Rule 1.26 of the Commission's Rules of Practice, the Commission grants, for good cause, the requested relief without a notice and comment period because the Commission finds that such a procedure is unnecessary to protect the public interest in this case. The Commission previously has granted similar requests without notice and comment procedures.[1]

EFFECTIVE DATE: November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas D. Massie, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 326–2982.

SUPPLEMENTARY INFORMATION: On March 30, 1979, the Commission published the Octane Posting and Certification Rule in the Federal Register. 44 FR 19160 (1979). The Rule established procedures for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. Pursuant to section 15.01 of the Energy Policy Act of 1992, 106 Stat. 2776, the Rule has been amended to include requirements for disclosing the automotive fuel rating of liquid alternative fuels, 58 FR 41372 (1993). The amended Rule became effective October 25, 1993.

Section 306.10 of the Rule provides that retailers must post at least one octane rating label on each face of each gasoline dispenser. Retailers who sell two or more kinds of gasoline with different octane ratings from a single dispenser must post separate octane rating labels for each kind of gasoline one each face of the dispenser. Labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per gallon of gasoline.

Section 306.12 of the Rule detail specifications for the labels. Labels must be 3 inches wide by 2½ inches long, and Helvetica type must be used for all text except the octane rating number, which must be in Franklin Gothic type. Type size for the text and numbers is specified, and the type and border must be process black on a process yellow background. The line ''MINIMUM OCTANE RATING'' must be in 12 point Helvetica bold, all capitals, with letter space set at 12½ points. The line ''(R+M)/2 METHOD'' must be in 10 point Helvetica bold, all capitals, with letter space set at 10½ points. The octane number must be in 96 point Franklin Gothic Condensed, with ⅛ inch spacing between the numbers. Section 306.12(d) of the Rule further states that no marks or information other than that called for by the Rule may appear on the label.

On August 3, 1988, the Commission granted Gilbarco a partial exemption to the Rule with respect to the same multi-blend gasoline dispensers that are the subject of this partial exemption. 53 FR 29277 (1988). There the Commission allowed Gilbarco to use an octane label that was 3 inches wide and 2.3 inches long that would be inserted inside plastic gasoline selection switches. The Commission also allowed Gilbarco to place the world ''PRESS'', in 16 point Helvetica type, beneath the octane number on the label.

Gilbarco's experience with the plastic gasoline selection switches has shown that the plastics which is prone to cracking or hazing over after prolonged exposure to gasoline vapors, reducing the clarity of the octane label. Gilbarco

[1] See Octane Rule exemptions granted to Gilbarco, 53 FR 29277 (1988); to Exxon Corporation, 54 FR 14072 (1989); and to Dresser Industries, Inc., 56 FR 26821 (1991).

hypothesizes that consumers are using the metal nozzle tip of the dispenser hose to depress the selection switch and the repeated impact of the metal nozzle tip damages the protective coating on the switch. As a solution to this problem, Gilbarco has developed a metal replacement switch. The metal replacement switch has the same external dimensions as the plastic switch and avoids the need for special sheet metal replacement panels, new graphics, and changes to the internal mechanisms of the dispensers.

Although the external dimensions of the metal and plastic switches are the same, the design of the metal will require a slightly smaller octane label than that authorized for the plastic switch. The new label will sit in a depression or well on the face of the switch. Gilbarco proposes using an octane label that is 2.74 inches wide by 1.80 inches long, as opposed to the 3.00 inches wide by 2.30 inches long that is currently authorized. The type size of the octane number will be slightly smaller than the Rule requires.

The Commission has reviewed mock-ups of the metal replacement and the plastic switches and the proposed octane label and has decided that the proposed labeling scheme is adequate to meet the Rule's posting objective in that it provides clear and conspicuous disclosure of all information required by the Rule. In addition the partial exemption allows Gilbarco to implement the most economical repair for its selectors switch problem without adversely affecting the public interest. Therefore, the Commission is granting Gilbarco permission to use its proposed labeling system on its multi-blend dispensers, provided that Gilbarco also complies with the Rule's octane label specifications in all other respects.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–28340 Filed 11–15–95; 8:45 am]

BILLING CODE 6750–01–M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 101095 AND 102095

Name of Acquiring Person, Name of Acquired Person, Name of Acquired entity	PMN No.	Date terminated
OrNda HealthCorp, Alan B. Miller, Universal Health Services, Inc	95–2613	10/10/95
Smiths Industries plc (a British corporation), Level 1 Technologies, Inc., Level 1 Technologies, Inc	95–2663	10/10/95
Tele-Communications, Inc., DMX, Inc., DMX, Inc	95–2685	10/10/95
Media General, Inc., Thomas E. Worrell, Jr., Worrell Enterprises, Inc., Antibes, Inc., Ivy Leasing C	95–2695	10/10/95
Citicorp, Burlington Northern Santa Fe Corporation, Burlington Northern Railroad Company	95–2740	10/10/95
North American Life Assurance Company (a Canadian Co.), The Manufacturers Life Insurance Company, The Manufacturers Life Insurance Company	95–2744	10/10/95
The Manufacturers Life Insurance Company, North American Life Assurance Company, North American Life Assurance Company	95–2745	10/10/95
Florida Progress Corporation, The Mutual Life Assurance Company of Canada, Continental Western Life Insurance Company	95–2752	10/10/95
Crown Crafts, Inc., The Red Calliope & Associates, Inc., The Red Calliope & Associates, Inc	95–2771	10/10/95
Nations Healthcare, Inc., Dr. H.C. Paul Sacher, Roche Professional Service Centers Inc	95–2779	10/10/95
Anheuser-Busch Companies, Inc., Herman Stock Trust Dated December 12, 1986, Bay Enterprises, Inc	95–2787	10/10/95
INDRESCO Inc., John O. Harry, Corrosion Technology Inc	95–2792	10/10/95
Tenneco Inc., Mid-Michigan Container Corp., Mid-Michigan Container Corp	95–2799	10/10/95
Insignia Financial Group, Inc., NPI Property Management Corporation, NPI Property Management Corporation & Assets	95–2815	10/10/95
Larry Addington, Addington Resources, Inc., Addington Mining, Inc	95–2307	10/12/95
Columbia/HCA Healthcare Corporation, Mid-America Hospitals, Inc., DHAL NEWCORP	95–2677	10/12/95
KCS Energy, Inc., David L. Hamilton, Natural Gas Processing Co	95–2681	10/12/95
DMX, Inc., Tele-Communications, Inc., TCI-Euromusic, Inc	95–2686	10/12/95
North Shore Health System, HIP Hospital, Inc., d.b.a. LaGuardia Hospital, HIP Hospital, Inc., d.b.a. LaGuardia Hospital	95–2696	10/12/95
North Shore Health System, HIP Hospital of Long Island Inc. d/b/a Syosset Comm Hosp, HIP Hospital of Long Island Inc. d/b/a Syosset Comm Hosp	95–2697	10/12/95
The Hain Food Group, Inc., Wilhelm Doerenkamp Foundation, The Estee Corporation	95–2703	10/12/95
Rush-Presbyterian—St. Luke's Medical Center, Illinois Masonic Medical Center, Illinois Masonic Medical Center	95–2729	10/12/95
The Bank of New York Company, Inc., NationsBank Corporation, NationsBank Corporation	95–2732	10/12/95
National Data Corporation, Meridian Bancorp, Inc., Meridian Bank	95–2742	10/12/95
Steven Dinetz, Trefoil Communications, Inc., Trefoil Communications, Inc	95–2743	10/12/95
Baxter International Inc., Baxter International Inc., Nextran	95–2757	10/12/95
Bay Networks, Inc., Xylogics, Inc., Xylogics, Inc	95–2762	10/12/95
Grand Casinos, Inc., Grand Gaming Corp., Grand Gaming Corp	95–2775	10/12/95
Grand Casinos, Inc., Gaming Corporation of America, Gaming Corporation of America	95–2778	10/12/95

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 101095 AND 102095—Continued

Name of Acquiring Person, Name of Acquired Person, Name of Acquired entity	PMN No.	Date terminated
SunAmerica Inc., Zenith National Insurance Corp., CalFarm Life Insurance Company	95–2781	10/12/95
Manor Care, Inc., Devon Manor Corporation, Devon Manor Corporation	95–2785	10/12/95
Tetra Tech, Inc., KCM, Inc., KCM, Inc	95–2786	10/12/95
BTG, Inc., Robert F. Roberts, Jr., Concept Automation, Inc. of America	95–2788	10/12/95
Chrysler Corporation, Pacific International Services Corp., Pacific International Services Corp	95–2789	10/12/95
North American Biologicals, Inc., Univax Biologics, Inc, Univax Biologics, Inc	95–2796	10/12/95
Volt Information Sciences, Inc., Information International, Inc., Information International, Inc	95–2413	10/13/95
Owens-Corning Fiberglas Corporation, Thomas E. Nelsen, Soltech, Inc	95–2665	10/13/95
Olsten Corporation, Memorial Medical Center, Inc., CareOne Health Alternatives, Inc	95–2700	10/13/95
Owens-Corning Fiberglas Corporation, Fiber-Lite Corporation, Fiber-Lite Corporation	95–2791	10/13/95
ENSERCH Corporation, Mobil Corporation, Mobil Producing Texas & New Mexico, Inc	95–2641	10/14/95
Veba AG, Eastech Chemical, Inc., Eastech Chemical, Inc	95–2816	10/16/95
Praxair, E.G. Coulter, Coulter Welding Supply, Inc	95–2711	10/17/95
Cablevision Systems Corporation, Cablevision of Boston Limited Partnership, Cablevision of Boston, Inc	96–0003	10/17/95
Intrawest Corporation (a Canadian Corporation), Mr. Fukusaburo Maeda, TDC (USA) Inc	96–0009	10/17/95
Global DirectMail Corp., Tiger Direct, Inc., Tiger Direct, Inc	96–0019	10/17/95
Stoneridge, Inc., Varity Corp., Kelsey-Hayes Company	96–0025	10/17/95
AirTouch Communications, Inc., Henry M. Zachs, Message Center USA, Inc. (MC–USA)	96–0026	10/17/95
BDM International, Inc., DMR Group Inc. (a Canadian company), DMR Group Inc	96–0030	10/17/95
Owosso Corporation, Stature Electric, Inc., Stature Acquisition Corporation	96–0032	10/17/95
Mr. S. Allan Luihn, PepsiCo, Inc., Taco Bell Corp	96–0039	10/17/95
Fleet Financial Group, Inc., Challenger International, Ltd., Savage Corporation	95–2802	10/18/95
Kenneth H. Hofmann, Estate of Walter J. Haas, Oakland Athletics Baseball Company	96–0011	10/18/95
Stephen C. Schott, Estate of Walter J. Haas, Oakland Athletics Baseball Company	96–0012	10/18/95
Consolidated Electrical Distributors, Inc., LCR Corporation, LCR Corporation	96–0036	10/18/95
Host Marriott Corporation, Francis Greenburger, Elteq Partners I Limited Partnership	96–0051	10/18/95
Metropolitan Life Insurance Company, New England Mutual Life Insurance Company, New England Mutual Life Insurance Company	95–2809	10/19/95
Aspect Telecommunications Corporation, Next plc, TCS Management Group, Inc., and Callscan, Inc	96–0041	10/19/95
Sears, Roebuck and Co., Saul Levy, Nationwise Automotive, Inc. (Debtor-in-Possession)	96–0057	10/19/95
Hospital Sisters Health System, Green Bay Health System Holding Corp., Green Bay Health System Holding Corp	95–2803	10/20/95
MedPartners, Inc., Mullikin Medical Enterprises, L.P., Mullikin Medical Enterprises, L.P	95–2805	10/20/95
Catholic Healthcare West, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96–0014	10/20/95
Dr. Walter T. Mullikin, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96–0015	10/20/95
John S. McDonald, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96–0016	10/20/95
Norman Cloutier, Michael and Judith Funk, Mountain Peoples Warehouse, Inc	96/0033	10/20/95
Michael and Judith Funk, Norman Cloutier, Cornucopia Natural Foods, Inc	96–0034	10/20/95
Lowell W. Paxson, ValueVision International, Inc., VVI Bridgeport, Inc. and VVI Akron, Inc	96–0040	10/20/95
Pelican Companies, Inc., The Sunbelf Companies, Inc., The Sunbelt Companies, Inc	96–0056	10/20/95

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–28341 Filed 11–15–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87F–0179]

Food Additives Permitted for Direct Addition to Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is in the final stages of its review of a food additive petition filed by Procter & Gamble Co., for the safe use of sucrose esterified with medium and long chain fatty acids (olestra) as a replacement for fats and oils. Accordingly, the agency is announcing that all data, information, and public comments on the petition must be filed with FDA on or before December 1, 1995. This measure will facilitate the agency's decisionmaking process and coming to closure on the petition by identifying precisely which data and information FDA will consider in making its decision on the petition.

DATES: Written comments by December 1, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3092.

SUPPLEMENTARY INFORMATION:

In the Federal Register of June 23, 1987 (52 FR 23606), FDA announced the filing of a petition (FAP 7A3997) by Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224–1703, proposing that the food additive

regulations be amended to provide for the safe use of sucrose esterified with medium and long chain fatty acids as a replacement for fats and oils. (The additive is commonly referred to as olestra.) Since its filing, FDA has had the petition under active review, and the agency is in the final stages of its safety review of the additive.

In the Federal Register of October 17, 1995 (60 FR 53790), FDA announced that a public meeting of the agency's Food Advisory Committee (FAC) and a working group of the FAC would be held on November 14 through 17, 1995. The working group will undertake a scientific discussion of the safety review that has been conducted for olestra for its intended use as a fat replacer in savory snacks. The working group will be asked to comment on whether all relevant issues associated with olestra have been addressed. The discussion will cover all aspects of the safety review, including nutrient effects and compensation, gastrointestinal effects, and labeling. The recommendation of the olestra working group will be formally referred to the agency, along with any amendatory comments of the FAC. The agency will make the final determination on the olestra food additive petition. (See 21 CFR 14.5).

Consistent with the Federal Advisory Committee Act (5 U.S.C. App. 2), and the agency's regulations in part 14 (21 CFR part 14), the meeting of the working group and the FAC will be open to the public. In addition, as provided for in § 14.25, there will be an opportunity for public participation, including an opportunity for members of the public to present their views on the safety review of olestra, before both the working group and the FAC.

Under the Federal Food, Drug, and Cosmetic Act (the act), FDA is required to announce the filing of a food additive petition (21 U.S.C. 348(b)(5)). Although public notice of a petition is required, the act is silent with respect to public comment on a petition, and thus, the act provides no defined period for such comments. Accordingly, the filing notice did not expressly request comments on Procter & Gamble's petition. Nevertheless, written comments could have been, and in fact, have been submitted to the agency.

As noted above, FDA is in the final stages of review of the olestra food additive petition. Unless significant new safety issues are raised or important new data are submitted in the course of the advisory committee process, the agency will very likely conclude its review and be prepared to render a decision on Procter & Gamble's petition within approximately 2 months of the conclusion of the FAC meeting. To facilitate this decisionmaking process and the agency's coming to closure on the petition, FDA believes that it is important to identify precisely which data and information the agency will consider in making its decision on the petition. Absent such boundaries, it will be difficult for FDA to reach a decision because the underlying data set could be shifting continuously. (See *Sierra Club* v. *Costle*, 657 F.2d 298, 399–400 (D.C. Cir. 1981) (a participant's mere wish for additional time to respond to documents in the record to which it already had opportunity to respond cannot force an agency to delay process because new information may be forthcoming; otherwise participants could delay the process indefinitely because new information continually comes to light on the subject of many proposed rules.))

Given the importance of reaching a decision and the clear public interest in a decision, FDA has determined that any data, information, or comments received after December 1, 1995, will not be considered by the agency in determining whether to approve the petition. Any data, information, or comments received after that date will be filed in an administrative file and will be evaluated along with any objections to the final decision filed under 21 U.S.C. 348(f).

FDA believes that it is appropriate for the agency to manage its administrative processes, see *Sierra Club* v. *Gorsuch*, 715 F.2d 653, 658 (D.C. Cir. 1983)) (agency has control over timetable of rulemaking and such decisions are entitled to considerable deference); *Cutler* v. *Hayes*, 818 F.2d 879, 896 n. 150 (D.C. Cir. 1987), citing *Natural Resources Defense Council, Inc.* v. *SEC*, 606 F.2d 1031, 1056 (D.C. Cir. 1979) (agency is cognizant of the most effective structuring and timing of proceedings to resolve competing demands over its resources), and that in these circumstances, such management through defining a comment period will not unnecessarily limit public participation in that process.

In particular, for over 8 years, since the June 1987 publication of the filing notice, the public has been aware that the food additive petition for olestra has been under consideration by FDA, and has had the opportunity to submit information and comments to the agency on Procter & Gamble's proposal. In addition, under the applicable regulations (21 CFR 171.1(h)(1)(i)), all safety and functionality data for olestra submitted during this period by Procter & Gamble have been available to the public for review and comment upon the submission of such data to the agency. Interested persons have utilized this opportunity to review these data and to provide the agency with their views by submitting written comments. Finally, the agency has announced a public advisory committee meeting on the olestra petition. This meeting will provide interested persons with the opportunity to hear an informed scientific discussion of the relevant safety issues, and to present data, information, and views relevant to the safety of olestra.

The agency believes that with the conclusion of the FAC meeting, there will have been more than a reasonable opportunity for the public to provide data and information and to comment on the olestra food additive petition. See *Forester* v. *CPSC*, 559 F.2d 774, 787 (D.C. Cir. 1977). Because there has been such an opportunity, FDA believes that it is appropriate and consistent with the public interest to define a specific period for the submission of data, information, and comments on the food additive petition. Defining boundaries for those data, information, and comments to be considered by FDA in rendering a decision on the petition will facilitate the agency's coming to closure on this petition. Therefore, the agency is establishing December 1, 1995, as the date by which all data, information, and comments on the olestra food additive petition, including comments on the proceedings before the FAC, must be submitted to the agency in order to be considered by the agency in its decision on the petition.

Any request for extension of this period for comments on the olestra food additive petition should conform to the provisions of 21 CFR 10.40(b).

Dated: November 13, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–28359 Filed 11–13–95; 4:16 pm]

BILLING CODE 4160–01–F

Substance Abuse and Mental Health Services Administration

Changes to the Testing Cutoff Levels for Opiates for Federal Workplace Drug Testing Programs

AGENCY: Substance Abuse and Mental Health Services Administration, PHS, HHS.

ACTION: Notice of proposed revisions.

SUMMARY: The Department of Health and Human Services (HHS) is proposing to revise the Mandatory Guidelines for Federal Workplace Drug Testing Programs, 59 FR 29916 (June 9, 1994).

Specifically, the Department is proposing to change the drug testing levels currently used to test for opiate metabolites in urine specimens collected as part of the Federal Workplace Drug Testing Program and to require the testing for a metabolite of heroin. The goals of the proposed new opiate testing policy are to substantially reduce the number of laboratory opiate positives that Medical Review Officers ultimately verify as negative, shift the emphasis of opiate testing back to the proper focus to deter and detect heroin use, and reduce any unnecessary/excessive costs to drug testing without compromising the original drug deterrent objectives.

DATES: Comments on these proposed revisions to the Mandatory Guidelines are invited and must be submitted by January 16, 1996.

ADDRESSES: Written comments should be addressed to Joseph H. Autry III, M.D., Director, Division of Workplace Programs, SAMHSA, Room 13A–54, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dr. Donna M. Bush, Chief, Drug Testing Section, Division of Workplace Programs, SAMHSA/CSAP, Room 13A–54, 5600 Fishers Lane, Rockville, Maryland 20857, tel. (301) 443–6014.

SUPPLEMENTARY INFORMATION: The Department proposes increasing the initial and confirmatory testing cutoff levels for morphine and codeine from 300 ng/mL to 2,000 ng/mL and establishing a new requirement to test for 6-acetylmorphine (6-AM), a metabolite that comes only from heroin, using a 10 ng/mL confirmatory level for specimens that have tested positive on the initial test. When the Federal Workplace Drug Testing Program was established, HHS adopted the same 300 ng/mL testing levels for opiates that were used by the Department of Defense for testing service members. These levels were selected in an attempt to provide the greatest opportunity to identify anyone who may have used heroin; however, at the 300 ng/mL level, many who have not used heroin but had taken a prescribed codeine or morphine medication or eaten normal dietary amounts of poppy seeds have also tested positive. Since the purpose of the drug testing program is to deter or detect individuals using illicit drugs, establishing the testing cutoff levels for opiates at the proposed 2,000 ng/mL and adding the requirement to detect 6-AM will eliminate the identification of most persons legitimately using opiate-containing pharmaceuticals available by medical prescription or in over-the-counter preparations, or those who have ingested poppy seeds. The Department of Defense adopted similar increases in the testing cutoff levels for opiates effective April 1, 1994, because of similar concerns and its program experience over the last 5 years. Changing the levels for the Federal Workplace Drug Testing Program will have similar direct effect as evidenced by the results obtained from several Medical Review Officers and laboratories regarding the large number of laboratory positives that were verified negative by MROs. In addition, the results indicate that specimens screened positive at or above the proposed 2,000 ng/mL testing cutoff levels for opiates are the specimens most likely to contain 6-acetylmorphine, a metabolite of heroin.

The Department has evaluated results on over 1.1 million urine specimens tested for opiates in 5 certified laboratories and approximately 317,500 specimens that were reviewed by 3 different Medical Review Officer (MRO) groups. Each laboratory and MRO group was asked to furnish information on results reported from January 1, 1992, to March 31, 1993. Based on the information obtained from the MROs, 87% of all opiate positives reported by the laboratories were verified negative by the MRO based on the use of prescription medications, poppy seed consumption, no clinical evidence of heroin use, or other reason. It is clear that the current opiate testing cutoff levels are not properly identifying opiate drug abusers.

The results from the laboratories indicate that of the approximate 1.1 million specimens tested, 7294 specimens were reported positive for codeine and/or morphine. Of these positive specimens, 5931 had codeine and/or morphine concentrations less than 2,000 ng/mL. Within the group of 7294 opiate positives, 848 were also tested for 6-acetylmorphine (6-AM) with only 16 of these 848 being reported positive for 6-AM. Additionally, 14 of these 16 6-AM positives had morphine concentrations greater than 2,000 ng/mL.

When comparing information from other published studies, there was agreement that the presence of 6-AM is highly associated with morphine concentrations in excess of 2,000 ng/mL.

In light of these results, the Department is proposing to increase the initial test level for opiate metabolites to 2,000 ng/mL and the confirmatory test levels for morphine and codeine to 2,000 ng/mL. In addition, the Department is proposing to establish a requirement to test for 6-AM in specimens positive for opiates on the initial test using a 10 ng/mL confirmatory test level. 6-AM is a metabolite of heroin and no other medication or substance is known to produce it; therefore, its presence is positive proof of heroin use. Since 6-AM has a very short half-life (i.e., detectable for only a few hours after heroin use), it is essential that a laboratory use a sensitive analytical procedure to test for 6-AM. From the data available, it appears that 10 ng/mL is the lowest testing level that can reasonably be used to consistently and accurately identify and quantitate the presence of 6-AM. Additionally, the 10 ng/mL confirmatory test level for 6-AM is currently used by many laboratories that test for 6-AM after an MRO submits a request. The Department believes the proposed requirement to test for 6-AM will not increase the workload for a laboratory because setting the initial test level for opiate metabolites at 2,000 ng/mL will significantly reduce the number of specimens that will need to be confirmed for morphine, codeine, and 6-AM.

The Department believes that raising the testing levels for opiates and establishing a requirement to test for 6-AM does not reduce the deterrent value of the Federal Workplace Drug Testing Program, but rather shifts the emphasis of opiate testing back to the original focus to deter and detect use of illicit drugs, including heroin. A change in the testing cutoff levels, in conjunction with the addition of 6-AM testing, should provide more than adequate protection that heroin users will be detected. The cost to Federal agencies may be reduced since there will be fewer specimens screened positive hence, a reduction in the number of specimens sent to confirmatory testing. The laboratories will be reporting fewer opiate positives which will also reduce the time and cost for MROs to discuss use of legitimately obtained opiate containing preparations with individuals who have been tested positive by the laboratory.

The SAMHSA Drug Testing Advisory Board has discussed these results and has recommended adopting the new opiate testing cutoff levels described above.

INFORMATION COLLECTION REQUIREMENTS: There are no new paperwork requirements subject to the Office of Management and Budget approval under the Paperwork Reduction Act of 1980.

Dated: September 26, 1995.

Philip R. Lee,

Assistant Secretary for Health.

Dated: November 6, 1995.

Donna E. Shalala,

Secretary.

The following amendments are proposed to the Mandatory Guidelines for Federal Workplace Drug Testing Programs published on June 9, 1994 (59 FR 29916):

Subpart B

1. Section 2.4(e)(1) is amended by changing the initial test level for opiate metabolites appearing in the table from ''300'' to ''2,000'' and deleting footnote 1.

2. Section 2.4(f)(1) is amended by changing the confirmatory test levels for morphine and codeine appearing in the table from ''300'' to ''2,000.''

3. Section 2.4(f)(1) is amended by adding in the table under opiates a confirmatory test level for 6-Acetylmorphine at ''10 ng/mL.''

[FR Doc. 95–28273 Filed 11–13–95; 8:45 am]

BILLING CODE 4160–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. FR–3990–D–01]

Redelegation of Authority

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Notice of redelegation of authority.

SUMMARY: This notice redelgates authority from the Assistant Secretary for Housing—Federal Housing Commissioner to certain positions within the Office of the Federal Housing Administration Comptroller, for the purpose of executing documents to effectuate the transfer of title to Title I loans sold by the Department of Housing and Urban Development.

EFFECTIVE DATE: November 7, 1995.

FOR FURTHER INFORMATION CONTACT: William Richbourg, Director, Management Control Staff, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 5144, Washington, DC 20410, telephone (202) 401–0577. A telecommunications device for the hearing-impaired (TDD) is available at 202–708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On July 7, 1994, at 59 FR 34857, the Assistant Secretary for Housing-Federal Housing Commissioner redelegated to the Director, Office of Mortgage Insurance Accounting and Servicing, Office of the FHA Comptroller, at headquarters, and to each of the Directors of the three HUD FHA Debt Management Centers, in the field, certain authority with regard to debt arising from the payment of claims under Title I of the National Housing Act. Among other things, they were granted the authority to execute documents necessary to transfer or subordinate title in and to any debt, contract, claim or security instrument obtained by the Secretary, and to satisfy and/or execute deeds, liens and notes.

FHA is now in the process of engaging in a sale of approximately 16,000 Title I notes, based upon sealed bids which are to be opened November 7, 1995. In order to effectuate the transfer of these specified Title I loans, it is necessary to provide additional HUD employees with the authority to execute all of the necessary documents. Among other things, these employees will have the authority to execute powers of attorney to enable the purchaser(s) to assign the Title I loans to themselves. In addition, FHA may engage in future sales of Title I loans, which will again require the assistance of these HUD employees.

Accordingly, the Assistant Secretary for Housing—Federal Housing Commissioner redelegates authority as follows:

Section A. Authority Redelegated

The Director, Office of Mortgage Insurance Accounting and Servicing; the Director, Title I Accounting and Servicing Division; the Deputy Director, Title I Accounting and Servicing Division; the Chief, Title I Operations Branch; the Chief, Title I Notes Branch; and the Director, Management Control Staff, all of the Office of the Federal Housing Administration Comptroller, are each redelegated the power and authority to execute all documents necessary to effectuate the transfer of title in and to Title I loans sold by the Department of Housing and Urban Development. This redelegation includes, but is not limited to, the authority to execute powers of attorney to enable the purchaser or purchasers of the loan to execute the necessary assignments of notes, and mortgages or deeds of trust.

Section B. Limited Authority to Further Redelegate

The authority granted in Section A., above, may be further redelegated in writing by the Director, Office of Mortgage Insurance Accounting and Servicing, pursuant to this redelegation. The authority granted in Section A. may not be further redelegated by any of the other officials listed within Section A.

Authority: Sec.7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

Dated: November 7, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 95–28281 Filed 11–15–95; 8:45 am]

BILLING CODE 4210–27–M

Office of the Assistant Secretary for Policy Development and Research

[Docket No. FR–3825–N–03]

Announcement of Funding Awards for Fiscal Year 1995 Community Outreach Partnership Centers

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1995 Community Outreach Partnership Centers Program. The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards which are to be used to establish and operate Community Outreach Partnership Centers that will: (1) Conduct competent and qualified research and investigation on theoretical or practical problems in large and small cities; and (2) facilitate partnerships and outreach activities between institutions of higher education, local communities, and local governments to address urban problems.

FOR FURTHER INFORMATION CONTACT: Marcia Marker Feld, Ph.D., Director, Office of University Partnerships, U.S. Department of Housing and Urban Development, room 8130, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–3061. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY, 1–800–877–8339, or 202–708–9300. (Telephone numbers, other than ''800'' TDD numbers are not toll free.).

SUPPLEMENTARY INFORMATION: The Community Outreach Partnership

Centers Program was enacted in the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and is administered by the Office of University Partnerships under the Assistant Secretary for Public Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The Community Outreach Partnership Centers Program provides funds for: Research activities which have practical application for solving specific problems in designated communities and neighborhoods; outreach, technical assistance and information exchange activities which are designed to address specific problems in designated communities and neighborhoods. The specific problems that the local program must focus on are problems associated with housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing. On December 22, 1994, HUD published a Notice of Funding Availability announcing the availability of $7 million in Fiscal Year 1995 funds for the Community Outreach Partnership Centers Program (59 FR 66124). The Department reviewed, evaluated and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the fourteen applicants identified below, each in the amount of $500,000. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing details concerning the recipients of funding awards, as follows:

List of Awardees for Grant Assistance Under the FY 1995 Community Outreach Partnership Centers Funding Competition, by Name and Address

New England

1. University of Massachusetts at Boston, Professor Edwin Melendez, University of Massachusetts at Boston, Gaston Institute, 100 Morrisey Boulevard, Boston, MA 02125, (617) 287–5790

Mid-Atlantic

2. Marshall University, Professor Ron L. Schelling, Marshall University, 1050 4th Avenue, Huntington, WV 25755, (304) 696–6249
3. George Mason University, Professor Hugh Sockett, George Mason University, Institute for Educational Transformation, 7946 Donegan Drive, Manassas, VA 22110, (703) 993–8320
4. University of Delaware, Professor Timothy Barnekov, University of Delaware, Office of the Vice Provost for Research, Newark, DE 19716, (302) 831–1690

Southeast/Caribbean

5. Georgia State University, Professor David A. Sjoquist, Georgia State University, Policy Research Center, University Plaza, Atlanta, GA 30303, (404) 651–3995
6. University of Alabama-Birmingham, Professor Craig Ramey, University of Alabama at Birmingham, Civitan International Research Center, 1719 Sixth Avenue South, Birmingham, AL 35294–0021, (205) 934–8900
7. University of Florida, Professor Marc Smith, University of Florida, 219 Grinter, Gainesville, FL 32611, (904) 392–7697
8. University of Memphis, Professor David N. Cox, University of Memphis, Political Science Department, Clement Hall, Room 427, Memphis, TN 38152, (901) 678–2794
9. University of Tennessee, Professor John Gaventa, University of Tennessee, Community Partnership Center, 1618 Cumberland Avenue, Knoxville, TN 37996–3300, (615) 974–4542

Midwest

10. DePaul University, Ms. Elizabeth Hollander, DePaul University, 243 South Wabash, Suite 9100, Chicago, IL 60604, (312) 362–6138
11. University of Illinois at Champaign, Professor Kenneth Reardon, University of Illinois at Urbana-Champaign, 907½ West Nevada, Urbana, Illinois 61801, Champaign, IL 61820, (217) 244–5384
12. Case Western Reserve University, Professor Arthur Naparstek, Case Western Reserve University, Mandel School of Applied Social Sciences, 10900 Euclid Avenue, Cleveland, OH 44106–7164, (216) 368–6947
13. University of Wisconsin-Milwaukee, Professor Robert A. Jones, University of Wisconsin at Milwaukee, The Graduate School, P.O. Box 340, Milwaukee, WI 53201, (414) 229–5920

Southwest

14. University of Texas-Austin, Professor Robert Wilson, University of Texas at Austin, P.O. Box 7726, Austin, TX 78713, (512) 471–8947

Dated: November 3, 1995.

Michael A. Stegman,

Assistant Secretary for Policy Development and Research.

[FR Doc. 95–28279 Filed 11–15–95; 8:45 am]

BILLING CODE 4210–62–M

[Docket No. FR–3870–N–03]

Announcement of Funding Awards for Fiscal Year 1995 Joint Community Development Program Centers for Community Revitalization

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for the Fiscal Year 1995 Joint Community Development Program. Awards under the program are to be used to establish at institutions of higher education Centers for Community Revitalization, which will undertake large-scale, multi-phased, multi-year local community revitalization and community building activities in collaboration with local governments and community organizations. The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Marcia Marker Feld, Ph.D., Director, Office of University Partnerships, U.S. Department of Housing and Urban Development, room 8130, 451 Seventh Street, S.W., Washington, DC 20410, telephone (202) 708–3061. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY, 1–800–877–8339, or 202–708–9300. (Telephone numbers, other than ''800'' TDD numbers are not toll free.)

SUPPLEMENTARY INFORMATION: The Joint Community Development Program was enacted in the Housing and Community Development Act of 1992 (Pub.L. 102–550, approved October 28, 1992). Initially administered by the Assistant Secretary for Community Planning and Development, the program was transferred August 15, 1994 to the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The Joint Community Development Program provides special purpose grants to institutions of higher education or to States and units of general local government submitting applications with institutions of higher education to HUD to undertake Community Development Block Grant eligible activities. On April 7, 1995, HUD published a Notice of Funding Availability announcing the availability of $12 million ($6 million of which was appropriated for Fiscal Year 1994 and $6 million of which was appropriated for Fiscal Year 1995) for the Joint Community Development Program (60 FR 17960). Through this funding round, HUD is providing five institutions of higher education with grants of $2.4 million each, to support Centers for Community Revitalization at those institutions of higher education. For this funding round, HUD required institutions of higher education to apply on their own rather than submitting jointly with a State or unit of general local government. However, institutions of higher education were encouraged to form partnerships with units of general local government by making part of this funding available to these governments.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing details concerning the recipients of funding awards, as follows:

List of Awardees for Grant Assistance Under the FY 1995 Joint Community Development Program, by Name and Address

New England

1. Clark University, Mr. Jack Foley
Clark University, Office of the President, 950 Main Street, Worcester, MA 01610–1477, (508) 793–7444
2. Yale University, Professor Douglas Rae
Yale University, 71 Livingston, New Haven, CT 06511, (203) 432–9899

Midwest

3. University of Illinois-Chicago, Professor Wim Wiewel
University of Illinois at Chicago, Great Cities Office, 601 S. Morgan Street M/C 102, Chicago, IL, (312) 413–3375

Great Plains

4. Washington University, Ms. Suzanne Goodman
Redevelopment Corporation at Washington University Medical Center, 11 South Newstead Avenue, St. Louis, Missouri 63108, (314) 652–4411

Pacific/Hawaii

5. University of California at Berkeley, Professor Victor Rubin
University of California at Berkeley, University-Oakland Metropolitan Forum, 316 Webster Hall, Berkeley, CA 94720–1870, (510) 643–9103

Dated: November 3, 1995.

Michael A. Stegman,

Assistant Secretary for Policy Development and Research.

[FR Doc. 95–28278 Filed 11–15–95; 8:45 am]

BILLING CODE 4210–62–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–420–6310–00]

Tramroads and Logging Roads Over O. and C. and Coos Bay Revested Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Information Collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, BLM is announcing its intention to request approval for the collection of information from applicants for permits that allow access across Federal roads, rights-of-way and lands in western Oregon for logging activities.

DATES: Comments on the proposed information collection must be received by January 16. 1996 to be assured of consideration.

ADDRESSES: Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW, Room 401LS, Washington, D.C. 20240.

Comments may be sent via Internet to: WO140@attmail.com. Please include ''ATTN: O&C-Info'' and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 A.M. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick W. Boyd (202) 452–5030.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d), the Bureau of Land Management (BLM) is required to provide 60-day notice in the Federal Register concerning a proposed collection of information to solicit comments on—

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Accordingly, none of the information proposed to be collected as described below will be required until comments have been received and analyzed and approval has been obtained from OMB under 44 U.S.C. 3501 *et seq.* and a clearance number assigned.

In the advance notice of proposed rulemaking published elsewhere in this issue of the Federal Register, BLM is announcing its intention to revise its existing rules governing logging roads over revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands (collectively known as the O&C lands). The changes will bring the existing cost-sharing road program under the regulatory framework of Section 502 of the Federal Land Policy and Management Act of 1976 (FLPMA) and incorporate environmental protection and other requirements for rights-of-way over public lands found in Title V of FLPMA. Another change will allow compensation for the use of roads and rights-of-way where the landowner has granted BLM rights of access for recreational purposes. In addition, the entire subpart will be revised, using a ''plain English'' approach, to remove obsolete terms and improve its clarity, organization, and readability.

The Oregon and California Revested Lands Sustained Yield Management Act of August 28, 1937 (43 U.S.C. 1181a and 1181b) granted to the Secretary of the Interior the general authority to provide for the use, occupancy and development of the O&C lands through permits and rights-of-way. The BLM has had a cost-share logging road right-of-way program in western Oregon under this authority since the early 1950's. The regulations for this program are contained in 43 CFR Subpart 2812. With the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA), all right-of-way authorizations must be issued under the authority and requirements of Title V of FLPMA (43 U.S.C. 1761–1771). The Secretary was given specific authority to enter into

cost-share agreements under Section 502 of the Act.

The BLM has continued the use of regulations in 43 CFR Subpart 2812 on an interim basis pending the preparation and publication of new cost-share regulations. Since the regulations contained in this subpart clearly represent a cost-share road agreement concept, it is proposed by the Secretary that these regulations be revised as necessary and adopted pursuant to the authority contained in Section 310 of FLPMA (43 U.S.C. 1740) for the purpose of implementing Section 502. Continuing the use of pre-existing regulations with only minor modifications and changes would provide for the orderly and continuous administration of all outstanding permits and agreements issued prior to the effective date of this rulemaking.

Applicants for permits to utilize logging roads on Federal land will be required to provide the following—

(a) Identifying information, including name; address; partnership agreement (for partnerships); and articles of incorporation, certificate of authority to do business in Oregon, and copy of bylaws (for corporations);

(b) Description of BLM lands or roads to be used and estimated period of use;

(c) Description of all lands or roads owned or controlled by the applicant that will be served by the right-of-way permit, including an estimate of timber or other materials that will be hauled on each portion;

(d) A map showing all roads to be used which are directly or indirectly controlled by the applicant;

(e) Description of any road construction that will be required on BLM lands;

(f) Description of any proposed improvements to BLM roads; and

(g) Whether any hazardous substances or solid waste will be transported within the right-of-way.

The information collected will allow BLM to determine the applicant's eligibility for a road use permit and whether it is in the Government's interest to enter into a reciprocal agreement with the applicant. A reciprocal agreement would require the applicant to grant BLM access across the applicant's roads, rights-of way or lands. The information is mandatory to obtain a benefit, use of BLM roads, rights-of-way and lands for access to timber.

The public reporting burden for this collection of information is estimated to average one hour per application. The respondents are individuals, partnerships, and corporations engaged in the logging business who desire access to timber across BLM lands. The estimated number of respondents is 200 per year. The estimated number of responses per respondent is one per year. The estimated total annual burden on respondents is 200 hours.

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

Dated: November 13, 1995.

Annetta Cheek,

Regulatory Management Team.

[FR Doc. 95–28295 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–84–P

[ID–957–1420–00]

Idaho: Filing of Plats of Survey

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., November 6, 1995.

The supplemental plat prepared to correct the GPS value for the latitude at the corner of Tps. 9 and 10 S., Rs. 27 and 28 E., Boise Meridian, Idaho, was accepted, November 6, 1995.

This supplemental plat was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: November 6, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–28271 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–808493

Applicant: Ms. Beatrix Schramm, Charles Darwin Research Station, Ecuador

The applicant requests a permit to import blood samples taken from captive-held Galapagos tortoise (*Geochelone nigra*) at the Charles Darwin Research Station and from wild tortoises as available on Santa Cruz Island, Ecuador, for the purpose of scientific research on reproductive cycles for propagation and survival of the species.

PRT–808566

Applicant: Darrell Judkins, Lakeville, MN.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–802429

Applicant: Christian Jackson, Metairie, LA.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Namibia to enhance the survival of the species.

PRT–802428

Applicant: Tamara Scott, Newark, CA.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Namibia to enhance the survival of the species.

PRT–792071

Applicant: Frank O'Brien, Wilkes-Barre, PA.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–800757

Applicant: Richard Edwards, Edmond, OK.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–797904

Applicant: Charles Cook, Centerville, OH.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–802244

Applicant: David Greenberg, Tucson, AZ.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) and slender-snout crocodile (*Crocodylus cataphractus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–794568

Applicant: Eugene Bergholz, Dousman, WI.

The applicant requests a permit to import a sport-hunted cheetah (*Acinonyx jubatus*) trophy from Zimbabwe to enhance the survival of the species.

PRT–788168

Applicant: Wilson Stout, Dallas, TX.

The applicant requests a permit to import a sport-hunted brown hyena (*Hyaena brunnea*) trophy from South Africa to enhance the survival of the species.

PRT–788047

Applicant: Hossein Golabchi, Augusta, GA.

The applicant requests a permit to import a sport-hunted brown hyena (*Hyaena brunnea*) trophy from South Africa to enhance the survival of the species.

PRT–788044

Applicant: Larry Battarbee, Dallas, TX.

The applicant requests a permit to import a sport-hunted brown hyena (*Hyaena brunnea*) trophy from South Africa to enhance the survival of the species.

PRT–808251

Applicant: Lynn F. Greenlee, Canon City, CO.

The applicant requests a permit to import the sport-hunted trophy of one bontebok (*Damaliscus pygarcus dorcas*) culled from the captive herd maintained by Mr. Frank Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–808253

Applicant: Kenneth Moberg, Canon City, CO.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygarcus dorcas*) culled from the captive herd maintained by Frank Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–808255

Applicant: Duke University Primate Center, Durham, NC.

The applicant request a permit to import three male and three female wild Broad-nosed Gentle Lemur (*Hapalemur simus*) three males and three females obtained from Department of Water and Forest, Kianjavato, Madagascar for the purpose of enhancement of the species through propagation.

PRT–808255

Applicant: Duke University Primate Center, Durham, NC.

The applicant request a permit to import one male and two female wild Diademed sifaka (*Propithecus diadema*) one male and two female obtained from Department of Water and Forest, Maramize, Madagascar for the purpose of enhancement of the species through propagation.

PRT–807797

Applicant: Zoological Society of San Diego, San Diego, CA.

The applicant requests a permit to export samples from various endangered and threatened animals to Friedrich-Schiller-University, Jena, Germany for the purpose of scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: November 9, 1995.

Mary Ellen Amtower,

Acting Chief, Branch of Permits Office of Management Authority.

[FR Doc. 95–28274 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–55–P

North American Wetlands Conservation Council; Meeting Announcement

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet on December 14 to review proposals for funding submitted pursuant to the North American Wetlands Conservation Act. Upon completion of the Council's review, proposals will be submitted to the Migratory Bird Conservation Commission with recommendations for funding. The meeting is open to the public.

DATES: December 14, 1995, 9:00 A.M.

ADDRESSES: The meeting will be held in Merida, Yucatan, Mexico, at a location yet to be determined. The North American Wetlands Conservation Council Coordinator is located at U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT:

Byron K. Williams, Coordinator, North American Wetlands Conservation Council, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with the North American Wetlands Conservation Act (P.L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the North American Wetlands Conservation Council is a Federal-State-Private body which meets to consider wetland acquisition, restoration, enhancement and management projects for recommendation to and final approval by the Migratory Bird Conservation Commission. Proposals from State and private sponsors require a minimum of 50 percent non-Federal matching funds.

Dated: November 9, 1995.

John G. Rogers,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 95–28314 Filed 11–15–95; 8:45 am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6203.

Comments on the following assessment are due 15 days after the date of availability:

None

Comments on the following assessment are due 30 days after the date of availability:

AB–6 (SUB-NO. 371X), Burlington Northern Railroad Company Abandonment between Shickley and Blue Hill, In Clay, Fillmore, Nuckolls and Webster Counties, Nebraska

Vernon A. Williams,

Secretary.

[FR Doc. 95–28303 Filed 11–15–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32783]

Allegheny Valley Railroad Company; Acquisition and Operation Exemption; Certain Lines of Consolidated Rail Corporation

Allegheny Valley Railroad Company (AVR), a noncarrier, has filed a notice of exemption to acquire and operate approximately 22.65 miles of rail line owned by Consolidated Rail Corporation (Conrail), between Pittsburgh and Arnold, in Allegheny and Westmoreland Counties, PA, as follows: (1) Valley Industrial Track—(a) between milepost 0.3 and milepost 4.7, (b) between milepost 2.7 and milepost 13.8, (c) between milepost 1.8 and milepost 2.7, and (d) between milepost 0.7 and milepost 2.3; (2) Coleman Secondary Track—between milepost 0.0 and milepost 2.5; (3) Indian Run Industrial Track—between milepost 0.0 and milepost 0.7; (4) Brilliant Industrial Track—(a) between milepost 2.3 and milepost 3.0, and (b) between milepost 0.0 and milepost 0.5; and (5) Plum Creek Industrial Track—between milepost 0.0 and milepost 0.25.[1] Consummation of the proposed transaction was scheduled to take place on October 26, 1995.

This transaction is related to a simultaneously filed notice of exemption in Finance Docket No. 32784, *Phillip C. Larson, Russell A. Peterson, and Dennis E. Larson—Continuance in Control Exemption—Allegheny Valley Railroad Company,* in which AVR's shareholders seek to continue in control of AVR, a class III shortline railroad, and other, non-contiguous class III shortline railroads when AVR becomes a carrier.

Any comments must be filed with the Commission and served on: Dennis E. Larson, P.O. Box 28096, Columbus, OH 43228.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: November 7, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–28305 Filed 11–15–95; 8:45 am]

BILLING CODE 7035–01–P

[1] AVR will operate these lines along the south shore of the Allegheny River, crossing the river on Conrail's former Brilliant Branch and terminating when it joins Conrail's track on the north shore of the Allegheny River. Interchange between Conrail and AVR will take place in Conrail's Island Avenue Yard by way of operating rights granted to AVR between the south end of the Brilliant Branch (Conrail's ''CP Home'') and Island Avenue Yard.

[Finance Docket No. 32784]

Phillip C. Larson, Russell A. Peterson, and Dennis E. Larson; Continuance in Control Exemption; Allegheny Valley Railroad Company

Phillip C. Larson, Russell A. Peterson, and Dennis E. Larson have filed a notice of exemption to continue in control of Allegheny Valley Railroad Company (AVR), upon AVR becoming a class III rail carrier. AVR, a noncarrier, has concurrently filed a notice of exemption in Finance Docket No. 32783, *Allegheny Valley Railroad Company—Acquisition and Operation Exemption—Certain Lines of Consolidated Rail Corporation,* in which AVR seeks to acquire and operate approximately 22.65 miles of rail line owned by Consolidated Rail Corporation between Pittsburgh and Arnold, in Allegheny and Westmoreland Counties, PA. The parties intended to consummate this transaction on October 26, 1995.

The above individuals also control through stock ownership two other nonconnecting class III rail carriers: Camp Chase Industrial Railroad Corporation (CCIR), operating in Ohio, and Southwest Pennsylvania Railroad Company (SWP), operating in Pennsylvania. The shareholders' ownership in CCIR is 16 percent each for Phillip C. and Dennis E. Larson and 68 percent for Russell A. Peterson; [1] the stock ownership in SWP is 50.2 percent for Russell A. Peterson and 24.9 percent each for Phillip C. and Dennis E. Larson. The individuals jointly own 100 percent of the shares of AVR.

Also, Russell A. Peterson owns 33⅓ percent of the shares in another class III rail carrier, Gulf Coast Rail Service, Inc. d/b/a Orange Port Terminal Railway (OPTR), which operates in Texas. Two other parties who are not related to this transaction own the remainder of the stock of OPTR.[2]

The parties state that: (1) The railroads will not connect with each other or with any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Dennis E. Larson, P.O. Box 28096, Columbus, OH 43228.

Decided: November 7, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–28304 Filed 11–15–95; 8:45 am]

BILLING CODE 7035–01–P

[1] In prior filings with the Commission, the distribution of ownership of CCIR was represented as 14 percent each for Phillip C. and Dennis E. Larson and 72 percent for Russell A. Peterson. The change in distribution indicated in this filing occurred on October 11, 1995, as a function of the shareholders agreement among the affected parties.

[2] Notice of a continuance in control was given by the Commission in *Russell A. Peterson—Continuance in Control Exemption—Gulf Coast Rail Service, Inc. d/b/a Orange Port Terminal Railway, Finance Docket No. 32782 (ICC served Oct. 20, 1995).*

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council; Meetings and Agenda

The Fall meetings of committees of the Labor Research Advisory Council will be held on November 28, 29, and 30. All of the meetings will be held in the Conference Center of the Postal Square Building (PSB), 2 Massachusetts Avenue, N.E., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members. The schedule and agenda of the meetings are as follows:

Tuesday, November 28, 1995

9:30 a.m.—Committee on Wages and Industrial Relations—Meeting Rooms 9 and 10, PSB

1. Update on COMP2000
2. Highlights from the Temporary Help Service Workers Release
3. Highlights from the Employee Benefits Survey of Small

Establishments, and State and Local Governments

4. Other business

1:00 p.m.—Committee on Occupational Safety and Health Statistics—Meeting Rooms 9 and 10, PSB

1. Review 1993 Survey of Occupational Injuries and Illnesses Bulletin tables
2. Discuss user access to occupational safety and health statistics
3. Review 1994 Census of Fatal Occupational Injuries data
4. Discuss combining case and demographic data across years
5. FY 1996 budget for the Occupational Safety and Health program

Wednesday, November 29, 1995

9:30 a.m.—Committee on Prices and Living Conditions—Meeting Rooms 9 and 10, PSB

1. Consumer Price Index update
2. Producer Price Index
3. Other business

1:00 p.m.—Committee on Productivity, Technology and Growth—Meeting Rooms 9 and 10, PSB

1. Discussion of the new BLS 1994–2005 projections
2. Report on recent developments in the Office of Productivity and Technology
3. Measurement of productivity growth in U.S. manufacturing

Committee on Foreign Labor Statistics

1. International comparisons of unemployment indicators: trends and levels
2. Comparison of multifactor productivity growth in manufacturing in the U.S., Germany and France

Thursday, November 30, 1995

9:30 a.m.—Committee on Employment and Unemployment Statistics—Meeting Rooms 9 and 10, PSB

1. Current Employment Statistics redesign issues
2. BLS and the new workforce legislation
3. New directions in the Mass Layoff Statistics Program
4. National Wage Record Database
5. Alternative measures of unemployment

The meetings are open to the public. Persons planning to attend these meetings as observers may want to contact Wilhelmina Abner on (Area Code 202) 606–5970.

Signed at Washington, D.C. this 9th day of November 1995.

Katharine G. Abraham,

Commissioner.

[FR Doc. 95–28300 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

[TA–W–31,463D]

Brown Shoe Co./Brown Group, Inc., Charleston, MO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 19, 1995, applicable to all workers at Brown Shoe Company/ Brown Group, Incorporated located in Charleston, Missouri. The notice will soon be published in the Federal Register.

The Department reviewed the certification for workers of the subject firm. The findings show that on March 15, 1994, the Department issued a certification, petition number TA–W–29,481, to all workers at the subject firm. To avoid overlap in worker coverage under these certifications the Department is amending the impact date for TA–W–31,463D.

The amended notice applicable to TA–W–31,463D is hereby issued as follows:

All workers of Brown Shoe Company/ Brown Group, Incorporated, Charleston, Missouri who became totally or partially separated from employment on or after March 15, 1996 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of October 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28257 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,462]

Brown Shoe Company/Brown Group, Inc., St. Louis, Missouri, Except the Jeff-Vander-Lou Plant; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 19, 1995, applicable to all workers at Brown Shoe Company/ Brown Group, Incorporated located in St., Louis, Missouri. The notice will soon be published in the Federal Register.

The Department reviewed the certification for workers of the subject firm. The findings show that on May 19, 1995, the Department issued a certification, petition number TA–W–30,947, to all workers of Brown Shoe Company, Jeff-Vander-Lou Plant in St. Louis. To avoid overlap in worker coverage, the Department is amending the most recent certification to exclude the workers of the Jeff-Vander-Lou Plant.

The amended notice applicable to TA–W–31,462 is hereby issued as follows:

All workers of Brown Shoe Company/ Brown Group, Incorporated, except the Jeff-Vander-Lou Plant, St. Louis, Missouri who became totally or partially separated from employment on or after September 12, 1994 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of October 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28263 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31, 395

Great American Knitting Mills, Scotland Neck, NC; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 5, 1995 in response to a worker petition which was filed on September 5, 1995 on behalf of workers at Great American Knitting Mills, Scotland Neck, North Carolina.

An active certification covering the petitioning group of workers remains in effect (TA–W–31,529). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC., this 3rd day of November, 1995

Russell T. Kile,

Acting Program Manger, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28262 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,341]

J. Hertling and Company, Inc.; Brooklyn, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 13, 1995, applicable to all workers of J. Hertling and Company, Incorporated, located in Brooklyn, New York. The notice was published in the Federal Register on October 27, 1995 (60 FR 55064).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some of the workers at J. Hertling had their unemployment insurance (UI) taxes paid to Hertling Industries, Morris Hertling Inc., and Morrison Mfg. Co., Inc. Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of men's apparel.

The amended notice applicable to TA–W–31,341 is hereby issued as follows:

''All workers of J. Hertling and Company, Incorporated, a/k/a Hertling Industries, a/k/a Morris Hertling, Inc., and a/k/a Morrison Mfg. Co., Inc., Brooklyn, New York who became totally or partially separated from employment on or after August 1, 1994 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 6th day of November 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28260 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

TA–W–31,162]

Bergstein Oilfield Services, Inc.; Andrews, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 9, 1995, applicable to all workers of Bergstein Oilfield Services, Incorporated, now known as S&E Oilfield Services, Incorporated located in Andrews, Texas. The notice was published in the Federal Register on August 24, 1995 (60 FR 44079).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some of the workers at Bergstein Oilfield had their unemployment insurance (UI) taxes paid to D S W & T Services, Incorporated. Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of crude oil.

The amended notice applicable to TA–W–31,162 is hereby issued as follows:

''All workers of Bergstein Oilfield Services, Incorporated, a/k/a D S W & T Services, Incorporated, and now known as S&E Oilfield Services, Incorporated, Andrews, Texas who became totally or partially separated from employment on or after May 10, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 6th day of November 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28264 Filed 11–15–94; 8:45 am]

BILLING CODE 4510–30–M

Job Corps: Preliminary Finding of No Significant Impact (FONSI) for the New Job Corps Center on the Loring AFB in Caribou, ME

AGENCY: Employment and Training Administration, Labor.

ACTION: Preliminary Finding of No Significant Impact (FONSI) for the New Job Corps Center on Loring AFB.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Employment and Training Administration, Office of Job Corps, in accordance with 29 CFR 11.11(d), gives notice that an Environmental Assessment (EA) has been prepared and the proposed plans for the new Loring AFB Job Corps Center will have no significant environmental impact, and this Preliminary Finding of No Significant Impact (FONSI) will be made available for public review and comment for a period of 30 days.

DATES: Comments must be submitted by December 18, 1995.

ADDRESSES: Any comment(s) are to be submitted to Amy Knight, Employment and Training Administration, Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210, (202)219–5468.

FOR FURTHER INFORMATION CONTACT: Copies of the EA and additional information are available to interested parties by contacting Albert Glastetter, Director, Region I (One), Office of Job Corps, One Congress Street, 11th Floor, Boston, Massachusetts, 02114, (617)565–2167.

SUPPLEMENTARY INFORMATION: The proposed site, located in ten existing buildings on the Loring AFB, is comprised of approximately 30 acres. The site is part of the larger AFB complex which consists of approximately 8,317 acres, but which is to be down-sized pursuant to findings of the Defense Base Realignment and Closure Commission. Loring AFB has served in its military role since 1917. The proposed site is bordered by Texas Road to the north, Georgia Road to the east, Weinman Road to the south, and Cupp Road to the west.

The proposed Job Corps Center is designed to accommodate 392 full-time students with dormitories, educational/vocational facilities, food service facilities, medical/dental facilities, recreational facilities, administrative offices, storage and support. Approximately 268,759 gross square feet in the existing buildings will be rehabilitated, with the addition of 5,940 gross square feet of new structure. The proposed project is designed to be constructed in accordance with the local fire, building, and zoning code requirements.

The site is located in a rural setting with open space extending in all directions. To the west, across Cupp Road, there is a substantial ten-acre wetland, while to the south there is a large wooded area. Outdoor recreational facilities include nearby baseball and softball fields, tennis courts, basketball courts, a running track, and walking trails.

The new facilities associated with the Job Corps will make use of an existing roadway and infrastructure such as water and sewer lines, telephone poles, and stormwater drainage systems. The proposed building rehabilitation program will include the proper mitigation of all asbestos materials and lead-based paint, where necessary. Underground storage tanks and

contaminated soils resulting from earlier fuel oil spills will be completed by the Air Force prior to Job Corps startup.

Conversion of this part of Loring AFB to a Job Corps Center would be a positive asset to the area in terms of environmental and socioeconomic improvements and long-term productivity. With the loss of Loring AFB as a significant employer, the City of Caribou will face an increased demand by its citizens for employment opportunities. The new Job Corps Center will be a new source of such employment opportunity. In addition, the Job Corps program, which provides basic education, vocational skills training, work experience, counseling, health care and related support services, is expected to graduate students ready to participate in the local economy and elsewhere.

The proposed project will not have any significant adverse impact on any natural system or resource. There are no ''historically significant'' buildings on the site and no areas of archaeological significance. There are no threatened or endangered species located on Loring AFB. Surface water, groundwater, woodlands, and wetlands would not be adversely affected because the rehabilitation, construction, and operational activities associated with the proposed project do not represent any increased significant change from the historical use of the site as a residential area with support facilities. The base-wide remediation of contamination, currently underway by the U.S. Air Force throughout Loring AFB, will minimize impacts from existing sources of contamination upon the natural systems and resources.

Based upon preliminary analyses, no significant levels of radon exist on the site. Analytical data describing the Loring AFB surface water supply documents that there are no levels of lead present in the drinking water. A corrosion protection system in place at the Loring AFB water treatment plant will mitigate any excess lead that may occur in drinking water supplied to the center. An asbestos assessment of the ten-building complex has been completed. Only one location in Building 5904 warranted repair or abatement of asbestos-containing duct insulation. Mitigation of asbestos-containing duct insulation will be addressed during rehabilitation. Lead-based paint is believed to exist in three buildings built prior to 1978. Mitigation measures will take place if the designated use of the building so warrants.

The proposed project will not have any significant adverse impact upon air quality, noise levels, and lighting. Air quality is good in the area and the proposed project would not be a source of air emissions. Noise levels in the area are consistent with rural/suburban areas and, with the exception of the construction period, the proposed project will not be a source of additional noise. Finally, street lights for the proposed project will be modified in the final design, if necessary, to ensure levels of illumination consistent with the utilization needs.

The proposed project will not have any significant adverse impacts upon the existing infrastructure represented by water, sewer, and stormwater systems. Adequate water is available to the site through the Loring AFB water supply system. Stormwater runoff is accommodated by an existing sewer system. The separate sanitary sewer collection system is in place and is deemed to be adequate. Wastewater treatment will be achieved at the nearby Loring AFB wastewater treatment plant on Sawyer Road. The treatment plant is operating under an existing NPDES permit and has been meeting its discharge limits.

The proposed site is surrounded by electrical power to its boundaries and an adequate distribution system on site. New distribution systems would not be required. The proposed demands on electric power are not expected to have a significant adverse affect on the environment. Similarly, traffic behavior patterns are not expected to change as a result of the proposed project. Adequate levels of service would be sustained at all intersections on the base and off on local access roads, so no significant adverse affects are expected.

There will be no significant adverse affects upon local medical, emergency, fire and police facilities, all of which are located in the towns of Limestone, Caribou, Fort Fairfield, and Presque Isle. One Job Corps complex building is to be remodeled, so as to include a new medical/dental facility to address normal demands. The new Job Corps facility will be supported by local medical facilities, including Cary Medical Center in Caribou and the complex of regional facilities managed from Aroostook Medical Center in Presque Isle. Emergency, fire, and police services will be provided through a cooperative arrangement with the towns of Limestone, Fort Fairfield, and Caribou.

The proposed project population will not have a significant adverse sociological effect on the surrounding community, which is characterized by a diverse ethnicity, and offers an abundance of recreational, educational and cultural opportunities. Similarly, the proposed project will not have a significant adverse affect on demographic and socioeconomic characteristics of the area. Rather, the implementation of the Job Corps will help to fill a void created by the closure of Loring AFB by providing jobs and educational opportunities for local residents.

The alternatives considered in the preparation of the EA were as follows: (1) The ''No Build'' alternative, (2) the ''Alternative Sites'' alternative, and (3) the ''Continue as Proposed'' alternative. The ''No Build'' alternative is considered inadequate because it would require fitting the Job Corps program into an existing building complex that is ill-equipped for its intended use and, due to the age of some buildings, contains old, out-of-date electrical, mechanical, and HVAC systems and potential sources of environmental contamination; e.g., asbestos, lead-based paint, contaminated soils. Alternative sites in New York City, New York and Camden, New Jersey were considered by the Department of Labor for the new Job Corps Center site, but did not meet the minimum selection criteria for locating a new Job Corp Center. After rehabilitating the ten existing buildings, and constructing the one new building, the proposed facilities will be suitable for their intended purpose in the Job Corps, will be environmentally safe, and will be consistent with current building codes and safety practices.

Based on the information gathered during the preparation of the EA for the Department of Labor, Employment and Training Administration, the Office of Job Corps finds that the location of a Job Corps Center on the Loring AFB in Caribou, Maine will not create any significant adverse impact on the environment and, therefore, recommends that the project continue as proposed. The proposed project is not considered to be highly controversial.

Dated: at Washington, DC, this 6th day of November, 1995.

Mary Silva,

Acting Director of Job Corps.

[FR Doc. 95–28256 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00565]

Jeld-Wen of Bend Including Pozzi Window and Bend Door Co.; Bend, OR; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with section 250(a), subchapter D, chapter 2, title II, of the

Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Notice of Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on September 22, 1995, applicable to all workers of Jeld-Wen of Bend, located in Bend, Oregon. The notice was published in the Federal Register on October 5, 1995 (60 FR 52214).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The findings show that workers of Pozzi Window and Bend Door Co. were inadvertently omitted from the certification. All manufacturing operations of Pozzi Window and Bend Door Co. are performed at the Jeld-Wen production facility in Bend, Oregon.

The intent of the Department's certification is to include all workers of Jeld-Wen adversely affected by increased imports of Canadian and Mexican commodity millwork.

The amended notice applicable to NAFTA–00565 is hereby issued as follows:

''All workers of Jeld-Wen of Bend, Pozzi Window and Bend Door Company, Bend Oregon who became totally or partially separated from employment on or after August 9, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, DC., this 3rd day of November 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28261 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00629]

Pacific Personnel, Colville Branch, Colville, WA; Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on October 3, 1995 in response to a petition filed on behalf of workers at Pacific Personnel, Colville Branch located in Colville, Washington. The workers produce lumber products for Vaagen Brothers Lumber Inc.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA–00537). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of November 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28258 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00630]

Pacific Personnel, Colville Branch, Colville, WA; Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on October 3, 1995 in response to a petition filed on behalf of workers at Pacific Personnel, Colville Branch located in Colville, Washington. The workers produce lumber products for John Chopot Lumber Company Incorporated.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA–00517). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of November 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–28259 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–30–M

Occupational Health and Safety Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Permissible Exposure Limits Site Visits

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration is soliciting comments concerning the proposed new collection of information to develop the economic analysis for a Permissible Exposure Limit (PEL) rulemaking that the Agency is undertaking.

DATES: Written comments must be submitted on or before January 16, 1996. The Department of Labor is particularly interested in comments that:

evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

enhance the quality, utility, and clarity of the information to be collected; and

minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–95–1, U.S. Department of Labor, Room N–2625, 200 Constitution Ave, N.W., Washington, D.C. 20010, telephone (202) 219–7894 (not a toll-free number). Written comments of 10 pages or less may also be transmitted by facsimile to (202) 219–5046.

SUPPLEMENTARY INFORMATION:

I. Background

The Agency proposed new permissible exposure limits (PELs) for more than 400 substances of 1988 (53 FR No. 109, June 7, 1989). Final PELs for these substances were published in 1989 (54 FR No. 12, January 19, 1989). The United States Court of Appeals, Eleventh Circuit, vacated the standard on July 7, 1992, stating that OSHA had not met its burden of establishing that the new exposure limits were either economically or technologically feasible; that existing limits presented a significant risk of material health impairment; or that the new limits would eliminate or substantially reduce the risk. OSHA has begun a new

rulemaking effort to meet the burdens imposed by the Court. This rulemaking will set new PELs for fewer chemical substances than the original 1988–89 effort. To determine economic and technological feasibility for these substances, the Agency proposes to gather information from affected industries and other sources. The Agency proposes to conduct as many as 50 site visits to affected employers and to contact and interview by phone as many as 200 firms, trade associations, labor organizations, or experts.

II. Current Actions

The proposed collection of information consists of site visits to as many as 50 establishments within industries affected by the proposed standard and phone interviews with as many as 200 employers, trade associations, labor organizations, or experts in the field. Information to be sought by these site visits will consist of identifying processes that have exposures to the PEL substances; a description of the production technology, controls, and occupations of each process; occupational exposure levels of employees at those processes; potential new technologies or controls that may reduce exposures; estimates of costs of current technology as well as technology that could reduce exposure levels; other means used to control or reduce exposure levels such as administrative controls or work practices.

Type of Review: New.

Agency: Occupational Health and Safety Administration.

Title: Permissible Exposure Limit Site Visits.

OMB Number: None.

Agency Number: ICR–95–1.

Frequency: Once.

Affected Public: Private businesses, state and federal government.

Number of Respondents: 250.

Estimated time per Respondent: 30 hours, on average, for site visits; 1 hour on average for phone interviews.

Total Estimated Cost: $85,000.

For Further Information Contact: Anne C. Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3647, 200 Constitution Ave., NW., Washington, DC 20210. Telephone (202) 219–8148. Copies of the information collection request are available for inspection and copying in the Docket Office and will be immediately mailed to persons who request copies by telephoning Vivian Allen at (202) 219–8076. For electronic copies, contact the Labor News bulletin Board (202) 219–4784; or OSHA's WebPage on Internet at http://www.osha.gov/.

Dated: November 9, 1995.

Marthe Kent,

Director, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor.

Collection of information sought by OSHA for each substance in the proposed permissible exposure limit rulemaking:

1. Identification of processes or operations that may result in exposures to employees.

2. A description of the production process, its technology, and control technology.

3. A description of activities by occupation that result in worker exposures. How are employees exposed? During what work activities? What is the length and frequency of exposure?

4. How many employees work in each process with exposures to the substance in question? How many employees are in each occupation at that process?

5. What data is available of exposure levels of each occupation of the process? Is historical data available?

6. What technology or controls are capable of reducing exposures? What exposure levels could be achieved with other control technologies? Are there substitutes for the substance in question? Are there other technologies employed by the industry?

7. Are there changes in administrative controls or work practices that could affect employee exposures?

8. Estimates of the cost of the various means of reducing occupational exposure levels. Estimates of the cost of current controls.

9. General information from the establishment on number of employees, number of production employees, products and production levels.

10. Information about the technology, controls, and exposures for the rest of the industry.

11. What are the economic benefits of installing production technology that reduces exposures?

[FR Doc. 95–28301 Filed 11–15–95; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL MEDIATION BOARD

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Application for Mediation Services, and Application for Investigation of Representation Dispute

ACTION: Notice.

SUMMARY: The National Mediation Board, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden, (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the National Mediation Board is soliciting comments concerning the proposed extension of the Application for Mediation Services, and the Application for Investigation of Representation Dispute.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before January 16, 1996.

Written comments should:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Reba F. Streaker, Records Officer, National Mediation Board, 1301 K Street, NW.,

Suite 250 East, Washington, DC 20672. Telephone No. (202) 523–5627 and FAX No. (202) 523–1494.

SUPPLEMENTARY INFORMATION:

A. Application for Mediation Services, NMB–2

I. Background

Section 5, First of the Railway Labor Act, 45 U.S.C., 155, First, provides that both, or either, of the parties to the labor-management dispute may invoke the mediation services of the National Mediation Board. Congress has determined that it is in the nation's best interest to provide for Governmental mediation as the primary dispute resolution mechanism to resolve labor-management disputes in the railroad and airline industries. The Railway Labor Act is silent as to how the invocation of mediation is to be accomplished and the Board has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 CFR 1203.1, provides that applications for mediation services be made on printed forms which may be secured from the National Mediation Board. This section of the regulations provides that applications should be submitted in duplicate, show the exact nature of the dispute, the number of employees involved, name of the carrier and name of the labor organization, date of agreement between the parties, date and copy of notice served by the invoking party to the other and date of final conference between the parties. The application should be signed by the highest officer of the carrier who has been designated to handle disputes under the Railway Labor Act or by the chief executive of the labor organization, whichever party files the application.

II. Current Actions

The extension of this form is necessary considering the information provided by the parties is used by the Board to structure a mediation process that will be productive to the parties and result in a settlement without resort to strike or lockout. The Board has been very successful in resolving labor disputes in the railroad and airline industries. Approximately 97 percent of all labor disputes we have handled since 1934 have been resolved without a strike. This success ratio would possibly be reduced if the Board was unable to collect the brief information that it does in the application for mediation services.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Agency: National Mediation Board.

Title of Form: Application for Mediation Services.

OMB Number: 3140–0001.

Agency Number: NMB–2.

Frequency: Daily.

Affected Public: Carrier and Union Officials, and employees of railroads and airlines.

Number of Respondents: 123 annually.

Estimated Time Per Respondent: The burden on the parties is minimal in completing the Application for Mediation Services. There is no improved technological method for obtaining this information.

Total Estimated Cost: $1040.00.

Total Burden Hours: 43.

B. Application for Investigation of Representation Dispute, NMB–3

I. Background

Section 2, Fourth of the Railway Labor Act, 45 U.S.C. 152, Fourth, provides that railroad and airline employees shall have the right to organize and bargain collectively through representatives of their own choosing. When a dispute arises among the employees as to who will be their bargaining representative, the National Mediation Board is required by Section 2, Ninth to investigate the dispute, to determine who is the authorized representative, if any, and to certify such representative to the employer. The Board's duties do not arise until its services have been invoked by a party to the dispute. The Railway Labor Act is silent as to how the invocation of a representation dispute is to be accomplished and the Board has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 CFR 1203.2 provides that requests to investigate representation disputes may be made on printed forms NMB–3. The application shows the name or description of the craft or class involved, the name of the invoking organization, the name of the organization currently representing the employees, if any, and the estimated number of employees in the craft or class involved. This basic information is essential to the Board in that it provides a short description of the particulars of dispute and the Board can begin determining what resources will be required to conduct an investigation.

II. Current Actions

The extension of this form is necessary considering the information is used by the Board in determining such matters as how many staff will be required to conduct an investigation and what other resources must be mobilized to complete our statutory responsibilities. Without this information, the Board would have to delay the commencement of the investigation, which is contrary to the intent of the Railway Labor Act.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Agency: National Mediation Board.

Title of Forms: Application for Investigation of Representation Dispute.

OMB Number: 3140–002.

Agency Number: NMB–3.

Frequency: Daily.

Affected Public: Union Officials, and employees of railroads and airlines.

Number of Respondents: 68 annually.

Estimated Time Per Respondent: The burden on the parties is minimal in completing the Application for Investigation of Representation Dispute. There is no improved technological method for obtaining this information.

Total Estimated Cost: $517.00.

Total Burden Hours: 24.50.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request, they will also become a matter of public record.

Dated: November 9, 1995.

Reba Streaker,

Records Officer/Paperwork Clearance Officer.

[FR Doc. 95–28266 Filed 11–15–95; 8:45 am]

BILLING CODE 7550–01–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Astronomical Sciences (1186); Notice of Meetings

In accordance with the Federal Advisory committee Act (Pub L. 92–463, as amended), the National Science Foundation announces that the Special Emphasis Panel in Astronomical Sciences (1186) will be holding panel meetings for the purpose of reviewing proposals submitted to the Galactic Astronomy Program in the area of Astronomical Sciences. In order to review the large volume of proposals, panel meetings will be held on December 5–6(3). All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, from 8:30 AM to 5:00 PM each day.

Contact Person: Dr. Vernon L. Pankonin, Program Director, Galactic

Astronomy, Division of Astronomical Sciences, National Science Foundation, Room 1045, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1826.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28327 Filed 11–15–95; 8:45 am]

BILLING CODE 7888–01–M

Special Emphasis Panel in Cross Disciplinary Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 920463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Cross-Disciplinary Activities (#1193).

Date and Time: December 4, 1995 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Room 1150.

Contact Person(s): T.C. Ting & Rita Rodriguez, Program Directors, CISE/OCDA, Room 1160, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Telephone: (703) 306–1980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CISE Research Infrastructure proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28328 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Cross Disciplinary Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Cross Disciplinary Activities (#1193).

Date and Time: December 5, 1995; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1150 and 1120, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person(s): Harry G. Hedges, Program Director, CISE/CDA, Room 1160, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone: (703) 306–1980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CISE Research Experiences for Undergraduates proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28329 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In according with the Federal Advisory Committee Act (Pub L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: December 8, 1995, 8:00 a.m.–5:00 p.m.

Place: Rooms 310, 340, 365, 370, 380, and 530, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Warren DeVries and Dr. Kesh Narayanan, Manufacturing Processes and Equipment Program, Dr. Pius Egbelu, Operations Research and Production Systems Program, Dr. George Hazelrigg and Dr. Christina Gabriel, Design and Integration Engineering Program, and Mr. Warren Chernock, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Faculty Early Career Development (CAREER) proposals as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals association with the proposals. These matters are exempt under 5 USC 552b(c)(4) and (6) of the Government in the Sunshine Act.

Date: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28330 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geoscience

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geoscience.

Date and Time: December 8, 1995, 9:00 a.m.

Place: Room 730, NSF, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Richard W. West, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1579.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Shipboard Scientific Support Equipment proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28331 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: Monday, December 4–Tuesday, December 5, 1995; 8 a.m.–5 p.m.

Place: Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr.'s Betty Ruth Jones & Alexandra King, Program Directors, HRD, Room 815, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1633.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Comprehensive Partnerships for Minority Student Achievement proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28332 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: December 4, 5, 7 and 8, 1995: 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Rooms 880, 330 and 370, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. William McHenry, Program Director, Division of Human Resource Development, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1632.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Alliances for Minority Participation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28333 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: December 6, 1995—8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 970, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: William McHenry, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1632.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Alliances for Minority Participation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28334 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: December 7 & 8, 1995—8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Lawrence Scadden & Mary Kohlerman, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1636.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Programs for Persons with Disabilities proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28335 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Information, Robotics and Intelligent Systems (#1200).

Date and Time: December 7–8, 1995, 8:30 a.m. to 6:00 p.m.

Place: River Inn, 924 Twenty-Fifth Street, N.W., Washington, D.C. 20037.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Acting Deputy Division Director, Robotics and Intelligence, Room 1115, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (301) 306–1926.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Robotics and Machine Intelligence proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28336 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Mathematical Sciences.

Date and Time: December 4–6, 1995, 8:30 a.m. til 5:00 p.m.

Place: Rooms 340, 380, & 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Dr. Stephen Samuels and Dr. Sallie Keller-McNulty, Program Directors, Room #1025, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1870.

Purpose of Meeting: To provide advice to Program Officers concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals for the Statistics and Probability Program, as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28337 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Mathematical Sciences (#1204)

Date and Time: Friday December 8, 1995 (8:30 a.m. to 10:00 p.m.).

Place: O'Hare Hilton, O'Hare International Airport, Chicago, IL 60666.

Type of Meeting: Closed.

Contact Person: Dr. Keith Crank, Program Director, Division of Mathematical Sciences Room #1025 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1885.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Mathematical Sciences Postdoctoral Research Fellowship Program nominations/ applications as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28338 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Polar Programs. Code (1209).

Date and Time: December 5–6, 1995; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Room 770.

Type of Meeting: Closed.

Contact Person: Dr. Polly A. Penhale, Program Manager, OPP, Room 755 Telephone: (703) 306–1033.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Southern Ocean Joint Global Ocean Flux (JGOFS) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 13, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–28339 Filed 11–15–95; 8:45 am]

BILLING CODE 7555–01–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 proposed exemption would allow the licensee to reschedule the licensed operator requalification examinations at CNS until after the current refueling outage. The requested exemption would extend the completion date for the examinations from December 22, 1995, until March 15, 1996. In the letter, the licensee indicated that licensed operators will continue to participate in the ongoing requalification training program, and that by assigning licensed operators to the outage organization, a reduction in overall shutdown risk could be realized.

The proposed action is in accordance with the licensee's application dated October 16, 1995, for an exemption from the requirements of 10 CFR 55.59.

The Need for the Proposed Action

The schedular exemption requested would extend the completion date for the administration of licensed operator examinations for the CNS requalification program from December 22, 1995, to March 15, 1996. This would move the examination period outside the current refueling outage, thereby allowing the assignment of licensed operators to refueling outage organization positions. The increased oversight of outage activities provided by the licensed operators would result in better shutdown risk management and provide a net benefit with regard to plant safety.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the licensee's request. The proposed exemption does not change the requirements for licensed operator training, as licensed operators at CNS will continue to participate in the ongoing requalification training program throughout the extension period. The affected licensed operators will continue to demonstrate and possess the required levels of knowledge, skills, and abilities needed to safely operate the plant. The proposed exemption would not change the existing CNS safety limits, safety settings, power operations, or effluent limits. The proposed exemption would allow increased oversight by licensed operators of outage activities with a resulting net benefit to safety.

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 could also result in a reduction in overall shutdown risk 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 November 3, 1995, the staff consulted with the Nebraska State official, Ms. Cheryl Rogers, 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 October 16, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 9th 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. 95–28310 Filed 11–15–95; 8:45 am]

BILLING CODE 7590–1–P

[Docket No. 50–352]

Philadelphia Electric Company, Limerick Generating Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Appendix J (hereafter referred to as Appendix J) to Facility Operating License No. NPF–39 issued to Philadelphia Electric Company (the licensee), for operation of the Limerick Generating Station (LGS), Unit 1, located at the licensee's site in Chester and Montgomery Counties, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow an exemption from Appendix J, Section III.D.1.(a), which requires a set of three Type A tests (i.e., Containment Integrated Leakage Rate Test) to be performed at approximately equal intervals during each 10-year service period and specifies that the third test of each set be conducted when the plant is shutdown for the 10-year inservice inspection (ISI). The exemption would allow a one-time test interval extension from the current scheduled 62 months to approximately 89 months. It should also be noted that the licensee previously was granted a similar exemption on February 8, 1994 (59 FR 5758). This 1994 exemption allowed the licensee to perform it's third Type A test during the 10-year plant ISI refueling outage by extending the test interval 15 months. The licensee requested that the current exemption request supersede the previously granted exemption.

The proposed action is in accordance with the licensee's application for exemption dated June 20, 1995.

The Need for the Proposed Action

The proposed action is needed to allow the licensee to realize cost savings and reduced worker radiation exposure. Subsequent to the licensee's submittal, a rulemaking was completed (see 60 FR 49495 September 26, 1995), which allows the Type A test to be performed at intervals up to once every 10 years (the actual period is based on historical performance of the containment). However, because the licensee's outage is scheduled to begin in January 1996, there is insufficient time for the licensee to implement the amended rule prior to the start of the outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed exemption and concludes that this action would not significantly increase the probability or amount of expected primary containment leakage; hence, the containment integrity would be maintained. The current requirement in Section III.D.1.(a) of Appendix J to perform the three Type A tests would continue to be met, except that the time interval between the second and third type A tests would be extended to approximately 89 months.

The licensee has analyzed the results of previous Type A tests to show good containment performance and will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths. It is also noted that the licensee, as a condition of the proposed exemption, will perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

Based on the information presented in the licensee's application, the proposed extended test interval would not result in a non-detectable leakage rate in excess of the value established by Appendix J, or in any changes to the containment structure or plant systems. Consequently, the probability of accidents would not be increased, nor would the post-accident radiological releases be greater than previously determined. Neither would the proposed exemption otherwise affect radiological plant effluents. Accordingly, the Commission concludes that this proposed exemption would

result in no significant radiological environmental impact.

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 exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. 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.

Alternative Use of Resources

This proposed exemption does not involve the use of any resources not previously considered in the Final Environmental Statement for the Limerick Generating Stations, Units 1 and 2, dated April 1984 as supplemented on August 1989.

Agencies and Persons Consulted

In accordance with its stated policy, on September 26, 1995, the staff consulted with the Pennsylvania State official, David Ney of the Bureau of Radiation Protection, Department of Environmental Protection, 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 exemption will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to the proposed action, see the licensee's letter dated June 20, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Dated at Rockville, Maryland, this 9th day of November 1995.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28311 Filed 11–15–95; 8:45 am]

BILLING CODE 7590–1–P

[Docket Nos. 50–220 and 50–410]

Niagara Mohawk Power Corporation; Notice of Consideration of Issuance of Amendments to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–63 and NPF–69 issued to Niagara Mohawk Power Corporation for operation of the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, respectively, located in Oswego County, New York.

The proposed amendments would change position titles and reassign responsibilities at the upper management level.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 1 [and Unit 2], in accordance with the proposed amendment[s], will not involve a significant increase in the probability or consequence of an accident previously evaluated.

None of the accidents previously evaluated are affected by the proposed corporate management position title changes or by the reassignment of responsibilities. The revised organizational structure will not affect the design of systems, structures, or components; the operation of plant equipment or systems; nor maintenance, modification, or testing activities. The revised management reporting structure and assignment of responsibilities does not involve accident precursors or initiators previously evaluated and does not create any new failure modes that would affect any previously evaluated accidents. Therefore, operation in accordance with the proposed amendment[s] will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 1 [and Unit 2], in accordance with the proposed amendment[s], will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The revised organizational structure will not affect the design of systems, structures, or components; the operation of plant equipment or systems; nor maintenance, modification or testing activities. The proposed position title changes and responsibility assignments do not create any new failure modes or conditions that would create a new or different kind of accident. Therefore, operation in accordance with the proposed amendment[s] will not create the possibility of a new or different kind of accident from any previously evaluated.

The operation of Nine Mile Point Unit 1 [and Unit 2], in accordance with the proposed amendment[s], will not involve a significant reduction in a margin of safety.

The proposed amendment[s] define the lines of authority, responsibility, and communication necessary to ensure operation of the facility in a safe manner. The present Executive Vice President—Nuclear will assume the responsibilities of Chief Nuclear Officer. The present Vice President—Nuclear Generation will assume the responsibilities of Vice President and General Manager—Nuclear. These assignments provide the highest level of management expertise and experience in the operation of Nine Mile Point Unit 1 [and Unit 2] and assure that adequate operational safety is maintained. Therefore, the proposed organizational restructuring will not involve a significant reduction in a margin of safety.

As determined by the analysis, the proposed amendment[s] involve no significant hazards consideration.

The NRC staff has reviewed the licensee's analyses and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendments involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the

expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 18, 1995, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment requests involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Ledyard B. Marsh: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC. 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing

Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the applications for amendments dated October 25, 1995, which are 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 7th day of November 1995.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Senior Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28312 Filed 11–15–95; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36464; International Series Release No. 879; File No. SR–CBOE–95–54]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Currency Warrants Based on the Value of the U.S. Dollar in Relation to the Brazilian Real

November 8, 1995

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 13, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to approve for listing and trading currency warrants based upon the value of the U.S. dollar in relation to the Brazilian Real. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange is permitted to list and trade currency warrants under CBOE Rule 31.5(E). The Exchange is now proposing to list and trade currency warrants based upon the value of the U.S. dollar in relation to the Brazilian Real (''Brazilian Real warrants''). The listing and trading of currency warrants relating to the Brazil Real will comply in all respects with CBOE Rule 31.5(E).

1. Currency Warrant Trading

Brazilian Real warrants will be unsecured obligations of their issuers and will be cash-settled in U.S. dollars. The warrants will be either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, the holder of a warrant structured as a ''put'' would receive payment in U.S. dollars to the extent that the value of the Brazilian Real has declined in relation to the U.S. dollar below a pre-stated base price. Conversely, holders of a warrant structured as a ''call'' would, upon exercise, receive payment in U.S. dollars to the extent that the value of the Brazilian Real in relation to the U.S. dollar has increased above the pre-stated base price. Warrants that are out-of-the-money at the time of expiration will expire worthless.

2. Warrant Listing Standards and Customer Safeguards

In SR–CBOE–90–08,[1] the Exchange established generic listing standards for currency warrants, which are contained in CBOE Rule 31.5(E). On August 29, 1995, the Commission approved SR–CBOE–94–34,[2] which amended Rule 31.5(E) and established customer protection and margin requirements for currency warrants.

CBOE Rule 31.5(E) sets forth the criteria applicable to listing currency warrants. Any issue of Brazilian Real warrants will conform to the listing criteria under Rule 31.5(E) which provide that: (1) The issuer shall have minimum tangible net worth in excess of $150,000,000 and otherwise substantially exceed the size and earnings requirements in Rule 31.5(A); (2) the term of the warrants shall be for a period ranging from one to five years from date of issuance; and (3) the minimum public distribution of such issues shall be 1,000,000 warrants, together with a minimum of 400 public holders, and have a minimum aggregate market value of $4,000,000. In addition, where an issuer has a minimum tangible net worth in excess of $150,000,000 but less than $250,000,000, the Exchange shall not list Brazilian Real warrants of the issuer if the value of such warrants plus the aggregate value, based upon the original issuing price, of all outstanding stock index, currency index and currency warrants of the issuer (and its affiliates) that are listed for trading on a national securities exchange or traded through the facilities of the National Association of Securities Dealers Automated Quotation System (''NASDAQ'') exceeds 25% of the issuer's net worth.

Among the consequences of the recently approved rule amendments, Brazilian Real warrants may be sold only to customers whose accounts have been approved for options trading pursuant to Exchange Rule 9.7. Moreover, the suitability standards of Exchange Rule 9.9 apply to recommendations in currency warrants. Also, the standards of Rule 9.10(a), regarding discretionary orders, will be applicable to currency warrants.

3. Margin Requirements

Recently approved SR–CBOE–94–34 also establishes margin requirements for currency warrants. New Exchange Rule 30.53 requires minimum margin on any currency warrant carried ''short'' in a customer's account to be 100% of the current market value of each such warrant plus an ''add-on'' percentage of the produce of the units of underlying currency per warrant and the spot price for such currency. The Exchange has calculated frequency distributions reflecting percentage price returns for all one (1) and five (5) day periods for the Brazilian Real for the period of September 1, 1992 through August 30, 1995. These distributions demonstrate that more than 97.5% of all five (5) day

[1] See Securities Exchange Act Release No. 28556 (October 19, 1990), 55 FR 43233 (October 26, 1990).

[2] See Securities Exchange Act Release No. 36169 (August 29, 1995), 60 FR 46644 (September 7, 1995).

returns for the three (3) year period would have been covered by 10.0% of the underlying Real value. Based upon these results, the Exchange is proposing to set the margin ''add-on'' percentage for Brazilian Real warrants at 10% for both initial and maintenance margin, with a minimum add-on for out-of-the money warrants of 2%. If as the result of the Exchange's routine monitoring of margin adequacy, the Exchange determines that a different percentage would be appropriate, CBOE will file a proposal with the Commission to modify the add-on percentages.

The Exchange believes that the listing and trading of Brazilian Real warrants is consistent with Section 6(b) of the Act in general, and with Section 6(b)(5) in particular, because it will help remove impediments to a free and open securities market and facilitate transactions in securities by providing investors with a low-cost means to participate in the performance of the Brazilian economy or to hedge against the risk of investing in that economy.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–95–54 and should be submitted by December 7, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28249 Filed 11–15–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36466; File No. SR–NASD–95–45]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to an Amendment to Article II, Section 4 of the NASD By-Laws Relating to the Eligibility Provisions for Members and Associated Persons

November 8, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 31, 1995,[1] the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend Article II, Section 4 of the NASD By-Laws to conform these provisions to changes adopted by Congress. Below is the text of the proposed rule change. Proposed new language is italicized and deleted language is bracketed:

Article II, Section 4

Definition of Disqualification

Sec. 4. A person is subject to a ''disqualification'' with respect to membership, or association with a member, if such person:

[Commission and Self-Regulatory Organization Disciplinary Sanctions]

(a) has been and is expelled or suspended from membership or participation in, or barred or suspended from being associated with a member of, any self-regulatory organization, *foreign equivalent of a self-regulatory organization, foreign or international securities exchange,* contract market designated pursuant to Section 5 of the Commodity Exchange Act, *or a foreign equivalent of a contract market designated pursuant to* [or futures association, registered under Section 17 of such Act, or] *any substantially equivalent foreign statute or regulation, or futures association registered under Section 17 of the Commodity Exchange Act or a foreign equivalent of futures association designated pursuant to any substantially equivalent foreign statute or regulation,* or has been *and is denied trading privileges on any such contract market or foreign equivalent;*

[(b) is subject to an order of the Commission or other appropriate regulatory agency denying, suspending for a period not exceeding twelve months, or revoking his registration as a broker, dealer, municipal securities dealer (including a bank or department or division of a bank), or government securities broker or dealer or barring or suspending him from being associated with a broker, dealer, or municipal securities dealer (including a bank or department or division of a bank), or is subject to an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act;]

(b) is subject to—

(1) an order of the Commission, other appropriate regulatory agency, or foreign financial regulatory authority:

(i) denying, suspending for a period not exceeding 12 months, or revoking his registration as a broker, dealer, municipal securities dealer, government

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[3] 17 CFR 200.30–3(a)(12).

[1] The proposed rule change was originally submitted on October 3, 1995, but was subsequently amended on October 31, 1995. This notice incorporates the amendment of October 31, 1995. The amendment is available for inspection and copying in the Commission's Public Reference Room.

securities broker, or government securities dealer or limiting his activities as a foreign person performing a function substantially equivalent to any of the above; or

(ii) barring or suspending for a period not exceeding 12 months his being associated with a broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or foreign person performing a function substantially equivalent to any of the above;

(2) an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.); or

(3) an order by a foreign financial regulatory authority denying, suspending, or revoking the person's authority to engage in transactions in contracts of sale of a commodity for future delivery or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent thereof;

(c) by his conduct while associated with a broker, dealer, municipal securities dealer [(including a bank or department or division of a bank)], [or] government securities broker, or *government securities* dealer, or while associated with an entity or person required to be registered under the Commodity Exchange Act, has been found to be a cause of any effective suspension, expulsion or order of the character described in subsections (a) or (b) of this Section;

(d) by his conduct while associated with any broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or any other entity engaged in transactions in securities, or while associated with an entity engaged in transactions in contracts of sale of a commodity for future delivery or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent thereof, has been found to be a cause of any effective suspension, expulsion, or order by a foreign or international securities exchange or foreign financial regulatory authority empowered by a foreign government to administer or enforce its laws relating to financial transactions as described in subsection (a) or (b) of this Section;

[(d)]*(e)* has associated with him any person who is known, or in the exercise of reasonable care should be known, to him to be a person described in subsections (a), (b), [or] (c), *or (d)* of this Section;

[Misstatements]

[(e)]*(f)* has willfully made or caused to be made in any application for membership in a self-regulatory organization, or to become associated with a member of a self-regulatory organization, or in any report required to be filed with a self-regulatory organization, or in any proceeding before a self-regulatory organization, any statement which was at the time, and in light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact which is required to be stated therein;

[Convictions]

[(f)]*(g)(1)* has been convicted within ten years preceding the filing of any application for membership in the Corporation, or to become associated with a member of the Corporation, or at any time thereafter, of any felony or misdemeanor *or of a substantially equivalent crime by a foreign court of competent jurisdiction* which:

(i)[(1)] involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, *any substantially equivalent activity however denominated by the laws of the relevant foreign government*, or conspiracy to commit any such offense;

(ii)[(2)] arises out of the conduct of the business of a broker, dealer, municipal securities dealer, [or] government securities broker [or] *government securities* dealer, investment adviser, bank, insurance company, fiduciary, *transfer agent, foreign person performing a function substantially equivalent to any of the above*, or any entity or person required to be registered under the Commodity Exchange Act *or any substantially equivalent foreign statute or regulation*;

(iii)[(3)] involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities; or *substantially equivalent activity however denominated by the laws of the relevant foreign government*; or

(iv)[(4)] involves the violation of Sections 152, 1341, 1342 or 1343 or Chapters 25 or 47 of Title 18, United States Code [;], or a violation of a substantially equivalent foreign statute;

(g)(2) has been convicted within ten years preceding the filing of any application for membership in the Corporation, or to become associated with a member of the Corporation, or at any time thereafter of any other felony;

[Injunctions]

[(g)]*(h)* is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, [or] *municipal securities dealer*, government securities broker, [or] *government securities* dealer, *transfer agent, foreign person performing a function substantially equivalent to any of the above*, or entity or person required to be registered under the Commodity Exchange Act, *or any substantially equivalent foreign statute or regulation*, [municipal securities dealer (including a bank or department or division of a bank)], or [government securities broker or dealer or] as an affiliated person or employee of any investment company, bank, insurance company, *foreign entity substantially equivalent to any of the above*, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security;

(i) has been found by a foreign financial regulatory authority to have—

(1) made or caused to be made in any application for registration or report required to be filed with a foreign financial regulatory authority, or in any proceeding before a foreign financial regulatory authority with respect to registration, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign financial regulatory authority any material fact that is required to be stated therein;

(2) violated any foreign statute or regulation regarding transactions in securities, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade; or

(3) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign financial regulatory authority regarding transactions in securities, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign financial regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who

commits such a violation, if such other person is subject to his supervision.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend Article II, Section 4 of the NASD By-Laws so that it will generally conform the NASD's eligibility criteria to changes adopted by Congress in 1990 to the statutory disqualification provisions found in Sections 3(a)(39) and 15(b)(4) of the Act. The NASD's eligibility criteria found in Article II, Section 4 of the By-Laws generally have followed the aforementioned statutory disqualification provisions in the Act. In November 1990, Congress amended the statutory disqualification provisions of the Act to include all felony convictions for ten years from the date of the conviction and to include various foreign regulatory actions.

The NASD believes that the proposed rule change is consistent with the provisions of Sections 15A(b)(6) and 15A(g)(2) of the Act in that the proposed changes to the By-Laws will promote uniformity and consistency with existing provisions of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–95–45 and should be submitted by December 7, 1995.

IV. Commission's Findings and Order Granting Accelerated Approval

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, with the requirements of Sections 15(b)(7), 15A(b)(6), 15A(b)(7), 15A(g)(2), 15A(g)(3)(A) and 15A(g)(3)(B) of the Exchange Act.[2] Section 15(b)(7) states that a registered broker or dealer may not effect any transaction in, or induce the purchase or sale of, any security unless such broker or dealer meets standards of operational capability, and such broker or dealer and all persons associated with such broker or dealer meet certain standards of training, experience, competence, and other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors. Section 15A(b)(6) requires, in relevant part, that the rules of a registered securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest. Section 15A(b)(7) requires that the rules of a registered securities association provide that its members and persons associated with its members be appropriately disciplined for violation of any provision of the Act, the rules or regulations thereunder, the rules of the Municipal Securities Rulemaking Board, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from association with a member, or any other fitting sanction. Section 15A(g)(2) provides for a registered securities association to deny membership to any registered broker or dealer, and bar from becoming associated with a member any person, who is subject to a statutory disqualification. Section 15A(g)(3)(A) permits a registered securities association to deny membership to, or condition the membership of a registered broker or dealer if such broker or dealer does not meet standards of financial responsibility or operational capability, or if such broker or dealer or any natural person associated with such broker or dealer does not meet standards of training, experience, and competence as are prescribed by the rules of the association, or has engaged, and there is a reasonable likelihood he will again engage, in acts or practices inconsistent with just and equitable principles of trade. Section 15A(g)(3)(B) permits a registered securities association to bar a natural person from becoming associated with a member or condition the association of such person with a member if the person does not meet such standards of training, experience, and competence as are prescribed by the rules of the association, or has engaged, and there is a reasonable likelihood he will again engage, in acts or practices inconsistent with just a equitable principles of trade.

The Commission believes that the amendment to Article II, Section 4 of the NASD By-Laws will help the NASD in its efforts to protect investors and the public interest. The NASD's attempt to more closely conform Article II, Section 4 to the definition of statutory disqualification in the Act will enhance the NASD's authority with respect to persons subject to statutory disqualification. The amendment will allow the NASD to use this authority over such persons to better protect the integrity of its members and persons associated with its members.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the Federal Register. The Commission believes that accelerated approval of the NASD's proposal is appropriate given the fact that the amendment is modeled after the definition of statutory disqualification in the Act, and the importance of a self-regulatory organization's ability to exercise its authority over persons subject to statutory disqualification.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that

[2] 15 U.S.C. 78*o*(b)(7), 78*o*–3(b)(6), 78*o*–3(b)(7), 78*o*–3(g)(2), 78*o*–3(g)(3)(A), 78*o*–3(g)(3)(B),

proposed rule change SR–NASD–95–45 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28315 Filed 11–15–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36469; International Series Release No. 883; File No. SR–ODD–95–1]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Supplement to Options Disclosure Document Regarding Customized Foreign Currency Options With Customized Expiration Dates

November 8, 1995.

On October 26, 1995, the Options Clearing Corporation (''OCC''), on behalf of the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange''), submitted to the Securities and Exchange Commission (''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] preliminary copies of a supplement (''Supplement'') to the Options Disclosure (''ODD'') which describes the special exercise and assignment procedures for foreign currency options with customized expiration dates (''Customized expiration date FCOs''). Five definitive copies of the Supplement were delivered to the Commission on November 7, 1995.[2]

The proposed Supplement to the ODD provides for disclosure of certain unique aspects of the Exchange's Customized expiration date FCO proposal, which has been submitted to the Commission separately.[3] This Supplement, which is to be read in conjunction with the more general ODD entitled ''Characteristics and Ricks of Standardized Options,'' describes, among other things, the special exercise and assignment procedures for Customized expiration date FCOs. Pursuant to Rule 9b–1, the Supplement will have to be provided to investors in this product before their accounts are approved for transactions in Customized expiration date FCOs or their orders for Customized expiration date FCOs are accepted.

The Commission has reviewed the ODD Supplement and finds that it complies with Rule 9b–1. The Supplement is intended to be read in conjunction with the ODD, which discloses the characteristics and risks of flexibly structured foreign currency options generally. The Supplement provides additional information regarding Customized expiration date FCOs sufficient to describe the special characteristics and risks of these products with respect to their exercise and assignment.

Rule 9b–1 provides that an options market must file five copies of amendments to a disclosure document with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors.[4] The Commission believes that it is consistent with the public interest and the protection of investors to allow distribution of the Supplement as of November 8, 1995, a date which is within 30 days of the date definitive copies of the Supplement were submitted to the Commission. Specifically, the Commission believes that, because the Supplement provides adequate disclosure of the special characteristics and risks of these products with respect to their exercise and assignment, thereby helping to ensure that customers engaging in Customized expiration date FCOs are cable of understanding the risks of such trading activity, it is consistent with the public interest for it to be distributed to investors before the planned commencement of, or simultaneously with, trading in Customized expiration date FCOs on the Exchange.

It is therefore ordered, pursuant to Rule 9b–1 under the Act,[5] that the proposed Supplement to the ODD (SR–ODD–95–1) to accommodate the Exchange's proposed trading of Customized expiration date FCOs is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28317 Filed 11–15–95; 8:45 am]

BILLING CODE 5010–01–M

[Release No. 34–36474; File No. SR–PSE–95–27]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Incorporated Relating to the Amendment of its Minor Rule Plan To Include Certain Rules on Financial Reporting and Cooperation in Exchange Investigations and the Establishment of a Charge for the Late Filing of Periodic FOCUS Reports

November 9, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 17, 1995, the Pacific Stock Exchange, Incorporated (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposed to amend its Minor Rule Plan to include certain rules on financial reporting and cooperation in Exchange investigations. The Exchange is also proposing to amend its rules to establish an administrative charge for the late filing of quarterly FOCUS Reports. The text of the proposed rule change is as follows [new text is italicized]:

Minor Rule Plan

Rule 10.13(a)–(i)—No change.

(j) Minor Rule Plan: Record Keeping and Other Minor Rule Violations.

(j)(1)–(j)(4)—No change.

(j)(5) Failure to file a financial report or financial information in the type, form, manner and time prescribed by the Exchange. (Rule 2.12(a))

(j)(6) Delaying, impeding or failing to cooperate in an Exchange investigation. (Rule 10.2(b))

* * * * *

Minor Rule Plan Recommended Fine Schedule (Pursuant to Rule 10.13(f))

Rule 10.13(j).

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[3] 17 CFR 200.30–3(a)(12).

[1] 17 CFR 240.9b–1 (1994).

[2] See letter from Jean M. Cawley, OCC, to Michael Walinskas, Branch Chief, Office of Market Supervision, Division of Market Regulation, Commission, dated November 7, 1995.

[3] See Securities Exchange Act Release No. 36131 (August 22, 1995), 60 FR 44927 (August 29, 1995) (notice of File No. SR-PHLX-95–52).

[4] This provision is intended to permit the Commission either to accelerate or to extend the time period in which definitive copies of a disclosure document may be distributed to the public.

[5] 17 CFR 240.9b–1 (1994).

[6] 17 CFR 200.30-3(a)(39) (1994).

RECORD KEEPING AND OTHER MINOR RULE VIOLATIONS

	1st violation	2nd violation	3rd violation
1–4—No change:			
5. Failure to file a financial report or financial information in the type, form, manner and time prescribed by the Exchange. (Rule 2.12(a))	*$100*	*$250*	*$500*
6. Delaying, impeding or failing to cooperate in an Exchange investigation. (Rule 10.2(b))	*100*	*250*	*500*

* * * * *

Financial Reports

Rule 2.12(b)(1). Each member organization shall file with the Exchange a Report of Financial Condition on SEC Form X–17A–5 as required by Securities and Exchange Commission Rules *17a–5 and* 17a–10. Any member who fails to file such Report of Financial Condition in a timely manner shall be subject to late filing charges as follows:

Number of days late	Amount of charge
1–30	$200.00
31–60	400.00
61–90	800.00

Repeated or aggravated failure to file such Report of Financial Condition or failure to file such report for more than ninety days will be referred to the Ethics and Business Conduct Committee for appropriate disciplinary action.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's Minor Rule Plan (''MRP''),[1] set forth in PSE Rule 10.13, provides that the Exchange may impose a fine not to exceed $5,000 on any member, member organization, or person associated with a member or member organization, for any violation of an Exchange rule that has been deemed to be minor in nature and approved by the Commission for inclusion in the MRP. PSE Rule 10.13, subsections (h)–(j), sets forth the specific Exchange rules deemed to be minor in nature.

The Exchange is proposing to add the following provision to the MRP as PSE Rule 10.13(j)(5): ''Failure to file a financial report or financial information in the type, form, manner and time prescribed by the Exchange. (Rule 2.12(a)).'' [2] The Exchange is also proposing to amend its Recommended Fine Schedule to establish the following recommended fines for violations of PSE Rule 2.12(a): $100 for a first-time violation; $250 for a second-time violation; and $500 for a third-time violation.[3]

The Exchange is also proposing to add the following provision to the MRP as PSE Rule 10.13(j)(6): ''Delaying, impeding or failing to cooperate in an Exchange investigation. (Rule 10.2(b)).'' [4] The Exchange is also proposing to amend its Recommended Fine Schedule to establish the following recommended fines for violations of PSE Rule 10.2(b): $100 for a first-time violation; $250 for a second-time violation; and $500 for a third-time violation.

The Exchange believes that the rules proposed to be added to the MRP are either objective or technical in nature and are easily verifiable, thereby lending themselves to the use of expedited proceedings. The Exchange further believes that violations of such rules may require sanctions more severe than a warning or cautionary letter, but that full disciplinary proceedings (pursuant to PSE Rule 10.3) would, in general, be unsuitable because they would be costly and time consuming in view of the minor nature of the violations. Nevertheless, the Exchange notes that if a rule violation is particularly egregious or if the individual situation warrants such action, the Exchange may proceed with formal disciplinary action pursuant to PSE Rule 10.3, rather than with the MRP procedures under PSE Rule 10.13.

In addition, the Exchange is proposing to amend PSE Rule 2.12(b)(1) to establish an administrative charge for member organizations that are late in filing their periodic FOCUS Reports with the Exchange.[5] The proposed rule change would add a reference to Rule 17a-5 to the text of PSE Rule 2.12(b)(1), making the late filing of periodic FOCUS Reports subject to the same ''late charge'' schedule that currently applies to the late filing of annual FOCUS Reports required by Rule 17a-10 under the Act.[6]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7]

[1] The MRP was initially approved by the Commission in 1985. See Securities Exchange Act Release No. 22654 (Nov. 21, 1985), 50 FR 48853 (Nov. 27, 1985). Since 1985, the MRP has been amended several times. See, *e.g.*, Securities Exchange Act Release No. 36158 (August 25, 1995), 60 FR 45758 (September 1, 1995).

[2] PSE Rule 2.12(a) states: ''Every member organization which is not a member of another national securities exchange or registered national securities association which is the Designated Examining Authority for that member organization shall file with the Exchange answers to Financial Questionnaires, Reports of Income and Expenses and additional financial information in the type, form, manner and time prescribed by the Exchange.''

[3] For a discussion of the Exchange's Recommended Fine Schedule, see Securities Exchange Act Release No. 34322 (July 6, 1994), 59 FR 35958 (July 14, 1994).

[4] PSE Rule 10.2(b) states: ''No member or person associated with a member shall impede or delay an Exchange investigation with respect to possible violations within the disciplinary jurisdiction of the Exchange nor refuse to furnish testimony, documentary materials or other information requested by the Exchange during the course of its investigation. Failure to furnish such testimony, documentary materials or other information requested by the Exchange pursuant to this Rule on the date or within the time period required by the Exchange shall be considered obstructive of an Exchange inquiry or investigation and subject to formal disciplinary action.''

[5] The Exchange's plan filed pursuant to Rule 17a–5(a)(4) under the Act require PSE member organizations that are not exempt from Rule 15c3-1 under the Act (''Net Capital Rule'') to file periodic FOCUS Reports with the Exchange if the PSE is their designated examining authority (''DEA''). See 17 CFR 17a–5(a)(4); Securities Exchange Act Release No. 11935 (December 17, 1975), 40 FR 59706 (December 30, 1975) (order approving the PSE's plan pursuant to Rule 17a–5). In 1993, the SEC approved certain changes to the Net Capital Rule, including the elimination of an exemption for certain equity exchange specialists, effective as of April 1, 1994. See Securities Exchange Act Release No. 32737 (August 11, 1993), 58 FR 43555 (August 17, 1993). Consequently, as of April 1, 1994, a number of Exchange specialists became obligated to file FOCUS reports with the Exchange. Prior to April 1994, no PSE member organizations were required to file such reports with the Exchange.

[6] 17 CFR 17a–10.

[7] 15 U.S.C. 78f(b).

in general, and Sections 6(b)(5) and 6(b)(6), in particular, in that it is designed to promote just and equitable principles of trade, to protect investors and the public interest, and to provide that members of the Exchange are appropriately disciplined for violations of Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PSE–95–27 and should be submitted by December 7, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28318 Filed 11–15–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36468; International Series Release No. 882; File No. SR–PHLX–95–52]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 1 and 2 to Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Customized Foreign Currency Options With Customized Expiration Dates

November 8, 1995

I. Introduction

On July 27, 1995, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to provide for the trading of customized foreign currency options (''Customized FCOs'') with customized expiration dates.

The proposed rule change appeared in the Federal Register on August 29, 1995.[3] No comment letters were received on the proposed rule change. The Exchange subsequently filed Amendment No. 1 to proposal on September 14, 1995 [4] and Amendment No. 2 on November 7, 1995.[5] This order approves the Exchange's proposal, as amended.

II. Background and Description

Pursuant to the proposed rule change, the PHLX would be able to offer its FCO participants the ability to trade Customized FCOs [6] with non-standardized expiration dates. In effect, the proposal adds an additional term, ''expiration date,'' that can be tailored on a Customized FCO transaction. At present, pursuant to Exchange Rule 1012, FCO users can only trade Customized FCO contracts with expiration dates corresponding to those for non-Customized FCOs. Thus, Customized FCO contracts may only be traded with mid-month and end-of-month expirations at 1, 2, 3, 6, 9, 12, 18, and 24 months. The Exchange's proposal therefore revises this previously-standard term by allowing Customized FCO contracts to expire on any business day (excluding Exchange holidays, *e.g.*, Memorial Day, and Exchange-designated holidays, *e.g.*, Boxing Day) in any month up to two years from the date of its issuance. The Exchange represents that institutions and multinational corporations will thus be able to hedge their exchange rate exposure more accurately by trading a contract that expires on a trading day of their choosing.

Under the PHLX's proposal, any Customized FCO contract with a customized expiration date (''Customized expiration date FCOs'') will cease trading at 9:00 a.m., Philadelphia time, on its expiration date, and will expire at 10:15 a.m., Philadelphia time, on that date. Customized FCOs with expiration dates established pursuant to PHLX Rule 1012 (*i.e.*, Customized FCOs with expiration dates corresponding to the expiration dates for non-Customized FCOs), however, will not follow this procedure. Instead, maintaining current practice,

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] See Securities Exchange Act Release No. 36131 (August 22, 1995), 60 FR 44927 (August 29, 1995).

[4] Amendment No. 1 to the proposed rule change: (1) Revises the language of Exchange Rule 1069(a) to specify that a FCO with a customized expiration date may only be created with an expiration date of up to two years from the date of its issuance; and (2) provides that with respect to FCOs with customized expiration dates, Exchange member organizations will be required to utilize a pro-rata method of assignment for its customers. This procedure is set forth in new subsection (k) to Rule 1069. *See* letter from Michele R. Weisbaum, Associate General Counsel, PHLX, to Michael Walinskas, Branch Chief, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, dated September 14, 1995 (''Amendment No. 1'').

[5] Amendment No. 2 to the proposed rule change establishes in new subsection (iv) to PHLX Rule 1000(b)(21) when a Customized expiration date FCO may expire. According to the PHLX's amendment, a Customized expiration date FCO will expire at 10:15 a.m., Philadelphia time, on its designated date provided that such date is not longer than two years from its date of issuance and is an Exchange business date (excluding regular mid-month and end of month expiration dates and days deemed invalid by the Exchange, such as Exchange holidays and Exchange-designated holidays). See letter from Michele R. Weisbaum, Associate General Counsel, PHLX, to Michael Walinskas, Branch Chief, OMS, Division, Commission, dated November 7, 1995 (''Amendment No. 2'').

[6] Users of FCOs have been able to trade Customized FCOs on the PHLX since November 1994. See Securities Exchange Act Release No. 34925 (November 1, 1994), 59 FR 55720 (November 8, 1994) (order approving File No. SR–PHLX–94–18) (''Securities Exchange Act Release No. 34925''). Through this mechanism, participants in the PHLX's Customized FCO market have the ability to customize their strike price and quotation method, and may choose any underlying and base currency combination from all Exchange-listed currencies.

these option contracts will cease trading at 2:30 p.m., Philadelphia time, on their expiration date, and expire at 11:59 p.m., Philadelphia time, on the same date, even if intentionally or unintentionally designated as a Customized FCO with a customized expiration date.

Under the PHLX's proposal, new series of Customized expiration date FCOs with ''same day'' expiration dates may not be opened. In contrast, new series of Customized FCOs with standardized expiration dates may be opened on their expiration dates. Previously opened positions, however, may continue to be reduced or increased on their expiration date until the end of the trading times noted above, regardless of whether the FCO contains a customized or standardized expiration date.

In all other respects, transactions in Customized FCOs containing a customized expiration date shall be treated identically to other Customized FCOs. Moreover, all existing Exchange rules and regulations, including those involving surveillance and sales practice, will be applicable to Customized expiration date FCOs.

In addition, under the PHLX's proposal, Exchange member organizations will be required to utilize a pro-rata FCO assignments. Lastly, it is contemplated that the pro-rata process being implemented by the Exchange and its member organizations will be identical to that which the Options Clearing Corporation (''OCC'') will utilize for Customized expiration date FCO assignments.[7]

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Sections 6(b)(5) and 11A.[8] Specifically, the Commission believes that the proposed rule change is designed to provide investors with a tailored or customized product that may be more suitable to their investment needs. Moreover, consistent with Section 11A, the proposal should encourage fair competition among brokers and dealers and exchange markets, by allowing the PHLX to compete with the growing over-the-counter (''OTC'') market in Customized FCOs. In this regard, the Commission notes, the OTC derivatives market in Customized FCOs has developed, in part, because it meets the needs of institutional investors who require increased flexibility in satisfying particular investment objectives. Accordingly, the Commission believes that the PHLX's proposal is a reasonable response to meet the demands of sophisticated portfolio managers and other institutional investors who are increasingly using the OTC market in order to satisfy their foreign currency hedging needs.

The Commission also believes that the PHLX's proposal will help to promote the maintenance of a fair and orderly FCO market, consistent with Sections 6(b)(5) and 11A, because the proposal extends the advantages of a listed, exchange market to Customized FCOs with customized expiration dates. The attributes of the Exchange's FCO market versus an OTC market include, but are not limited to, a centralized market center, transparency, and secondary market liquidity. Similarly, by having the OCC as the issuer and guarantor of Customized expiration date FCOs, concerns regarding contra-party creditworthiness and performance upon exercise are eliminated. Accordingly, the Commission believes that the PHLX's proposal to trade Customized expiration date FCOs is appropriate.

Furthermore, the PHLX's proposal offers increased flexibility to institutional investors without increasing the potential for market manipulation. As all existing Exchange rules and regulations regarding surveillance and sales practice will apply to Customized expiration date FCOs, the PHLX will be able to continue to adequately monitor Customized FCOs including Customized expiration date FCOs.[9]

Finally, the Commission finds that Customized expiration date FCOs are standardized options for purposes of Rule 9b–1 under the Act.[10] The Commission notes that its determination that Customized expiration date FCOs are standardized options for purposes of Rule 9b–1 is consistent with its initial decision regarding Customized FCOs.[11]

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, Amendment No. 1 to the PHLX's proposal merely clarifies the proposal by adding language to Rule 1069 that specifies the necessary procedures for exercise and assignment, and, particularly, the implementation of pro-rata assignment for the product. The proposed use of pro-rata assignment was adequately described in the PHLX's proposal and was subject to a full notice and comment period.[12] As a result, the Commission does not believe that the amendment raises any new or unique regulatory issues. Accelerated approval of the amendment will therefore permit the Exchange to begin offering these products without further delay to those investors who desire an exchange-traded product that includes a customized expiration date. Accordingly, the Commission believes that it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 1 to the proposal on an accelerated basis.

The Commission also finds good cause for approving Amendment No. 2 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, Amendment No. 2 to the PHLX's proposal merely serves to codify in PHLX rules the Exchange's stated proposal, that was subject to a full notice and comment period,[13] regarding the specific time and date that Customized FCOs expire. As a result, the Commission does not believe that the amendment raises any new or unique regulatory issues. Accelerated approval of the amendment will therefore permit the Exchange to begin offering these products without further delay to those investors who desire an exchange-traded product that includes a customized expiration date. Accordingly, the Commission believes that it is consistent with Section 6(b)(5)

[7] The Commission notes that the PHLX has recommended to its member organizations that they adopt the same methodology as the OCC in determining pro-rata assignment for Customized expiration date FCO assignments. Moreover, if an Exchange member organization elects not to utilize the OCC's pro-rata procedures, member organizations have been instructed to notify the PHLX. Telephone Conversation between Michele R. Weisbaum, Associate General Counsel, PHLX, and Michael Walinskas, Branch Chief, OMS, Division, Commission, on November 1, 1995. See also Securities Exchange Act Release No. 36453 (November 2, 1995) (order approving OCC pro-rata allocation procedures for Customized expiration date FCO assignments).

[8] 15 U.S.C. 78f(b)(5) and 78k–1 (1988).

[9] The Commission notes that before trading in Customized expiration date FCOs may commence, the Commission must approve a supplement to the Options Disclosure Document (''ODD'') regarding this product. See SR–ODD–95–1.

[10] 17 CFR 240.9b–1 (1994).

[11] See Securities Exchange Act Release No. 34925, *supra note* 6. The Commission also notes that it has approved the listing by certain of the options exchanges to trade flexible exchange options on broad/based indexes with customized expiration dates (''FLEX Options'') See, e.g., Securities Exchange Act Release No. 31920 (February 24, 1993), 58 FR 12280 (March 3, 1993) (order approving listing and trading of FLEX Options on S&P 500 and 100 stock indexes).

[12] See supra note 3.

[13] See supra note 3.

of the Act to approve Amendment No. 2 to the proposal on an accelerated basis.

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 1 and 2 to the rule proposal. 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 this 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–95–52 and should be submitted by December 7 1995.

IV Conclusion

For the foregoing reasons, the Commission finds that the PHLX's proposal to trade Customized FCOs with customized expiration dates is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–PHLX–95–52), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28316 Filed 11–16–95; 8:45 am]

BILLING CODE 8010–01–M

[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36467; File No. SR–PHLX–95–33]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Automatic Execution of National Over-the-Counter Index Options

November 8, 1995.

On May 11, 1995, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to limit the eligibility of National Over-the-Counter Index (''XOC'') options for execution through the automatic execution (''AUTO–X'') feature of the PHLX's Automated Options Market (''AUTOM'') system. Specifically, the PHLX proposes to limit the AUTO–X eligibility of XOC options to XOC series where the bid is $10 or less. Under the proposal, XOC series where the bid is greater than $10 will no longer be AUTO–X eligible and will be executed manually.

Notice of the proposal appeared in the Federal Register on June 16, 1995. [3] No comment letters were received on the proposed rule change.

AUTOM, which has operated on a pilot basis since 1988 and was most recently extended through December 31, 1995,[4] is the PHLX's electronic order routing, delivery, execution and reporting system for equity and index options. AUTOM is an on-line system that allows electronic delivery of options orders from member firms directly to the appropriate specialist on the Exchange's trading floor.

Certain orders are eligible for AUTOM's automatic execution feature, AUTO–X,[5] which was approved as part of the AUTOM pilot program in 1990.[6] AUTO–X orders are executed automatically at the disseminated quotation price on the Exchange and reported to the originating firm. Orders that are not eligible for AUTO–X are handled manually by the specialist.[7]

In 1991, the Commission approved a PHLX proposal to extend AUTO–X to all equity options.[8] According to the PHLX, the Exchange initially implemented AUTO–X for all equity and index options.[9] The PHLX now proposes to limit the use of AUTO–X for XOC orders to XOC series where the bid is at or below $10; under the proposal, only those XOC series where the bid is at or below $10 at the end of the trading day will be eligible for AUTO–X, effective the next trading day.[10] The PHLX states that these lower-priced XOC series generally receive the most interest from public customers (*i.e.*, ''customers'' who are not associated with broker-dealer organizations or subject to discretionary authorization by associated persons of broker-dealers).[11]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4 (1994).

[3] See Securities Exchange Act Release No. 35822 (June 8, 1995), 60 FR 31334.

[4] See Securities Exchange Act Release No. 35183 (December 30, 1994), 60 FR 2420 (January 9, 1995) (order approving File No. SR–PHLX–94–41). See also Securities Exchange Act Release Nos. 25540 (March 31, 1988), 53 FR 11390 (order approving AUTOM on a pilot basis); 25868 (June 30, 1988), 53 FR 25563 (order approving File No. SR–PHLX–88–22, extending pilot through December 31, 1988); 26354 (December 13, 1988), 53 FR 51185 (order approving File No. SR–PHLX–88–33, extending pilot program through June 30, 1989); 26522 (February 3, 1989), 54 FR 6465 (order approving File No. SR–PHLX–89–1, extending pilot through December 31, 1989); 27599 January 9, 1990), 55 FR 1751 (order approving File No. SR–PHLX–89–03, extending pilot through June 30, 1990); 28625 (July 26, 1990), 55 FR 31274 (order approving File No. SR–PHLX–90–16, extending pilot through December 31, 1990); 28978 (March 15, 1991), 56 FR 12050 (order approving File No. SR–PHLX–90–34), extending pilot through December 31, 1991); 29662 (September 9, 1991), 56 FR 46816 (order approving File No. SR–PHLX–91–31, permitting AUTO–X orders up to 20 contracts in Duracell options only); 29782 (October 3, 1991), 56 FR 55146 (order approving File No. SR–PHLX–91–33, permitting AUTO–X for all strike prices and expiration months); 29837 (October 18, 1991), 56 FR 36496 (order approving File No. SR–PHLX–90–03, extending pilot through December 31, 1993); 32906 (September 15, 1993), 58 FR 15168 (order approving File No. SR–PHLX–92–38, permitting AUTO–X orders up to 25 contracts in all equity options); 34920 (October 31, 1994), 59 FR 55510 (November 7, 1994) (order approving File No. SR–PHLX–94–40, codifying eligibility of index options for AUTO–X); and 33405 (December 30, 1993), 59 FR 790 (order approving File No. SR–PHLX–93–57, extending pilot through December 31, 1994).

[5] Orders for up to 500 contracts are eligible for AUTOM and, in general, public customer orders for up to 25 contracts are eligible for AUTO–X. Currently, public customer orders in XOC options for up to 20 contracts are eligible for AUTO–X. See Securities Exchange Act Release Nos. 35782 (May 30, 1995), 60 FR 30136 (June 7, 1995) (order approving File No. SR–PHLX–95–30); and 32000 (March 15, 1993), 58 FR 15168 (March 19, 1994) (order approving File No. SR–PHLX–92–38). In USTOP 100 Index options, public customer orders for up to 50 contracts are eligible for executions through AUTO–X. See Securities Exchange Act Release No. 35781 (May 30, 1995), 60 FR 30131 (June 7, 1995) (order approving File No. SR–PHLX–95–29).

[6] See Securities Exchange Act Release No. 27599 (January 9, 1990), 55 FR 1751 (January 18, 1990) (order approving File No. SR–PHLX–89–03).

[7] See note 14, *infra.*

[8] See Securities Exchange Act Release No. 28978 (March 15, 1991), 56 FR 12050 (March 21, 1991) (order approving File No. SR–PHLX–90–34).

[9] According to the PHLX, index options became AUTO–X eligible in March 1991. In October 1994, the Exchange codified its practice of using AUTO–X for index options. See Securities Exchange Act Release No. 34920 *supra* note 4.

[10] The PHLX periodically will notify members that only those XOC series where the bid is at or below $10 at the end of the trading day will be eligible for AUTO–X. Telephone conversation between Edith Hallahan, Special Counsel, Regulatory Services, PHLX, and Yvonne Fraticelli, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on November 7, 1995.

[11] For example, the PHLX states that on trade date January 25, 1995, 40 XOC transactions occurred, 38 of which involved a customer. Only two of these trades involved execution prices greater than $20, while 10 trades were above $10 but less than $20; 28 customer trades were below $10. The 28

Continued

Accordingly, the Exchange believes that these series are the most appropriate for automatic execution.

According to the PHLX, the proposal is also a response to recent volatility in the over-the-counter (''OTC'') markets, which has made it increasingly difficult for specialists and market makers to monitor quotations to reflect changes in the markets for the underlying securities. The PHLX believes that market makers and specialists require sufficient time to adjust their quotations, particularly because participation in AUTOM and AUTO–X is mandatory.

In addition, the PHLX states that it is consistent with the practices of other options exchanges to limit automatic execution eligibility to certain series, such as near-term, at-the-money series.[12] Thus, for competitive reasons, the Exchange seeks to create a level playing field with respect to automatic execution parameters.

The Exchange notes that the proposal does not affect the AUTO–X eligibility of any other equity or index option. The PHLX intends to clearly communicate to its membership and AUTOM users, on a periodic basis, the proposed AUTO–X limitation for XOC options through an information circular.

The PHLX believes that the proposal is consistent with Section 6(b) of the Act, in general, and, in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade and to prevent fraudulent and manipulative acts and practices.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) in that the proposal is designed to promote just and equitable principles of trade and to protect investors and the public interest.[13] Specifically, the Commission believes that the proposal strikes a reasonable balance between preserving the benefits of AUTO–X for the XOC series traded most frequently by public consumers and providing PHLX market makers and specialists with sufficient time to update their quotations in higher-priced XOC series. In this regard, the PHLX has stated that most public customer orders in XOC options are for series where the bid is at or below $10. Thus, by maintaining the AUTO–X eligibility of such XOC orders, the proposal ensures that public customer orders in XOC options where the bid is at or below $10 will continue to receive the benefits of AUTO–X, including the guaranteed execution of public customer orders for up to 20 contracts in such XOC options at the displayed quote. Despite the change in AUTO–X eligibility for certain XOC series, the Commission notes that under PHLX rules public customer orders in XOC series where the bid is above $10 will continue to be guaranteed the best quoted bid or offer for at least 10 contracts.[14]

The continued availability of AUTO–X for those XOC series where the bid is $10 or less should help to maintain the depth and liquidity of the market for XOC options and minimize the number of XOC transactions that require manual execution on the Exchange floor, thereby providing the opportunity for increased efficiency in the handling of non-AUTOM orders. At the same time, requiring manual execution of orders in XOC series where the bid is greater than $10 should help to ensure that market makers and specialists have sufficient time to update their quotations to reflect changes in the markets for the underlying securities before executing an option order. Accordingly, the proposal should address the problems associated with the high volatility of the securities comprising the XOC, which has resulted in the need for PHLX specialists to frequently change quotes in the XOC.[15]

The Commission notes that the Chicago Board Options Exchange, Inc. (''CBOE'') limits the availability of automatic execution to certain options series. Specifically, on the CBOE only the four most active puts and calls in the two near-term months in Nasdaq 100 Index options, Standard & Poor's (''S&P'') 500 Index options, and S&P 100 Index options are eligible for the CBOE's Retail Automated Execution System (''RAES'').[16] The Commission is not aware of any significant negative comments associated with the CBOE's RAES policy. Accordingly, the Commission believes that it is reasonable for the PHLX, like the CBOE, to limit the use of automatic execution to those series most actively used by public customers.[17]

Finally, the PHLX has represented that it will communicate the change in AUTO–X eligibility to its members and AUTOM users through an information circular prior to implementing the rule. The PHLX also will periodically notify members about the new rule. The Commission believes that this will provide PHLX members and AUTOM users with adequate notice of the change in the availability of AUTO–X for XOC options.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (File No. SR–PHLX–95–33) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–28250 Filed 11–15–95; 8:45 am]

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customer trades represented 439 contracts out of a total of 531 contracts.

[12] See note 17, *infra,* and accompanying text.

[13] 15 U.S.C. § 78f(b) (1988 & Supp. V 1993).

[14] The Commission notes that under PHLX Rule 1033(a), ''Bids and Offers—Premium,'' specialists and Registered Options Traders are required to fill public customer orders to a minimum depth of 10 contracts at the best quoted bid or offer. As a matter of policy, public customer orders in XOC options where the bid is at or below $10 that are executed manually will be filled to a depth of 20 contracts at the best quoted bid or offer.

[15] The Commission notes that it considered the volatility of the XOC, in addition to other factors, in approving a PHLX proposal to widen the maximum quote spread parameters for higher-priced XOC options. See Securities Exchange Act Release No. 34781 (October 3, 1994), 59 FR 51467 (October 11, 1994) (order approving File No. SR–PHLX–94–28) (approving quote spreads of $2.00 for XOC options with bids of $20.00 to less than $40.00 and $3.00 for XOC options with bids of $40.00 or more).

[16] Telephone conversation between Dan Hustad, CBOE, and Yvonne Fraticelli, Attorney, Options Branch, Division, Commission, on July 7, 1995.

[17] The Commission would be concerned about any proposal that would limit the availability of automatic execution systems to only out-of-the-money series. See The Division of Market Regulation, The October 1987 Market Break (February 1988) at 8–22.

[18] 15 U.S.C. 78s(b)(2) (1984).

[19] 17 CFR 200.30–3(a)(12) (1994).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 21–32A, Control of Products and Parts Shipped Prior to Type Certificate Issuance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice announces the availability of proposed Advisory Circular (AC) 21–32A, Control of Products and Parts Shipped Prior to Type Certificate Issuance, for review and comments. The proposed AC 21–32A provides information and guidance concerning an acceptable means, but not the only means, of demonstrating compliance with the requirements of the Federal Aviation Regulations (FAR) part 21, Certification Procedures for Products and Parts.

DATES: Comments submitted must identify the proposed AC 21–32A, project number 94–031, and be received by December 30, 1995.

ADDRESSES: Copies of the proposed AC 21–32A can be obtained from and comments may be returned to the following: Federal Aviation Administration, Policy and Procedures Branch, AIR–230, Production and Airworthiness Certification Division, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Production and Airworthiness Certification Division, Room 815, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–8361.

Background

The proposed AC 21–32A provides information and guidance to FAA production approval and approved production inspection system holders concerning the control of products and parts shipped prior to the insurance of type certificate or supplemental type certificate.

Comments Invited

Interested persons are invited to comment on the proposed AC 21–32A listed in this notice by submitting such written data, or arguments as they desire to the aforementioned specified address. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21–32A may be examined before and after the comment closing date in Room 815, FAA headquarters building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

Issued in Washington, DC, on November 9, 1995.

Terry Allen,

Acting Manager, Production and Airworthiness Certification Division.

[FR Doc. 95–28345 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–M

Civil Tiltrotor Development Advisory Committee

Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act, Public Law (72–362); 5 U.S.C. (App. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) sponsored Civil Tiltrotor Development Advisory Committee (CTRDAC) to be held December 4 at 10:30 a.m. The meeting will take place at the U.S. Department of Transportation, 400 7th Street, SW., Washington, DC, in rooms 10234–10236.

The agenda for the final meeting of the CTRDAC will include:

(1) Discussion of the draft Civil Tiltrotor Development Advisory Committee Report

(2) Discussion of unresolved issues

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Karen Braxton, Staff Assistant to the Designated Federal Official on (202) 267–9451 prior to close of business on November 28. Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Noncomittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Braxton.

Members of the public may present a written statement to the Committee at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Karen Braxton (202) 267–9451 at least seven days prior to the meeting. Issued in Washington, D.C. on November 9, 1995.

Richard A. Weiss,

Designated Federal Official, Civil Tiltrotor Development Advisory Committee.

[FR Doc. 95–28346 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–71; Notice 2]

Bridgestone/Firestone, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Bridgetsone/Firestone, Inc. (Bridgestone/Firestone) of Nashville, Tennessee, has determined that some of its tires fail to comply with the labeling requirements of 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, ''New Pneumatic Tires for Vehicles Other Than Passenger Cars,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Bridgestone/Firestone has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on August 21, 1995 (60 FR 43491). This notice grants the application.

In FMVSS No. 119, Paragraph S6.5(b) specifies that each tire shall be marked with ''[t]he tire identification number required by Part 574 [Tire Identification and Recordkeeping] of this chapter.'' In Part 574.5, Paragraphs (a) through (d) specify the information which must be placed on the tire. Paragraphs (a) through (c) specify information relating to the identification of the manufacturer and tire size. Paragraph (d) specifies information relating to the specification of a code for the date of manufacture. Paragraph (d) states that the date code ''shall immediately follow'' the information specified in Paragraphs (a) through (c).

During the period of July 17, 1994 through April 24, 1995, Bridgestone/Firestone produced 19,563 tires which had incorrect serial numbers. The sizes of the subject tires are 8.25–20, 9.00–20, 10.00–20, and 11.00–20. In the incorrect serial numbers, the date code is at the beginning of the number rather than at the end, as required. The tires are labeled as ''384 V52JEFD'' instead of the required ''V52JEFD 384.'' The date code is ''384.''

Bridgestone/Firestone supported its application for inconsequential noncompliance with the following:

First, all tires manufactured in the affected size/type meet all requirements of Standard 119 except tire markings pertaining to [S6.5(b)].

Second, if there would be a need for the consumer or manufacturer representative (BFS) to read the serial, sufficient information exists to define the manufacturing location as Bridgestone/Firestone, Inc., Mexico City, Mexico. This situation has been reviewed with our Registration company and can be adequately handled.

Thirdly, a principal need for tire serials is identification for recall purposes. In the event of any future recall of these tires, the recall letter would explain the transposed marking

No comments were received on the application.

The primary safety purpose of requiring serial information on tires is to enable identification of them for the purposes of notification and remedy in the event they are determined to be noncompliant or incorporate a safety-related defect. If it is necessary to recall the tires that are the subject of this application, enough information exists on them to trace the tires back to their plant of manufacture. Further, Bridgestone/Firestone would explain

the transposed marking in the recall letter to the owners so that they can properly identify the subject tires. Because the noncompliance does not cause the tires to be unidentifiable, NHTSA does not believe it will adversely affect safety.

In consideration of the forgoing, NHTSA finds that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on November 9, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–28297 Filed 11–15–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

BACKGROUND: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid Office of Management and Budget (OMB) control number. Proposed revisions to the following currently approved collections of information have received approval from the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, and are hereby published for comment. At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the proposed revisions should be modified prior to the agencies' submission of them to OMB for review and approval. Comments are invited on: (a) Whether the proposed revisions to the following collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility; (b) the accuracy of the agencies' estimate of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before January 16, 1996.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Ninth Floor, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, D.C. 20219; Attention: Paperwork Docket No. 1557–0081 [FAX number (202) 874–5274; Internet address: reg.comments@occ.treas.gov]. Comments will be available for inspection and photocopying at that address.

Board: Written comments should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M–P–500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FDIC: Written comments should be sent to Jerry L. Langley, Executive Secretary, Attention: Room F–402, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments may be hand-delivered to Room F–402, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments will be available for inspection and photocopying in Room 7118, 550 17th Street, N.W., Washington, D.C. 20429, between 9:00 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Milo Sunderhauf, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed revisions to the collections of information may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Gates, OCC Clearance Officer, (202) 874–5090, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. McLaughlin, Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Proposal to revise the following currently approved collections of information:

Title: Consolidated Reports of Condition and Income.

Form Number: FFIEC 031, 032, 033, 034.

For OCC:

OMB Number: 1557–0081.
Frequency of Response: Quarterly.
Affected Public: National Banks.
Estimated Number of Respondents: 2,900 national banks.
Estimated Time per Response: 38.02 burden hours.
Estimated Total Annual Burden: 441,024 burden hours.

For Board:

OMB Number: 7100–0036.
Frequency of Response: Quarterly.
Affected Public: State Member Banks.
Estimated Number of Respondents: 1,002 state member banks.
Estimated Time per Response: 44.01 burden hours.

Estimated Total Annual Burden: 176,392 burden hours.

For FDIC:

OMB Number: 3064–0052.
Frequency of Response: Quarterly.
Affected Public: Insured State Nonmember Commercial and Savings Banks.
Estimated Number of Respondents: 7,011 insured state nonmember commercial and savings banks.
Estimated Time per Response: 27.87 burden hours.
Estimated Total Annual Burden: 781,473 burden hours.

The estimated time per response varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices).

General Description of Report: This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks). Except for select sensitive items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract: Consolidated Reports of Condition and Income are filed quarterly with the agencies for their use in monitoring the condition and performance of reporting banks and the industry as a whole. The reports are also used by the FDIC to calculate banks' deposit insurance assessments.

Current Actions: The new items that would be added to the Call Report are necessary to enhance the supervisory process for monitoring regulatory capital ratios, liquidity ratios, sales of assets, off-balance sheet derivative contracts, and managed credit card receivables. A number of items would be consolidated or deleted.

Type of Review: Revisitation.

The proposed revisions to the Consolidated Reports of Condition and Income (Call Report) that are the subject of this notice have been approved by the FFIEC for implementation as of the March 31, 1996, report date. The proposed changes affect several existing Call Report schedules. Unless otherwise indicated, the Call Report changes apply to all four sets of report forms (FFIEC 031, 032, 033, and 034). Nonetheless, as is customary for Call Report changes, banks are advised that, for the March 31, 1996, report date, reasonable estimates may be provided for any new or revised item for which the requested information is not readily available.

On August 2, 1995, the agencies jointly published for a 60-day public comment period a proposed Supervisory Policy Statement Concerning A Supervisory Framework for Measuring and Assessing Banks' Interest Rate Risk Exposure (60 FR 39495, August 2, 1995). That proposal included proposed Call Report schedules and draft instructions that would be implemented beginning with the March 31, 1996, report date, except by small banks that meet certain exemption criteria. Because comments were invited regarding the proposed Call Report interest rate risk reporting requirements and their paperwork implications, the proposed interest rate risk schedules are not covered by this notice.

The proposed revisions are summarized as follows:

Deletions and Reductions in Detail

The level of detail would be reduced in two areas for banks that file the FFIEC 031, 032, and 033 report forms (i.e., banks with $100 million or more in assets or with foreign offices). (Smaller banks that file the FFIEC 034 report forms do not provide these detailed data.) First, the breakdown of nontransaction accounts by type of depositor in the deposit schedule (Schedule RC–E) would contain fewer categories. The separate items for nontransaction accounts of ''U.S. branches and agencies of foreign banks'' and ''Other commercial banks in the U.S.'' would be combined into a single item. Similarly, the separate items for nontransaction accounts of ''Foreign branches of other U.S. banks'' and ''Other banks in foreign countries'' would be combined.

Second, a single income statement item for trading revenue would replace the separate items for foreign exchange trading gains (losses) and other trading gains (losses). The memorandum items providing a four-way breakdown of trading revenue by risk exposure (interest rate, foreign exchange, equity, and commodity and other), which were added in March 1995, would continue to be collected. The sum of the memorandum items would equal the new single income statement item.

Call Report items in the four following areas would be deleted:

(1) Memorandum items for total deposits, total demand deposits, and total time and savings deposits (in domestic offices) that have been collected in the deposit schedule for deposit insurance assessment purposes (Schedule RC–E, Memorandum items 4, 4.a, and 4.b).

(2) A deposit schedule memorandum item for total deposits (in domestic offices) denominated in foreign currencies (Schedule RC–E, Memorandum item 1.d).

(3) An income statement memorandum item for foreign tax credits (Schedule RI, Memorandum item 3). (This item has been completed only by banks that file the FFIEC 031, 032, and 033 report forms, i.e., banks with $100 million or more in assets or with foreign offices.)

(4) An income statement memorandum item for the taxable equivalent adjustment to pretax income (Schedule RI, Memorandum item 4). (This item has been applicable only to banks with foreign offices and $1 billion or more in assets that file the FFIEC 031 report forms.)

New Items

Call Report items in the following areas would be added:

(1) Capital and Asset Amounts Used in Calculating Regulatory Capital Ratios

At present, the Call Report includes a variety of items in several schedules which the agencies use to calculate the leverage and risk-based capital ratios for individual banks. However, a comparison of the agencies' regulatory capital standards to the information currently reported in the Call Report reveals that the Call Report does not collect all of the information that the agencies need to calculate each bank's Tier 1, Tier 2, and total capital in strict accordance with the definitions in the agencies' capital standards. Nevertheless, according to informal input received from bankers, banks routinely calculate their regulatory capital ratios at least quarterly for internal management purposes.

Thus, rather than introducing new Call Report items for specific elements of the regulatory capital ratio calculations that are not currently reported so that further refinements can be made to the banking agencies' formulas for calculating capital ratios, banks would begin to report the end results of their own internal regulatory capital analyses. Six new items would cover Tier 1 capital, Tier 2 capital, total risk-based capital, total risk-weighted assets (the denominator of the risk-based capital ratio, i.e., net of deductions), the excess amount of the allowance for loan and lease losses (if any), and ''average total assets'' (the denominator of the leverage capital ratio, i.e., net of deductions).

Banks would not be required to go to greater lengths to identify and determine the amounts to be reported in the six new capital-related items than they are currently doing when they calculate their capital ratios for internal

management purposes. Beginning to collect the six regulatory capital items in 1996 may provide a basis for eliminating at a later date some items now reported in the Call Report solely for risk-based capital calculation purposes. To assist banks in accurately reporting these capital items, an optional regulatory capital worksheet would be developed, provided regularly to banks, and updated as necessary.

In addition, the agencies understand that bankers and other interested parties have found it difficult and time-consuming to calculate the regulatory capital ratios for other banks using existing Call Report data. Consequently, the addition of these six items should simplify bankers' calculations of other banks' capital ratios as well as calculations made by other public users of bank Call Reports.

(2) Short-Term Liabilities and Assets

The staffs of the agencies plan to revise the liquidity ratios in the Uniform Bank Performance Report (UBPR) to focus on short-term and total non-core liabilities (instead of so-called ''volatile liabilities'') as well as short-term assets and liabilities. As a result, changes would be made to the reporting of maturity and repricing data for certain categories of liabilities and assets.

Accordingly, the following changes would be implemented:

(a) Other borrowed money—On the Call Report balance sheet, the two-way breakdown of ''Other borrowed money'' based on the original maturity of the borrowing would be changed to a two-way breakdown based on remaining maturity (Schedule RC, item 16).

(b) Time deposits—A number of changes would be made in the reporting of these data.

First, the maturity and repricing data for open-account time deposits of $100,000 or more, which are currently included with the maturity and repricing data for time deposits of less than $100,000 (in Schedule RC–E, Memorandum item 5), would be switched so that these data are included with the maturity and repricing data for time certificates of deposit of $100,000 or more (in Schedule RC–E, Memorandum item 6). (Schedule RC–E, Memorandum items 5 and 6 are not applicable to FDIC-supervised savings banks that must complete the Call Report's supplemental Schedule RC–J.)

Second, the maturity and repricing data for fixed rate and floating rate time deposits of less than $100,000, which are currently reported on a combined basis (in Schedule RC–E, Memorandum item 5), would be split so that the remaining maturity of fixed rate time deposits of less than $100,000 would be reported separately from the repricing frequency of floating rate time deposits of less than $100,000. A new time interval would also be added for these time deposits. Fixed rate time deposits less than $100,000 would contain a maturity category of over 12 months and floating rate time deposits of less than $100,000 would include a repricing interval of less frequently than annually. (Schedule RC–E, Memorandum item 5 is not applicable to FDIC-supervised savings banks that must complete the Call Report's supplemental Schedule RC–J.)

Third, two new Memorandum items would be collected in the deposit schedule for floating rate time deposits of $100,000 or more with a remaining maturity of one year or less and for floating rate time deposits of less than $100,000 with a remaining maturity of one year or less. These items would be collected from commercial banks. For FDIC-supervised savings banks, two new Memorandum items would be collected in supplemental Schedule RC–J for time deposits of $100,000 or more with a remaining maturity of one year or less and for time deposits of less than $100,000 with a remaining maturity of one year or less.

(c) Brokered deposits and deposits in foreign offices—New Memorandum items would be created for (i) Brokered deposits issued in denominations of less than $100,000 with a remaining maturity of one year or less, (ii) brokered deposits issued in denominations of $100,000 or more with a remaining maturity of one year or less, and (ii) for banks that file the FFIEC 031 version of the Call Report, time deposits in foreign offices with a remaining maturity of one year or less.

(d) Loans—For commercial banks, a single Memorandum item for floating rate loans with a remaining maturity of one year or less would be added to the loan schedule (Schedule RC–C). For FDIC-supervised savings banks, a single Memorandum item for loans with a remaining maturity of one year or less would be added to supplemental Schedule RC–J.

(e) Debt securities—For FDIC-supervised savings banks, a single Memorandum item for debt securities with a remaining maturity of one year or less would be added to supplemental Schedule RC–J. Savings banks would begin to complete this new item instead of an existing Memorandum item in the securities schedule on floating rate debt securities with a remaining maturity of one year or less (Schedule RC–B, Memorandum item 6). Commercial banks would continue to complete existing Memorandum item 6 in Schedule RC–B. In the new Memorandum item for savings banks, held-to-maturity securities would be reported at amortized cost and available-for-sale securities would be reported at fair value, consistent with the method of reporting these two categories of securities in the Schedule RC–B Memorandum item.

(3) Small Business Obligations Sold With Recourse

The agencies have issued rules to implement section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994. (For OCC: 60 FR 47455, September 13, 1995. For Board: 60 FR 45612, August 31, 1995. For FDIC: 60 FR 45606, August 31, 1995.) Section 208 provides that a qualifying insured depository institution that sells small business loans and leases on personal property with recourse is required to include only the amount of retained recourse in its risk-weighted assets when calculating its risk-based capital ratios, provided certain conditions are met. Section 208 also states that qualifying institutions should report these transactions in accordance with generally accepted accounting principles (GAAP) in the Call Report.

To be a qualifying institution, a bank must be well capitalized based on capital ratio calculations made without regard to the preferential capital treatment that Section 208 authorizes for these transactions. In addition, in general, for purposes of determining a bank's capital category under the prompt corrective action rules, the capital ratio calculations must be made without regard to the preferential Section 208 treatment.

The Call Report instructions for ''sales of assets'' will be revised to incorporate the GAAP reporting treatment for sales of small business obligations with recourse by qualifying institutions. Additionally, to enable the agencies to determine the capital ratios of institutions that have engaged in transactions covered by Section 208 on the ''without regard to'' basis mentioned above, Call Report items would be added for (i) the outstanding amount of small business obligations sold with recourse and (ii) the amount of retained recourse on such obligations.

(4) Credit Losses on Off-Balance Sheet Derivative Contracts

Banks that file the FFIEC 031 and 032 report forms (i.e., banks with $300 million or more in assets or with foreign offices) began to report information about past due derivatives in the Call

Report in 1994. However, some banks have incurred credit losses on their derivative contracts, but the agencies cannot track these losses for individual institutions or for the industry as a whole. Therefore, a new item would be added in which those banks that are required to report past due derivative data would also report their year-to-date credit losses on derivatives.

On a related matter, the Call Report instructions for reporting amounts associated with derivatives that are past due 90 days or more would be revised so that banks would begin to also include information about derivatives that, while not technically past due, are with counterparties that are not expected to pay the full amounts owed to the institution under the derivative contracts.

(5) Change in Frequency of Reporting on Securitized Credit Card Receivables

In order to evaluate the financial performance of credit card banks and other banks with credit card operations that have securitized and sold credit card receivables, the volume of receivables on all of the credit card accounts managed or serviced by a bank, both on and off of the books, must be known. Banks that file the FFIEC 031 and 032 report forms (i.e., banks with $300 million or more in assets or with foreign offices) report annually as of September 30 the outstanding amount of ''Credit cards and related plans'' that have been securitized and sold without recourse with servicing retained. In contrast, these banks report the amount of ''Credit cards and related plans'' on their books each quarter. Given the growth in the volume of bank credit card securitizations, these banks would begin to report the outstanding amount of securitized credit card receivables that they service on a quarterly rather than annual basis.

Instructional Changes

The following changes, which may affect how some banks report certain information in the Call Report, would be made to the instructions.

(1) Reporting of low level recourse for risk-based capital purposes—The three banking agencies amended their risk-based capital standards earlier this year to incorporate the low level recourse rule. (For OCC: 60 FR 17986, April 10, 1995. For Board: 60 FR 8177, February 13, 1995. For FDIC: 60 FR 15858, March 28, 1995.) Under this rule, when a bank has transferred assets with recourse, the amount of risk-based capital that must be maintained is limited to the bank's maximum contractual exposure under the recourse agreement if this is less than the amount of capital that would have to be held against the outstanding amount of the transferred assets.

In the Call Report materials distributed to banks for the first three quarters of this year, interim guidance has been provided on how low level recourse transactions should be reported in the risk-based capital schedule (Schedule RC–R). Under this interim guidance, a bank's maximum contractual exposure in a low level recourse transaction is multiplied by a factor that is a function of the risk weight category applicable to the transferred assets. The resulting amount is then reported in the Schedule RC–R item for the applicable risk weight and would thereby be included in the bank's risk-weighted assets. This interim guidance would now be formally incorporated into the Call Report instructions.

(2) Reporting of quarterly averages in a quarter when push down accounting has been applied—The instructions for the quarterly average calculations in Schedule RC–K would be clarified to indicate that banks acquired in push down transactions should calculate quarterly averages using only amounts for the days since the acquisition in the numerator and the number of days since the acquisition in the denominator.

(3) Instructions for Schedule RC–R, item 8, ''On-balance sheet asset values excluded from the calculation of the risk-based capital ratio''—Schedule RC–R, item 8, includes any positive fair values carried on the balance sheet for interest rate, foreign exchange, equity derivative, and commodity and other contracts that are treated as off-balance sheet instruments for risk-based capital purposes. Because the fair values of such contracts, if positive, are included in the calculation of their credit equivalent amounts for risk-based capital purposes, the reporting of these amounts in item 8 ensures that they are not ''double counted'' when the agencies calculate a bank's risk-weighted assets.

In contrast, the existing instructions indicate that accrued receivables associated with off-balance sheet derivative contracts are to be excluded from item 8 and assigned to the appropriate risk weight category in the same manner as other on-balance sheet items. However, consistent with GAAP, institutions may include accrued receivables related to derivative contracts in the fair value of such contracts. Thus, the instructions would be revised to permit institutions to report accrued receivables in item 8 when these amounts are included in a bank's credit equivalent amount calculations.

(4) Other—Instructions for mortgage servicing rights and trading accounts would be revised to bring them into conformity with GAAP. Clarifications or other conforming changes would also be made to several other instructions.

Request for Comment

Comments submitted in response to this Notice will be shared among the agencies and will be summarized or included in the agencies' requests for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize 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 request.

Dated: November 8, 1995.

James F.E. Gillespie,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, November 7, 1995.

William W. Wiles,

Secretary of the Board.

Dated at Washington, DC, this 9th day of November 1995.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 95–28251 Filed 11–15–95; 8:45 am]

BILLING CODES OCC: 4810–33–P 1/3; Board: 6210–01–P 1/3; FDIC: 6714–01–P 1/3

Customs Service

Country of Origin Marking Requirements for Wearing Apparel

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed change of practice; solicitation of comments.

SUMMARY: This notice advises the public that Customs proposes to change the practice regarding the country of origin marking of wearing apparel. Customs previously has ruled that wearing apparel, such as shirts, blouses, coats, sweaters, etc., must be marked with the name of the country of origin by means of a fabric label or label made from natural or synthetic film sewn or otherwise permanently affixed on the inside center of the neck midway between the shoulder seams or in that immediate area or otherwise permanently marked in that area in

some other manner. Button tags, string tags and other hang tags, paper labels and other similar methods of marking are not acceptable. The proposed change set forth herein would evaluate the marking of such wearing apparel on a case-by-case basis in order to determine whether the requirements of 19 U.S.C. 1304 are satisfied.

DATES: Comments must be received on or before January 16, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue NW., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1099 14th Street NW., Suite 4000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Monika Rice, Special Classification and Marking Branch, Office of Regulations and Rulings (202–482–6980).

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article. Part 134, Customs Regulations (19 CFR part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

The primary purpose of the country of origin marking statute is to ''mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will.'' *United States* v. *Friedlaender & Co.*, 27 CCPA 297, 302, C.A.D. 104 (1940). The clear language of section 1304 requires ''permanent'' and ''conspicuous'' marking, and to this end 19 CFR 134.41 provides, in part, that the degree of permanence should be at least sufficient to insure that in any reasonably foreseeable circumstance, the marking shall remain on the article until it reaches the ultimate purchaser unless it is deliberately removed, and that the ultimate purchaser in the U.S. must be able to find the marking easily and read it without strain.

In T.D. 54640(6), 93 Treas. Dec. 301 (1958), Customs determined that on and after October 1, 1958, wearing apparel, such as shirts, blouses, coats, sweaters, etc., must be legibly and conspicuously marked with the name of the country of origin by means of a fabric label or label made from natural or synthetic film sewn or otherwise permanently affixed on the inside center of the neck midway between the shoulder seams or in that immediate area or otherwise permanently marked in that area in some other manner. Button tags, string tags and other hang tags, paper labels and other similar methods of marking were not considered acceptable after October 1, 1958. The requirement in T.D. 54640(6) that the country of origin marking should appear on the inside center of the neck midway between the shoulder seams or in that immediate area is consistent with the Textile Fiber Products Identification Act as enforced by the Federal Trade Commission.

Subsequently, T.D. 55015(4), 95 Treas. Dec. 3 (1960), extended T.D. 54640(6), to allow the country of origin marking of reversible garments to be looped around the hanger. On the basis of this extension, Customs has allowed ladies reversible jackets to be marked with a cardboard hang tag affixed to the neck area by means of a plastic anchor tag. Customs noted that since the jacket was reversible, a fabric label sewn into the jacket could damage the jacket when the label was removed. Headquarters Ruling Letter (HRL) 731513 dated November 15, 1988. Similarly, in HRL 733890 dated December 31, 1990, Customs allowed women's reversible silk tank tops to be marked with a cloth label, showing the country of origin and other pertinent information sewn into a lower side seam, and a hang tag which also provided the required information attached at the neck. See also HRL 734889 dated June 22, 1993.

In order to allow more flexibility in achieving the objectives of the marking statute, Customs is now proposing to change its position and modify that portion of T.D. 54640(6) relating to the requirement of a fabric label or label made from natural or synthetic film sewn to the article, and the disallowance of button tags, string tags and other hang tags, paper labels and other similar methods of marking. Rather, Customs proposes to evaluate the country of origin marking of wearing apparel, such as shirts, blouses, coats, sweaters, etc., on a case-by-case basis to determine if it is conspicuous, legible, indelible, and permanent to a degree sufficient enough to remain on the shirt until it reaches the ultimate purchaser. The portion of T.D. 54640(6) relating to the requirement of placing the country of origin marking at the inside center of the neck of a shirt midway between the shoulder seams or in that immediate area, shall remain in effect.

It should be noted that this proposed change in practice does not exempt textile fiber products imported into the U.S. from the labeling requirements of the Textile Fiber Products Identification Act enforced by the Federal Trade Commission.

Authority

This notice is published in accordance with § 177.9, Customs Regulations (19 CFR 177.9).

Comments

Before adopting this proposed change in position, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Franklin Court, 1099 14th Street NW., Suite 4000, Washington, DC.

George J. Weise,

Commissioner of Customs.

Approved: October 24, 1995.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–28265 Filed 11–15–95; 8:45 am]

BILLING CODE 4820–02–P

Fiscal Service

1996 Fee Schedule for the Transfer of U.S. Treasury Book-Entry Securities Held at Federal Reserve Banks

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is announcing the schedule of fees to be charged in 1996 on the transfer of book-entry Treasury securities between depository institution accounts maintained at Federal Reserve Banks and Branches, as well as transfers to and from Federal Reserve Bank accounts.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Carl M. Locken, Jr., Assistant Commissioner (Financing), Bureau of

the Public Debt, Room 534, E Street Building, Washington, D.C. 20239–0001, telephone (202) 219–3350.

Diane M. Polowczuk, Government Securities Specialist, Bureau of the Public Debt, Room 534, E Street Building, Washington, D.C. 20239–0001, telephone (202) 219–3350.

SUPPLEMENTARY INFORMATION: On October 1, 1985, the Department of the Treasury established a fee schedule for the transfer of Treasury book-entry securities between one book-entry account to another book-entry account of the same depository institution, and between the accounts of one depository institution and the accounts of another depository institution that maintain their accounts at Federal Reserve Banks and Branches. This fee schedule also applies to the book-entry transfer of securities between depositary institution accounts and Federal Reserve Bank accounts.

Based on the latest review of book-entry costs and volumes, the Treasury has decided that the fees for securities transfers in 1996 should remain unchanged from the levels currently in effect.

The fees described in this notice apply only to the transfer of Treasury book-entry securities. The Federal Reserve System assesses the fees to recover the costs associated with the processing of the funds component of Treasury book-entry transfer messages, as well as the costs of providing book-entry services for Government agencies. Information concerning book-entry transfers of government agency securities, which are priced by the Federal Reserve System, is set out in a separate notice published by the Board of Governors of the Federal Reserve System.

The following is the Treasury fee schedule that will be effective January 1, 1996, for the Treasury book-entry transfer service:

1996 FEE SCHEDULE

	Cost per transfer
On-line transfers originated	$1.65
On-line reversal transfers received	1.65
Off-line transfers originated	9.40
Off-line transfers received	9.40
Off-line reversal transfers received	9.40

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 95–28289 Filed 11–13–95; 1:59 pm]

BILLING CODE 4810–35–P

[Dept. Circ. 570, 1995 Rev., Supp. No. 3]

Surety Companies Acceptable on Federal Bonds; Redomestication; Pacific Insurance Company, Limited

Pacific Insurance Company, Limited, has redomesticated from the state of Hawaii to the state of Connecticut effective January 26, 1995. This was accomplished through a merger with Pacific Insurance Company of Connecticut, Hartford, Connecticut, and a simultaneous name change to Pacific Insurance Company, Limited. The company was last listed as an acceptable surety on Federal bonds at 60 FR 34445, July 1, 1995.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1995 revision, on page 34445 to reflect this change in state of incorporation.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782, telephone (FTS) 202–874–6507.

Dated: November 8, 1995.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 95–28349 Filed 11–15–95; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

Central and Eastern European Training Program

ACTION: Notice; request for proposals.

SUMMARY: The Office of Citizen Exchanges of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)-1 may apply to develop training programs in the areas of (1) local government/public administration, (2) independent media development, and (3) business administration. These projects should link the U.S. organization's international exchange interests with counterpart institutions and groups in Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Slovak Republic and Slovenia.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

The funding authority for the program cited above is provided through the Fulbright-Hayes Act.

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

Announcement Title and Number: All communications with USIA concerning this announcement should refer to the above title and reference number E/P–96–17.

Deadline for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Friday, January 12, 1996. Faxed documents will not be accepted, nor will documents postmarked January 12, 1996, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. CEETP–6 grant activity should begin after July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Contact the Office of Citizen Exchanges, European Division, E/PE, Room 216, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547, telephone: 202–619–5319, fax: 202–619–4530, e-mail address: (cminer@usia.gov) to request a Solicitation Package containing more detailed award criteria, required application forms, and standard guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

VIA INTERNET: The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/ or from the Internet Gopher at gopher.usia.gov, under ''New RFPs on Educational and Cultural Exchanges.''

Please specify USIA Program Officer Christina Miner on all inquiries and correspondence. Interested applicants should read the complete Federal Register announcement before sending inquiries or submitting proposals. Once

the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

SUBMISSIONS: Applicants must follow all instructions given in the Solicitation Package. The original and eight copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/P–96–17, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

DIVERSITY GUIDELINES: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTAL INFORMATION:

Overview

Proposals must be for projects which encourage the growth of democratic institutions and political and economic pluralism. The project may include: short-term professional training workshops conducted in Central/Eastern Europe; four-to-ten week internships in the U.S.; and professional training programs and study tours in the U.S. All proposals should demonstrate in-depth, substantive knowledge of the issues of concern to the countries listed above and the capacity to organize and conduct the program, including appropriate orientation activities for the participants; detailed work plan for all phases of the project; tentative agendas for study tours, workshops, and internships; letters of commitment from internship hosts; and selection procedures.

USIA will give priority to proposals from U.S. organizations which have established connections with partner institutions in Central/Eastern Europe. The in-country partners are expected to assist logistically and contribute to the realization of program goals and objectives. Applicants should demonstrate partner relationships by providing copies of correspondence or other materials as appendices to the proposals. In-country partners are encouraged to provide cost sharing or significant in-kind contributions such as local housing, transportation, interpreting, translating, and other local currency costs and to assist with the organization of projects.

Applicants are encouraged to consult with USIS offices regarding program content and partner institutions before submitting proposals.

Listed below in order of priority are the topics of interest for each of the countries included in the competition:

Albania: (1) Independent media development, including the development of reporters' investigative skills and editors' need to meet the consumers' desires for information about non-political social problems and issues; and (2) business administration.

Bosnia-Herzegovina: (1) Local government; (2) independent media development.

Bulgaria: (1) Independent media; (2) local government.

Croatia: (1) Independent media development, stressing management and organization; (2) local government; (3) business administration.

Czech Republic: (1) Independent media development; (2) local government.

Estonia: (1) Independent media development, particularly projects including U.S. internships; (2) business administration.

Hungary: (1) Business administration; (2) independent media development.

Latvia: (1) Independent media development, particularly investigative journalism, media ethics, photojournalism management, and business operations. Projects including U.S. internships are encouraged. (2) Business administration.

Lithuania: (1) Independent media development, specifically projects on reporting, implementation of fair media laws, management, advertising, and economic survival.

Macedonia: (1) Independent media development.

Poland: (1) Local government, particularly projects on the electoral system; (2) independent media development, especially projects focusing on the coverage of elections.

Romania: (1) Business administration; (2) local government.

Slovak Republic: (1) Independent media development, with an emphasis on training in management and advertising skills.

Slovenia: (1) Local government.

Guidelines

1. Proposals should limit their focus to one of the CEE countries and to one of the specified topics. Proposals for programs that are broader in scope will be eligible, but are less likely to receive USIA support. USIA will consider geographic distribution in selecting grantee institutions to ensure a wide distribution of the program.

2. All grant proposals must clearly describe the type of persons who will participate in the program as well as the process by which participants will be selected. Note that participants in CEETP–6 programs should be professionals working in the fields of local government, media, or business administration and not members of university faculties. In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to approve or reject participants recommended by the program institution. Programs must also comply with J–1 visa regulations.

3. Programs that include internships in the U.S. should provide letters tentatively committing host institutions to support the internships.

4. CEETP–6 grant projects should begin after August 1, 1996.

Note: Research projects or projects limited to technical issues are not eligible for support nor are film festivals or exhibits. Exchange programs for students or faculty or proposals that request support for the development of university curricula or for degree-based programs are also ineligible under this RFP. Proposals to link university departments or to exchange faculty and/or students are funded by USIA's Office of Academic Programs (E/EA) under the University Affiliation Program and should not be submitted in response to this RFP.

Funding

Proposals for less than $150,000 will receive preference.

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a breakdown reflecting both the administrative budget and the program budget. For better

understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding.

Allowable program costs include the following:

1. International and domestic air fares; visas; transit costs; ground transportation costs.

2. Per Diem. For the U.S. program, organizations have the option of using a flat 4140/day for program participants or the published U.S. federal per diem rates for individual American cities. For activities outside the U.S., the published Federal per diem rates must be used.

Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate.

3. Interpreters: If needed, interpreters for the U.S. program are provided by the U.S. State Department Language Services Division. A pair of simultaneous interpreters is provided for every four participants. USIA grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $140/day per diem for each Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. Book and cultural allowance. Participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a participant book allowance of $50. U.S. staff do not get these benefits.

5. Consultants can be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250 per day.

6. Room rental, which generally should not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop, and translate materials for participants.

8. One working meal per project. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one.

9. A return travel allowance of $70 for each participant which is to be used for incidental expenditures incurred during international travel.

10. Other costs necessary for the effective administration of the program, including salaries for grant organization employees, benefits, and other direct and indirect costs per detailed instructions in the application package.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions, including information on audit requirements and cost sharing.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the Agency contracts office, as well as the USIA Office of Eastern European and NIS Affairs and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to Agency mission. Program objectives should be reasonable, feasible, and flexible.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings, logistical capacity, and institution's ability to meet program objectives. Agenda and plan should adhere to the program overview and guidelines described above.

3. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. Cross Cultural/Area Expertise: Proposals should reflect the institution's expertise in the subject area and should address specific areas of concern facing countries involved in the project. Additionally, projects should show evidence of sensitivity to historical, linguistic and other cross cultural factors and should demonstrate how this sensitivity will be used in practical aspects of the program, such as pre-departure orientations or briefings of American hosts.

5. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's or project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

8. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) which ensures that USIA supported programs are not isolated events.

9. Project Evaluation: Proposals should include a plan to evaluate the project's success, both as the activities unfold and at the end of the program. USIA recommends that the proposal include a sample of the questionnaire or other method of project assessment as well as a description of how outcomes will be linked to original project objectives. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

10. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

12. Value to U.S.-Partner Country Relations: Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative.

Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures. Applicants will be notified of the results of the review process on or about June 10, 1996.

Dated: November 7, 1995.

Dell Pendergrast,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 95–28342 Filed 11–15–95; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

[Form Letter 40–12]

Proposed Information Collection Activity; Public Comment Request: Gravesite Reservation Survey; Virginia

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 by January 16, 1996.

ADDRESSES: Direct all written comments to George Vogel, National Cemetery System (403C), Department of Veterans Affairs, Washington, DC 20420. 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: 2900–0357.

Title and Form Number: Gravesite Reservation Survey, VA Form Letter 40–12.

Type of Review: Extension of a currently approved collection.

Need and Uses: The form letter is used to determine whether individuals holding gravesite reservations in national cemeteries wish to continue the reservation and whether their eligibility for the reservation has been affected.

Current Actions: From the late 1940's until January 1962, the Department of the Army allowed active duty servicepersons and surviving spouses of deceased veterans interred in national cemeteries to reserve gravesites for their interments. Recurring gravesite reservation surveys are necessary as some holders become ineligible, are buried elsewhere, or cancel their reservation; therefore, reserved gravesites would exist forever without use.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,000 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: Biennially.

Estimated Number of Respondents: 10,000.

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 7, 1995.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95–28313 Filed 11–15–95; 8:45 am]

BILLING CODE 8320–01–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 221
Thursday, November 16, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

''FEDERAL REGISTER'' CITATION ON 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: The Meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

This Notice Issued November 14, 1995.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 95–28466 Filed 11–14–95; 11:08 am]

BILLING CODE 6750–06–M

FEDERAL COMMUNICATIONS COMMISSIONS

FCC To Hold Open Commission Meeting, Monday, November 20, 1995

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Monday, November 20, 1995, which is scheduled to commence 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No. Bureau, and Subject

1—Cable Services—Title: Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992—Rate Regulation: Uniform Rate-Setting Methodology. Summary: The Commission will consider establishing a methodology under which cable operators may offer uniform services at uniform prices in multiple franchise areas.

2—Wireless Telecommunications and Mass Media—Title: Streamlining the Commission's Antenna Structure Clearance Procedure and Revision of Part 17 of the Commission's Rules Concerning Construction, Marking, and Lighting of Antenna Structures (WT Docket No. 95–5). Summary: The Commission will consider whether to replace the current antenna structure clearance process, which affects all licensees on such structures, with a simplified registration procedure affecting primarily structure owners and whether to amend Parts 1, 17, 21, 22, 23, 24, 25, 73, 74, 78, 80, 87, 90, 94, 95, and 97 to reflect revised FAA painting and lighting recommendations and to implement new statutory requirements, holding owners primarily responsible for painting and lighting antenna structures.

3—Common Carrier—Title: Access to Telecommunications Equipment and Services by Persons with Disabilities (CC Docket No. 87–124). Summary: The Commission will consider action concerning wireline telephone Hearing Aid Compatibility rules recommended by the Commission's Hearing Aid Compatibility Negotiated Rulemaking Committee.

4—International—Title: Market Entry and Regulation of Foreign-affiliated Entities (IB Docket No. 95–22, RM–8355, RM–8392). Summary: The Commission will consider action concerning standards for entry and regulation of foreign carriers seeking to provide services in the U.S. telecommunications market.

Additional information concerning this meeting may be obtained from Audrey Spivack or Maureen Peratino, Office of Public Affairs, telephone number (202) 418–0500.

Dated: November 13, 1995.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–28467 Filed 11–14–95; 11:08 am]

BILLING CODE 6712–01–M

Corrections

Federal Register
Vol. 60, No. 221
Thursday, November 16, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL-5325-6]

RIN 2060-AD93

National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)

Correction

In proposed rule document 95–27568 beginning on page 56133, in the issue of Tuesday, November 7, 1995, make the following correction:

On page 56133, in the second column, under **DATES:**, in the heading entitled ''*Public Hearing.*'', in the third line, ''November 21, 1995.'' should read ''November 17, 1995.''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28371]

Study of FAA Regulation and Certification Capabilities

Correction

In notice document 95–27229 beginning on page 55750, in the issue of Thursday, November 2, 1995, make the following correction:

On page 55750, in the third column, under **SUPPLEMENTARY INFORMATION:**, in the heading entitled ''Background'', in the first paragraph, in the second line from the bottom, ''AA'' should read ''FAA''.

BILLING CODE 1505–01–D

Federal Register

Thursday
November 16, 1995

Part II

Department of Transportation

Coast Guard

46 CFR Part 90, et al.
Offshore Supply Vessels; Interim Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 90, 98, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 170, 174, and 175

[CGD 82–004 and CGD 86–074]

RIN 2115–AA77

Offshore Supply Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule, with request for comments.

SUMMARY: The Coast Guard is publishing, as an Interim Rule, a complete set of regulations (a whole new subchapter L) applicable to new offshore supply vessels (OSVs), including liftboats, and is providing the opportunity for additional public comment. These regulations are needed to implement statutory changes to the certification and inspection of conventional OSVs, and the certification and inspection of hitherto-uninspected liftboats. They contain many changes to current regulations and policy governing conventional OSVs, contain first-time regulations for liftboats, and make specific revisions to accommodate these vessels' unique characteristics, their methods of operation, and their types of service. These regulations are intended to eliminate the practice of circumventing inspection of certain categories of OSVs and to improve the level of safety of all OSVs, including liftboats, which will now be certificated and inspected.

DATES: This Interim Rule becomes effective on March 15, 1996; comments must be received on or before February 14, 1996. OSVs certificated before March 15, 1996, may either comply with these regulations in their entirety or continue to comply with, and to be certificated under, current regulations and policy. The Director of the Federal Register approves the incorporation by reference of certain publications listed in the regulations as of March 15, 1996.

ADDRESSES: Comments should be mailed to Executive Secretary, Marine Safety Council (G–LRA, 3406) [CGD 82–004 or CGD 86–074], U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001. The comments and materials referred to in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council, U.S. Coast Guard, Room 3406, 2100 Second Street SW., Washington, DC 20593–0001. Comments may also be hand-delivered.

A Regulatory Assessment has been placed in the public docket for this rulemaking, and may be inspected and copied at the office of the Marine Safety Council, at the address listed above.

FOR FURTHER INFORMATION CONTACT: James M. Magill, Office of Marine Safety, Security, and Environmental Protection (G–MOS–2), Room 1208c, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, (202) 267–1181.

SUPPLEMENTARY INFORMATION:

Request for Comments

Because of the extended length of time from publication of the Notice of Proposed Rulemaking (NPRM) to publication of this interim rule, the Coast Guard encourages interested persons to participate in this rulemaking by submitting additional written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 82–004 and CGD 86–074) and the specific section of the rule or related documents to which each comment applies; and give a reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard recognizes that there are some differences in format and minor differences in terminology between this Interim Rule and the Supplementary Notice of Proposed Rulemaking for Small Passenger Vessel Inspection and Certification (CGD 85–080). The Coast Guard will be examining these differences with the object of attaining uniformity in format and terminology where identical requirements are intended. Differences in requirements may also be reconciled when the final rules for these two projects are published. Comments are invited identifying instances where apparently identical requirements are expressed differently, or where different requirements are imposed that may be candidates for uniform treatment.

The Coast Guard will consider all comments received during the comment period. The rule may be changed in light of comments received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information: Several offices at Coast Guard Headquarters participated in drafting this interim rule, but the principal persons involved in drafting this rule are James M. Magill, Project Manager, Office of Marine Safety, Security, and Environmental Protection, and Mr. Patrick J. Murray, Project Counsel, Office of the Chief Counsel.

Regulatory History

ANPRMs

Two Advance Notices of Proposed Rulemaking (ANPRMs) have appeared in this rulemaking.

On February 14, 1983, the Coast Guard published (48 FR 6636) an ANPRM, under CGD 82–004, to provide an early opportunity for public comment on a preliminary draft of a comprehensive set of requirements for inspection and certification applicable to new OSVs. Twenty-four comments were received, on various technical aspects of the proposal. Many of the recommendations from those comments were incorporated into the subsequent Notice of Proposed Rulemaking (NPRM) discussed below.

On April 16, 1987, the Coast Guard published (52 FR 12439) a second ANPRM, under CGD 86–074, asking for specific information to help the Coast Guard in developing specialized regulations for self-elevating OSVs (liftboats). Fourteen comments were received. Many of the recommendations from those comments were incorporated into the subsequent NPRM discussed below.

NPRM

On May 9, 1989, the Coast Guard published, under both CGD 82–004 and 86–074, an NPRM (54 FR 20006). The comment period had originally been scheduled to end on September 6, 1989, but on August 31, 1989 (54 FR 36040), it was extended until December 6, 1989. Included with the extension of the comment period was notice of a public hearing on the proposed rule, which hearing took place at New Orleans, Louisiana, on September 13, 1989. Twenty letters were received, containing one hundred and ninety-four comments on various technical aspects of the proposed rule. Many of the recommendations from those comments have been incorporated in this interim rule.

Discussion of This Interim Rule

Conventional OSVs have traditionally provided a wide range of supply and support to offshore industries extracting oil and minerals. Once, these vessels operated almost exclusively in the Gulf of Mexico; now, they operate worldwide.

Self-elevating OSVs, commonly known as liftboats, are more specialized in their service. These have built-in jacking-systems, which allow them to be ''jacked up'' above the ocean's surface and to become, in effect, stationary platforms for a temporary period. Once jacked up, these vessels render specific service, such as maintenance and construction, to adjacent offshore structures.

Conventional OSVs

Conventional OSVs are propelled by motor, measure less than 500 gross tons, and engage in short voyages. Until October 6, 1980, these vessels were—

(a) Inspected by the Coast Guard as cargo and miscellaneous vessels under 46 CFR subchapter I, if of over 15 and under 500 gross tons and carrying freight for hire;

(b) Inspected by the Coast Guard as small passenger-vessels under 46 CFR subchapter T, if of less than 100 gross tons and carrying more than six passengers for hire; or

(c) Not inspected by the Coast Guard, because they operated under ''bareboat charters''.

The vessels under subchapter I were known as ''supply boats.'' Typically, they were of steel construction, carried large amounts of deck cargo, and carried up to 16 persons in addition to the crew on domestic voyages as permitted by 46 U.S.C. 3304 (formerly 46 U.S.C. 882).

The vessels under subchapter T were known as ''crew boats.'' Typically, they were of aluminum or steel construction, were relatively swift, carried limited amounts of deck cargo, and carried a large number of passengers.

Pub. L. 96–378, enacted on October 6, 1980, made important changes to how conventional OSVs were to be inspected by the Coast Guard. (In 1983, the provisions of Pub. L. 96–378 were consolidated, without substantive change, and recodified in Title 46, U.S.C. Subtitle II. Its provisions are now contained principally in 46 U.S.C. 2101(19), 2101(21)(C), 3301(3), 3302(g), 3306, 3307, 3501, and 8301.) Among the changes mandated by Pub. L. 96–378 were the following:

(1) A controversial feature of the off-shore-support industry for many years had been its use of contractual arrangements, involving bareboat charters coupled with operating agreements, to circumvent a requirement for Certificates of Inspection from the Coast Guard. Pub. L. 96–378 eliminated this subterfuge by requiring all OSVs to be inspected.

(2) Pub. L. 96–378 defined an OSV as any vessel that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources, is propelled by machinery other than steam (is a motor vessel), is not a small passenger-vessel regulated under 46 CFR subchapter T, and is of between 15 and 500 gross tons. (This definition has persisted into 46 U.S.C. 2101(19).)

(3) Pub. L. 96–378 categorized conventional OSVs as follows:

(i) Pre-1979 OSVs—those (a) that were operating in support of the offshore industry on or before January 1, 1979, or (b) that were contracted for on or before that date and that entered into service before October 6, 1980.

(ii) All other OSVs. Since 1980, over 350 conventional OSVs have been certificated under subchapter I or T.

(4) Each conventional OSV, other than a pre-1979 OSV, is currently subject to inspection as follows:

(i) A vessel of more than 15 gross tons but less than 100 gross tons is subject to Coast Guard inspection under subchapter I or T, depending on the owner's preference and the vessel's principal use.

(ii) A vessel of 100 or more gross tons but less than 500 gross tons is subject to Coast Guard inspection under subchapter I.

(5) Each pre-1979 OSV continues to be subject to inspection under subchapter I or T as applicable. On October 20, 1980, the Coast Guard published (45 FR 69242) a final rule requiring that pre-1979 OSVs be registered with Officers in Charge, Marine Inspection, on or before January 6, 1981, and that they be certificated not later than two years from the date of registration. These vessels are not subject to existing regulations on major changes of structure or major replacements of equipment unless compliance is necessary to remove especially hazardous conditions. The legislative history of Pub. L. 96–378 states, in part, that OSVs should ''conform as closely as possible to inspection standards applied to new vessels''. However, Congress recognized that it would not be practicable to require major changes of structure or equipment on OSVs previously uninspected. Therefore, pre-1979 OSVs are not subject to standards that require those major changes unless the Coast Guard determines that those changes are necessary to remove unreasonable risks to the vessels or their crews. Note that 46 U.S.C. 2101 as amended now deems OSVs not to be tank vessels and, therefore, relieves them of having to meet requirements applicable to tank vessels for preventing oil pollution.

Liftboats

The high rate of casualties experienced by self-elevating OSVs (liftboats) requires the development of specific regulations that address liftboats' design, stability, construction, and operations. The Coast Guard anticipates that promulgation and enforcement of the regulations in this Interim Rule will render new liftboats substantially safer than their predecessors.

Again, on April 16, 1987, the Coast Guard published (52 FR 12439) an ANPRM, under CGD 86–074, asking for specific information to help the Coast Guard in developing specialized regulations for liftboats. As stated in this ANPRM, the need for regulations was based on the high incidence of casualties involving liftboats, and upon specific safety recommendations made by the National Transportation Safety Board (NTSB) in its review of those casualties.

The Coast Guard conducted its review of the available history of casualties from 1980 to 1987 in advance of the 1987 ANPRM. The review showed that over 20% of the approximately 250 liftboats in the fleet had been involved in reported casualties, resulting in 10 deaths, 33 serious injuries, constructive total loss of 13 vessels, and overall physical damage exceeding $20 million. Many of these casualties were directly attributable to inadequate design or improper operating procedures. The results of the 1987 review have been incorporated into the Regulatory Assessment referred to above under **ADDRESSES**. The review is also discussed, in more detail, in the following paragraphs.

Until 1988, the Coast Guard regulated liftboats primarily under 46 CFR subchapter C, which contains safety regulations for uninspected vessels. Virtually all liftboats were of under 300 gross tons and were, at that time, believed by the Coast Guard to provide mainly services under contract to the offshore industry; that is, these vessels and their crews were chartered by an operator to perform a particular function or task in support of offshore drilling or production. Since these vessels were of less than 300 gross tons and were not known or believed to be carrying goods and supplies in support of the offshore industry, they stood exempt from the

requirements for inspection and certification under the general provisions of Title 46, U.S.C. (Chapter 33 or Subtitle II).

The high incidence of casualties involving liftboats reflected in the 1987 review made it clear that the requirements in 46 CFR subchapter C were ineffective for promoting liftboats' safe operation. Further, the review showed that these vessels had been routinely carrying goods, supplies, equipment, and offshore workers to offshore structures, as well as performing their traditional function in support of construction and maintenance of offshore structures. Accordingly, the Coast Guard determined in 1988 to inspect liftboats as OSVs under 46 U.S.C. 3301(3). On March 23, 1988, the Coast Guard published guidance for the inspection of liftboats as Change 1 (CH–1) to Navigation and Vessel Inspection Circular 8–81 (NVIC 8–81), ''Initial and Subsequent Inspection of Uncertificated Existing Offshore Supply Vessels under Public Law 96–378.'' On May 21, 1991, the Coast Guard published NVIC 8–91, interim guidance for applying the requirements of Subchapters I and T to existing liftboats, as appears more fully below. NVIC 8–91 cancelled NVIC 8–81 and its CH–1.

Specialized OSVs

The 1987 ANPRM proposed that regulations for liftboats and other specialized OSVs be pursued in two distinct phases: Phase I to address liftboats; phase II to address specialized OSVs engaged in support of diving, of painting and sand-blasting, and so on. An analysis of the histories of casualties and of the operation of these specialized OSVs, conducted as a part of the effort to prepare the NPRM and this interim rule, shows that no additional regulations are necessary for these vessels as they are for liftboats. The requirements for new conventional OSVs in this rule will also apply to these specialized OSVs and should be sufficient to promote their safe operation. Consequently, the Coast Guard does not intend to act further on phase II of the 1987 ANPRM.

Existing OSVs

The Coast Guard has historically tried to let owners and operators of existing vessels, first coming under inspection for certification, continue operation without being unduly penalized by newly promulgated regulations, provided their operations can be conducted safely. Existing conventional OSVs, including pre-1979 OSVs, had been inspected and certificated under guidance provided in NVIC 8–81, and by additional guidance for inspecting liftboats published as CH–1 to NVIC 8–81. This additional guidance was developed to address the hazards contributing to the high number of liftboat casualties.

CH–1 to NVIC 8–81 extended to liftboats the same consideration permitted for conventional OSVs: relaxation of certain provisions of 46 CFR subchapter I or T. The Coast Guard is conscious of the economic hardship potentially imposed upon owners and operators of existing vessels first coming under inspection for certification. Therefore, in keeping with the intent of Public Law 96–378, it treated existing liftboats differently from new liftboats. CH–1 to NVIC 8–81 did not address features that can be addressed only in the design stage, such as main-hull strength and damage stability, since modification of existing vessels to meet recognized standards in these and other features is very costly. Instead, it limited the areas and conditions of operation according to vessels' design, including leg strength and stability. Over 50 liftboats applied for and received initial inspection for certification under CH–1 to NVIC 8–81.

Recently the Coast Guard became aware of a large number of existing liftboats designed and operated on inland waters or on State waters of Texas and Louisiana. These vessels are typically operated closer to harbors of safe haven than are larger, ocean-going liftboats. In response to requests from representatives of these liftboats, the Coast Guard revisited the issue of initial inspection for certification of existing liftboats. The result was NVIC 8–91. NVIC 8–91 incorporates the guidance of NVIC 8–81 and its CH–1, and provides further guidance toward a level of safety for smaller, existing liftboats equivalent to that for larger, existing or new, liftboats.

NVIC 8–91 is available for inspection and copying in the public docket. Also, copies of it are available from the Commanding Officer, Marine Safety Center; 400 Seventh Street SW., Washington, DC 20590–0001; Attn: NVICs. NVIC 8–91 costs $1.75, payable, in advance, by check or money order to ''Treasury of the United States''.

Intent

This interim rule applies to new OSVs: OSVs contracted for after these regulations take effect. It also applies to existing OSVs, including pre-1979 OSVs, if the owners of these OSVs wish.

Many of the requirements in this interim rule are similar to corresponding requirements in 46 CFR subchapters I and T. The Coast Guard has made every effort to select the most appropriate of those. The Coast Guard, when able, has modified existing regulations to consider the unique operation of OSVs and to recognize many of the policies developed for these vessels throughout the years where equivalent levels of safety have been demonstrated. When existing regulations have seemed confusing or in any way not clear enough as they apply to OSVs, the Coast Guard has made editorial changes. To the extent that this rule addresses the same issues as NVIC 8–91, it addresses them in the same way. The large majority of existing vessels have been certificated for restricted service because of their original designs. However, new liftboats should enjoy a wider and less restrictive scope of operation than those certificated before establishment of these regulations because compliance with standards of structural strength and of stability will render them able to do more.

Associated Regulatory Projects

On February 13, 1990, the Coast Guard published (55 FR 5120) an NPRM, under CGD 89–037, entitled Stability Design and Operational Regulations. On September 11, 1992, it published (57 FR 41812) the final rule. This interim rule subsumes that one. Both incorporate, for inspected vessels, recently adopted amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS). Both seek to reduce the potential for vessels' capsizing caused by defective designs or operations. This interim rule adds §§ 131.220 (e), (f), and (g); 131.513; and 131.620(d) to 46 CFR part 131.

Discussion of Specific Provisions, Including Comments on and Changes to the NPRM of May 9, 1989

The Coast Guard sought comments on all aspects of these regulations—from owners, operators, architects, and builders of vessels; material vendors, insurers, surveyors, and other persons involved with OSVs; and interested members of the public. It invited and encouraged interested persons to participate in this rulemaking by submitting written views, data, or arguments. It received 20 letters, containing 194 comments. It evaluated all comments, and incorporated many of their recommendations into this interim rule. Comments received are discussed below. Where section numbers in this rule differ from their counterparts in the NPRM, the counterparts appear in brackets.

One commenter suggested that 46 U.S.C. 3301(3) is flag-blind, and questioned what standards would apply to foreign-flag OSVs. In general, the operation of foreign-flag OSVs would not be permitted, since U.S. Customs has determined that the carriage of goods between offshore platforms in U.S. waters constitutes ''coastwise trade'' and would, therefore, if accomplished by these OSVs, violate the Jones Act. No OSVs carry goods between platforms in U.S. waters and a foreign port or the U.S. Virgin Islands. Current industry practice and platform locations make such trade highly unlikely.

One commenter asked for clarification of the Coast Guard's intent regarding different rules for OSVs depending on when vessels were built. Vessels previously inspected under 46 CFR subchapter I or T would continue to be inspected under those rules, coming under this interim rule only at the owners' option.

Two commenters stated that applicability provisions should require a vessel to complete significant construction within a reasonable time, to prevent circumvention of the new standards. The Coast Guard agrees and has inserted new § 125.100(c), to require 24 months for construction of the vessel.

One commenter noted that the proposed rule did not adequately address the carriage of Noxious Liquid Substances (NLSs). The Coast Guard agrees and has added § 125.120. It has also updated the provisions of 46 CFR subpart 98.31 and moved them into this section to clarify the carriage of NLSs on OSVs.

Several comments concerned reference in § 125.150 (§ 125.140) to proposed 46 CFR subchapter W (CGD 84–069), Lifesaving Equipment. The manager of that project will consider them along with others related to that project. Rather than refer to lifesaving requirements proposed for subchapter W, this interim rule refers to those already in subchapter I. When proposed subchapter W is promulgated, those of its requirements that govern OSVs will likely go into subchapter L, where part 133 is reserved for them. The Coast Guard has revised § 125.150 (§ 125.140).

One commenter questioned the definition of ''cargo gear'' in (§ 125.150(d)) and asked how this Interim Rule would treat cranes. Since OSVs seldom carry cargo gear in the traditional sense, but often carry cranes, the Coast Guard enlarged this definition to specifically comprehend cranes. (§ 125.150(d)) has become § 125.160 Crane, which specifically comprehends cranes.

One commenter urged use of ''offshore'' in the definition of ''Restricted Service'' in § 125.160 (§ 125.150(w)), parallel to its use in the definition of ''Offshore Supply Vessel'' in § 125.160 (§ 125.150(s)). A review of the legislative history of applicable statutes discloses no congressional intent to create a regulation-free zone for OSVs operating ''inshore or inland.'' ''Offshore'' as it figures in ''offshore supply vessel'' suggests the place where OSVs are designed and intended to operate, not where they happen to be operating at a particular moment. Accordingly, any OSV (including any liftboat)—operating on the navigable waters of the United States, and either carrying goods, supplies, or equipment, or providing service to or support of exploration, exploitation, or production of offshore mineral or energy resources—is subject to inspection. Section 125.160, therefore, does not include the use of ''offshore'' in the definition of ''Restricted Service''.

Two commenters indicated the practice of incorporation by reference in § 125.180 (§ 125.170) to be too troublesome and confusing. The practice is a procedure used by Federal agencies to regulate by reference to material already published and available elsewhere. This practice reduces the redundancy and bulk of the Federal Register and of the Code of Federal Regulations.

One commenter pointed out that the current edition, rather than an outdated edition, of the ABS's Rules for Mobile Offshore Drilling Units (MODUs) should be incorporated by reference in § 125.170. The NPRM of May 9, 1989, would indeed have incorporated by reference the Rules for MODUs from 1985. But later editions appeared in 1988 and 1991, and the parts of this final rule governing the leg strength and structural design of liftboats incorporate these instead. There has been considerable discussion in the Coast Guard and industry regarding the new ''unity check'' equation in the newer editions of the ABS's Rules, especially regarding its applicability to liftboat legs. This rule incorporates by reference the Rules for MODUs from 1994; but, as the preamble points out elsewhere, other forms of the ''unity check'' may be acceptable too.

One commenter suggested incorporating by reference in § 125.180 (§ 125.170) the standards of either the International Standards Organization (ISO 614, 1095, 3254, 3903, and 5779) or the British Standards Institute (BSI BS MA 24 & 25) for windows used in the side shell and in the deckhouse, and noted that either standard would affect proposed § 127.420. The Coast Guard does not agree. It has not evaluated either, to determine the impact of requiring their use. They are not known to most small U.S. shipyards, and casualty information has not demonstrated that such detailed standards are necessary. The Coast Guard may in any case accept compliance with them as demonstrating sufficient strength to satisfy the requirements in § 127.420. But it has not changed § 125.180 (§ 125.170).

One commenter suggested rewording (§ 125.180) to clarify the responsibility of the Marine Inspector regarding notice of deficiencies found. The responsibilities of the Marine Inspector are a matter of Coast Guard policy and appear in the Marine Safety Manual, NVICs, and Commandant Instructions. Because they are a matter of policy, because other subchapters concerning inspections leave policy to those sources, the Coast Guard has removed this section.

One commenter thought § 126.100 would give the Marine Inspector too much power to require tests and inspections. The Coast Guard does not agree. To ensure compliance with regulations, the Inspector needs flexibility to increase the scope of an inspection according to the conditions found when a vessel is boarded for whatever reason. The Inspector has to follow guidance from the cognizant OCMI; this, together with the appeal procedures available to the owner, keeps the Inspector from wielding excessive power.

One commenter suggested that § 126.110 require the owner or operator of a vessel to report an accident and make the vessel available for inspection afterward. Casualty reporting is already required under § 131.110, but the Coast Guard agrees that the burden to make the vessel available for inspection after a casualty or when important repairs or renewals are going on should rest with the owner or operator. It has changed § 126.110.

One commenter stated that the Permit to Proceed prescribed by § 126.120 should indicate whether the vessel may carry ''goods, supplies, (and) equipment'' as well as cargo and offshore workers. The Coast Guard agrees and has reworded § 126.120(c).

(§ 126.130), ''Inspection of Cargo Gear'', and (§ 126.140), ''Cranes'', have been merged in current § 126.130, ''Cranes'', because few OSVs carry any cargo gear except cranes.

One commenter urged the Coast Guard to revise § 126.140 (§ 126.150), to delegate drydockings for credit to classification societies' surveyors.

Under the Maritime Regulatory Reform Plan the Coast Guard may, in the future, further delegate responsibilities for inspections to classification societies' surveyors or other third parties. In the meantime in rare cases, considering them on their individual merits, the OCMI may accept alternatives, under the authority of § 125.170 (§ 125.160), if he or she is satisfied that they afford an equivalent level of safety.

On its own the Coast Guard realized that § 126.140 (§ 126.150) did not require an internal structural examination in conjunction with a drydocking for credit. For years it was standard practice to examine the internal structural members whenever a vessel was hauled out or placed on drydock. In 1988 the drydocking regulations in 46 CFR subchapter I changed; now they distinguish between ''drydock'' and ''internal structural'' examinations. To clarify the intent of this rule, the Coast Guard has revised § 126.140 (§ 126.150) to specifically require an internal structural examination at the same interval as drydocking, but not necessarily at the same time.

Several commenters asked that § 126.150 (§ 126.160) clarify which OCMI an owner should notify when repairs or alternations are due. The OCMI having jurisdiction in the zone where the repairs or alterations will occur is the one. Section 126.150(a) makes this explicit.

One commenter found confusing the separation of requirements in § 126.150 (§ 126.160) from similar requirements in (§ 131.220) and (§ 131.230), on reporting after certain accidents and reporting before certain repairs. The Coast Guard agrees and has combined all such requirements in § 126.150(a), eliminating (§ 131.220) and (§ 131.230).

One commenter stated that § 126.160(c)(1) (§ 126.170(c)(1)), should apply to a vessel under way and one in port but not to one in a shipyard or in a ship-repair facility, because these last two are subject to requirements of the Occupational Safety and Health Administration (OSHA) in 29 CFR part 1915. The Memorandum of Understanding between OSHA and the Coast Guard indicates, however, that the Coast Guard is the lead agency on inspected vessels. This section persists as proposed.

One commenter urged that the rule treat carriage of 36 or fewer offshore workers not as matter of applicability, as in (§ 125.100(a)(2)), but as an absolute limit, as in (§ 125.180). The Coast Guard agrees; it has shifted the burden of (§ 125.180) into current § 126.170 and eliminated (§ 125.100(a)(2)).

One commenter observed that § 126.170 (§ 126.180) does not address how offshore workers get on and off the vessel. The Coast Guard does not perceive this as a problem and knows of no statistical evidence to suggest that it is. This section persists as proposed.

Two commenters challenged (§ 126.180) over the number of offshore workers on OSV may carry. One commenter held a limit of 36 workers, at least when the vessel was operating overseas, too restrictive while the other held an allowance of more than 12, whatever the circumstances, too permissive. The Coast Guard does not agree with either commenter. The carriage of offshore worker is still limited to 16 on domestic voyages and 12 on international voyages, except aboard vessels designed and constructed to the stringent damage-stability requirements in current § 174.205. The actual number a vessel may carry will depend on the OCMI at the initial Inspection for Certification. The OCMI will consider space on the deck, sizes of the staterooms, availability of seating, number of bunks, number of toilets and washbasins, size of the vessel, and whether the offshore workers will be aboard for more than 24 hours. This section persists as proposed.

One commenter stated that Form CG–3752, ''Application for Inspection'', called out by (§ 126.230), needs revision. The commenter is right, and the Coast Guard will accomplish this in its next review of its information-collection budget for the Office of Management and Budget (OMB).

One commenter suggested revising § 126.240 to require all pages of the Certificate of Inspection to be visible when posted. The Coast Guard agrees and has reworded § 126.240 accordingly.

Form CG–858, ''Certificate of Inspection Amendment'', called out by § 126.270, has been discontinued. The Coast Guard has revised § 126.270 accordingly, and updated the Marine Safety Manual, volume II (change 3).

The Coast Guard wishes to emphasize that the inspections called for by § 126.340 and several other sections are the responsibility of the owner or operator in the first instance. Persons authorized by the Coast Guard carry out the inspections, but the owner or operator makes the vessel available without prompting.

One commenter stated that the inspections required by §§ 126.340 and 126.430 should specifically include liftboat legs. The Coast Guard agrees that some inspections should, and has added part 134 (reserved in the NPRM), which comprises added provisions for liftboats. The inspections required by current §§ 134.110, ''Initial Inspection'', and 134.120, ''Inspection for Certification'', specifically include liftboat legs.

Eight commenters stated that (§ 126.350) and (§ 126.440) were confusing, difficult to decipher, too detailed, and verbose. The Coast Guard agrees and has eliminated much of the original text. Section 126.350(b)(3) refers the reader to subpart 94.35 for guidance on the inspection of the installation of lifeboats, rescue boats, davits, and winches. Section 126.440 likewise refers the reader to § 91.25–15.

One commenter stated that the scope of reinspection in § 126.520 should be better defined. The Coast Guard does not agree. Once a vessel has passed inspection and received a Certificate of Inspection (COI), that vessel should be in compliance with the terms of its COI at all future times. To ensure this compliance, the Marine Inspector needs the flexibility to increase the scope of inspections according to conditions found. See the discussion of § 126.100, above.

On January 25, 1990, the Coast Guard published (55 FR 2525) alternative provisions for reinspection of OSVs in foreign ports under CGD 82–004a. These provisions now appear here, incorporated in § 126.530.

Two commenters stated that § 127.110(e), ''Electrical engineering'', should incorporate § 110.25 of this chapter both for vessels of under 100 gross tons and for vessels of 100 or more gross tons. The Coast Guard does not agree. The electrical requirements for vessels of under 100 gross tons are similar to the requirements in proposed subchapter T, which, in their current form, do not seem to have degraded the safety and reliability of electrical systems. This section persists as proposed.

Section 127.120(b) has changed to reflect the Marine Safety Center's new address.

Three commenters stated that § 127.240, ''Means of escape'', should require more. The first commenter urged adding that ''at least two means of escape from the same deck lead directly to the outside of the deckhouse'' and cited an accident where protective metal plates on windows were secured from the outside of the deckhouse. The second urged adding that ''all exposed peripheries within five feet of the scuttle be provided with permanent rails or bulwarks''. The third urged adding that vertical ladders be strong enough to support 1000 pounds. The Coast Guard disagrees with these additions, but has added § 127.440 to

require that any covering or protection placed over a window or porthole be capable of being readily removed or opened without anyone's having to go onto a weather deck.

Two commenters considered § 127.250, ''Ventilation for enclosed spaces'', too broad and yet too sparse in detail on remote stopping of ventilation. The requirements for remote stopping appear at § 129.540; adding them to § 127.250 would be redundant.

One commenter found § 127.270(g), on separating crew members' and offshore workers' accommodations impracticable and unnecessary. The NPRM, however, had allowed approval of an alternative arrangement by the OCMI; this Interim Rule allows it also.

None commenters stated that § 127.280, now ''Construction and arrangement of accommodations for crew members and offshore workers'', needed reworking. The Coast Guard agrees and has made several changes. From § 127.280(b)(1) it has dropped the requirements that seating must not be intended for any other use and that seating with crew members is not acceptable. From § 127.280(b)(2) if has dropped the requirement for aircraft-style seating when offshore workers are aboard for more than 12 hours. From § 127.280(b)(4) it has dropped the requirement of separate toilets and washbasins for offshore workers. And from § 127.280(d) it has dropped the requirement that boundary bulkheads and decks separating crew members' and offshore workers' accommodations from machinery spaces must be of ''A'' class construction as defined by § 92.07–5 of this chapter for vessels of less than 100 gross tons.

One commenter wanted § 127.320, ''Storm rails'', revised to read that suitable storm rails must be installed in all passageways and at the deckhouse sides, ''including in way of inclined ladders''—wherever persons aboard have normal access. The Coast Guard agrees and has corrected this section.

Two commenters stated that every covering or protection placed over a window or porthole during heavy weather should be capable of being readily removed or opened without anyone's having to go onto a weather deck. The Coast Guard agrees and has added § 127.440, ''Operability of Window Coverings''.

One commenter wanted § 127.420 to require windows and portlights to meet standards of the British Standards Institute if the vessel operated on oceans or partially protected routes. The Coast Guard disagrees because it has not evaluated these standards to determine the impact of their use, because they are not known to most small shipyards, and because reports and statistics on casualties have not demonstrated their necessity. This section persists as proposed.

One commenter stated that there is an enormous difference between vital systems for lifeboats and those for conventional OSVs and that § 128.130 should reflect this. The Coast Guard disagrees, respecting most vital systems. However, to affirm the stature of liftboat-jacking systems as vital systems it has moved its treatment of these from this section to part 134.

One commenter stated that the constraint on design ordained by (§ 128.310(b)), ''the use of a fuel with a flashpoint of lower than 110 degrees F. must be specifically approved by Commandant (G–MMS), except in an engine for a gasoline-powered rescue boat'', would be more appropriate in subpart I of part 131 as a constraint on operations. The Coast Guard does not agree. This constraint should influence the design, and the builder should seek the Commandant's approval, if necessary, early in design so any changes may occur before actual construction begins. This section persists as proposed.

One commenter stated that § 128.440 is too broad to establish minimum standards for designers and builders and that liftboats would have to meet the same requirements for bilge systems that MODUs already have to meet. The Coast Guard agrees in part. This section now contains paragraphs (a) and (b). Paragraph (a) reads, ''Except as provided by this section, each bilge-system installation must comply with §§ 56.50–50 and 56.50–55 of this chapter''. Paragraph (b) comprises the text proposed for § 128.440 as a whole.

One commenter believed that most switchboards aboard liftboats are too small for handrails as required by § 129.330(c). The Coast Guard does not agree. A non-conductive handrail is essential to the safety of crew members when operating the switchboard in any kind of seaway. This section persists as proposed.

One commenter stated that § 129.440(a) should also require emergency lighting in the engineroom. The Coast Guard agrees and has reworded the section to include working (machinery) spaces.

One commenter stated that § 129.530 should not exempt vessels of under 100 gross tons from installing a general alarm. The Coast Guard agrees and has reworded this section.

One commenter stated that § 129.540(a) should not exempt vessels of under 100 gross tons from installing remote stopping-systems. The Coast Guard does not agree. Elsewhere, this interim rule requires vessels of under 100 gross tons to have remote means of shutting down ventilation and a means of shutting down main propulsion machinery, both from the pilothouse. This section persists as proposed.

One commenter called redundant the requirement of § 130.120(c), that a vessel have a propulsion-control system operable from the pilothouse that shuts down main machinery independent of the remote stopping-system required by § 129.540(b)(1). The Coast Guard agrees and has changed § 130.120(c) so that a system in compliance with § 129.540 is also, by that fact, in compliance with § 130.120.

One commenter stated that § 130.120(d) should require most OSVs with controllable-pitch propellers to fail in the ahead mode since they normally back into rigs but should require most liftboats with controllable-pitch propellers to fail in the astern mode since they normally head into rigs. The Coast Guard disagrees. Statistics on accidents do not establish this as a problem. Maneuvering in a harbor or in close quarters with other vessels could prove disastrous if controllable-pitch propellers failed in any mode that causes the propulsion engine to over speed or the pitch of the propellers to increase. This section persists as proposed.

One commenter stated that § 130.130(j)(4) was unclear about the meaning of ''materially equivalent''. When a hydraulic-helm steering-system is installed with a duplicate power system for the main steering gear, the duplicate power system may be used to operate winch motors on deck or similar equipment if its hydraulic piping, for instance, is essentially identical to that of the steering system.

One commenter asked whether an ''orbitrol-type'' system counts as a hydraulic-helm steering-system according to § 130.140(a)(2). An orbitrol system is a type of hydraulic-helm steering-system.

One commenter stated that the reference by § 130.140(b)(15) to the ''hydraulic helm unit'' should be eliminated. The Coast Guard agrees, and has changed the section to read ''Manual capability to center and steady the rudder if the vessel loses normal steering power.''

One commenter stated that liftboats approach docks and offshore platforms head on and that, therefore, § 130.140 should not require after steering. After steering enters § 130.140(a)(1) by reference to subchapter F (§ 58.25–50), which does not require it if the steering

system complies with standards embodied in § 130.140(b) and if the vessel has adequate visibility when going astern. This section persists as proposed.

The requirement for gas masks in § 130.230 (§ 130.240) has given way to CGD 86–036, ''Updating Approval and Carriage Requirements for Breathing Apparatus'', published (57 FR 48320) as a final rule on October 23, 1992. Now a self-contained breathing apparatus (SCBA) is required for each refrigeration system exceeding 20 cubic feet of storage capacity and using ammonia or other hazardous gas, or exceeding 1000 cubic feet of storage capacity and using a fluorocarbon as refrigerant.

Two commenters called excessive the requirement in § 130.240 (§ 130.250), that liftboats comply with the ABS's rules for anchors. One commenter stated that the ABS's rules are an option for MODUs and should be for liftboats. The other stated that liftboats do not and would not use anchors often, and that this rule should allow smaller anchors than those allowed by the ABS's rules. The Coast Guard does not agree. Only MODUs that are not self-propelled and are towed from place to place are free to ignore those rules. Liftboats do not fit in that category; they need anchors in emergencies. They may, however, comply with rules from other classification societies instead of the ABS's rules, upon approval of the Commandant. This section persists as proposed.

One commenter stated that a new section should be added to require cargo fittings on weather decks to provide adequate lashing-points for deck cargo. The Coast Guard considers a uniform requirement on lashing an unnecessary economic burden and will leave the matter to the owners' desires.

One commenter found the requirements in §§ 130.310 for a marine radar and 130.320 for an electronic position-fixing device inadequate to assure navigational safety. The Coast Guard disagrees. There is a wide variety of radar and electronic position-fixing devices available, at many different prices. The Coast Guard does not prefer one to another. These sections persist as proposed.

Two commenters wanted a new section requiring Navtex receivers and fathometers. The Federal Communications Commission required on August 1, 1993 (47 CFR 80.1065(b)(1)), that OSVs of 300 or more gross tons carry Navtex receivers. The Coast Guard will not require that OSVs of under 300 gross tons do the same. OSVs are in constant contact with their bases or the offshore facilities they are serving. Using the required charts and electronic position-fixing devices, vessels will know depths of water well enough without fathometers. The Coast Guard considers a uniform requirement an unnecessary economic burden and will leave the matter to the owners' desires. No section was added.

One commenter wanted a new § 130.330(c) specifying that, ''when operating in foreign waters, an OSV may carry an appropriate foreign equivalent of any'' domestic item ''required by paragraph (a) of this section.'' The Coast Guard agrees and has added this wording.

One commenter wanted a new subsection in § 130.440 to require a public-address system for announcing instructions, advisories, and emergencies from the pilothouse. The Coast Guard disagrees. A general alarm in accordance with § 129.530 should serve to alert crew members and offshore workers to emergencies. This section persists as proposed.

Two commenters wanted all voids covered by § 130.460(b)(1), which already requires sensors for the high-bilge-level alarm in each space below the deepest load waterline that contains pumps, motors, or electrical equipment. The Coast Guard disagrees. This would be an unnecessary economic burden because the flooding of voids without apparent reason and without crew members' knowledge has not been a cause of casualties to OSVs. This section persists as proposed.

One commenter wanted a new subsection in part 131, proposed subpart I, ''Markings on Vessels'', to require markings on main decks over integral fuel and buoyancy tanks, to alert personnel where not to use tack welds when securing deck cargo. The Coast Guard disagrees. Using tack welds to secure deck cargo is inconsistent with sound policy for welding and burning on inspected vessels. Proposed subpart I has become current subpart B; otherwise, the subpart persists as proposed.

One commenter stated that § 131.220(c) (§ 131.920(b)) did not clearly indicate the datum line for draft measurements. The Coast Guard disagrees. This section persists as proposed.

One commenter stated that § 131.340(a)(5) (§ 131.340(1)(v)) was unclear where offshore workers should sit and what ''evenly distributed'' means. The Coast Guard disagrees. The workers should be seated and evenly distributed in the area specified by § 127.280(b)(1) (§ 127.280(a)(1)). Section § 131.340(a)(5) (§ 131.340(1)(v) persists as proposed.

One commenter urged that the instruction in § 131.340(a)(6) (§ 131.340(1)(vii)) to don lifejackets and immersion suits should be reworded. The Coast Guard agrees. Only if immersion suits are required aboard should offshore workers have to don them. The Coast Guard has reworded this section.

One commenter recommended that the Coast Guard develop—instead of § 131.420(c)(2), under which the OCMI may permit persons practiced in the handling of liferafts to substitute for deck officers, able seamen, and certificate persons—an appropriate scheme of testing and endorsement for persons in charge of survival craft. The whole point of § 131.420(c)(2) is to require either persons tested and endorsed, or persons demonstrably competent by standards less rigid, to be in charge of survival craft. But the Coast Guard will consider this recommendation while developing a rule to revise 46 CFR part 12, ''Certification of Seaman''.

One commenter suggested that in § 131.505(a) the word ''voyage'' should be replaced by ''away from shore''. The Coast Guard agrees and has reworded this section.

One commenter stated that § 131.560 as written was directed mainly at liftboats and should be rewritten to be directed at OSVs in general. The Coast Guard disagrees. Every word applies with full force to OSVs in general. This section persists as proposed.

One commenter recommended that § 131.580 cover the servicing of inflatable buoyant apparatus. The Coast Guard agrees and has reworded this section.

One commenter suggested that in § 131.610(a) the words ''Each OSV'' should read ''Each vessel''. The Coast Guard disagrees. This subchapter deals only with OSVs, even though some are liftboats. This section persists as proposed.

The Coast Guard has reworded § 131.860(b) to eliminate both paragraph (1)—and with it a reference to SOLAS—and paragraph (2), and to clarify its intent on the length of the painter.

One commenter recommended that § 131.865 cover the marking of inflatable buoyant apparatus. The Coast Guard agrees and has reworded this section.

One commenter suggested that the markings prescribed by § 131.893 for watertight doors and hatches read ''WATERTIGHT DOOR—KEEP CLOSED EXCEPT FOR PASSAGE'' and ''WATERTIGHT HATCH—KEEP CLOSED WHEN NOT IN USE''. The Coast Guard agrees and has reworded this section.

One commenter recommended adding ''operating a vessel while intoxicated'' to the grounds of criminal liability set forth by § 131.905(a)(3) (§ 131.1005(a)(3)). The Coast Guard disagrees because the section already implies those grounds.

Several commenters expressed the concern that, considering the service of OSVs, hand-operated fire pumps were inadequate on OSVs under 65 feet in length. The Coast Guard disagrees. The requirements in § 132.100 are similar to those in proposed subchapter T, which are similar to those in current subchapter T, which have caused no perceptible decline in safety. This section persists as proposed.

One commenter stated that § 132.120(j) could be construed to prohibit a ballast pump from use as a backup or standby fire pump. It can indeed be so construed, where a ballast pump is ''connected to a line for flammable or combustible liquid''; the Coast Guard wants it so construed, there—though not elsewhere. This section persists as proposed.

The Coast Guard has incorporated Chapter 4 of NFPA 10 into § 132.350(c)(1) as the standard to use when inspecting and testing portable fire extinguishers. It has deleted the requirements for portable fire extinguishers in proposed Table 132.350(a). It has combined the requirements for semiportable and fixed fire-extinguishing systems in proposed Tables 132.350 (a) and (b) into Table 132.350.

After reviewing spoken comments, made during the hearings in New Orleans, and written comments, the Coast Guard has consolidated items peculiar to liftboats spread throughout the NPRM into previously reserved part 134, now entitled ''Added Provisions for Liftboats.'' Part 133 is reserved for ''Lifesaving Systems''.

Two commenters will applaud § 134.140(a)(1), which clarifies a matter left ambiguous by proposed § 127.210(b)(1): whether the main hull of a liftboat constitutes part of the ''supporting structure''. It does, and must comply with section 3.11 of the ABS's Rules for Building and Classing Mobile Offshore Drilling Units.

Five commenters found a ''K'' factor of 2 for leg strength in § 134.140(a)(3) (§ 127.210(b)(3)) too restrictive. A ''K'' factor of 2 is conservative and in any case is just a starting-point. Section 134.140(a)(3) (§ 127.210(b)(3)) remains as before. The Coast Guard realizes that there may be any number of ways to calculate leg strength, so it has retained § 134.140(b) (§ 127.210(c)), to allow use of the standards of any classification society, or other established standard acceptable to Commandant (G–MMS), in determining structural strength.

Four commenters found the requirement in § 134.150(a), (§ 128.460), for design of rack-and-pinion jacking-systems to the standard of American Gear Manufacturer's Association inappropriate because the systems operate in a low-duty-cycle, slow, non-reversing, nearly static condition. The Coast Guard agrees and has rewritten § 134.150(a) (§ 128.460) so that these systems must comply with sections 4/1.13.1 through 4/1.13.3 of ABS's Rules for Building and Classing Mobile Offshore Drilling Units.

Four commenters stated that the requirement in § 134.150(b) (§ 130.210), for a loss of power or a failure of any one component if the liftboat-jacking system to activate an alarm, is impracticable. The Coast Guard agrees and has revised § 134.150(b) to require a visible and audible alarm for loss of power, loss of pressure in the hydraulic system, or low hydraulic-fluid level at the operating station.

Three commenters suggested requiring a tilt-level alarm on liftboats. The Coast Guard disagrees. A liftboat constructed to these rules will enjoy an increased level of safety over existing liftboats, and a tilt-level alarm is not essential for vessel safety. Owners may or may not install a tilt-level alarm, according to their desires.

Section 134.170 revises the requirement in (§ 131.1085), that each liftboat carry an operating manual. For the reference to § 109.212(c) it substitutes its own list.

To address the unique operating characteristics of liftboats, the Coast Guard has added § 134.180. This requires piping for fire-main suction while a liftboat is elevated.

Ten commenters opposed, or raised questions concerning, the requirement in (§ 174.180), that liftboats meet the same criteria for stability, whether intact or damaged, as conventional OSVs. It was never the Coast Guard's intention to impose on liftboats criteria for stability of conventional ship-shaped hulls.

Liftboats inspected under subchapter L need not meet the criteria in current subpart G of part 174 of subchapter S. Liftboats in unrestricted service must now, according to § 174.250, meet the same criteria for intact, damaged, and on-bottom stability as MODUs in subpart C of part 174 of subchapter S. Liftboats in restricted service must now, according to § 174.255, meet the criteria for intact, damaged, and on-bottom stability in § 174.255 itself. Both sets of criteria for liftboats inspected under subchapter L—in unrestricted service, and in restricted service—closely follow guidelines of NVIC 8–91.

Three commenters opposed liftboats' having to meet criteria for damaged stability in §§ 174.195–205. As outlined above, these criteria for damaged stability in subchapter G do not now apply to liftboats, since now all criteria for damaged stability for liftboats is contained in subpart H.

Three commenters stated that designing vessels to the criteria for damaged stability in § 174.205 is too hard. The Coast Guard disagrees. Vessels have already been designed, and built, to these criteria. Anyway, more stringent criteria for survivability are warranted for vessels that carry more than 16 offshore workers, and § 174.205 applies only to vessels that do.

Two commenters stated that all OSVs, including liftboats, should have to meet the standards for survivability of § 174.205(e), whether they carry more than 16 offshore workers or not. The Coast Guard disagrees. Damaged stability is not necessary on small passenger-vessels or small miscellaneous vessels unless the number of people aboard causes special concern; at least no statistical or anecdotal evidence suggests that it is.

One commenter found the intent of proposed § 174.205(f) unclear. So, on a later look, did the Coast Guard. Section 174.205(f) now reads: ''For paragraph (a) of this section, the buoyancy of any superstructure directly above the side damaged must be considered in the most unfavorable condition.''

The dimension requirement in § 174.220(a)(1) for hatches extending above the weather deck has been changed from 12 inches to 17½ inches to conform with loadline regulations in § 42.15–25(a)(ii) of this chapter. Also the dimension requirement in § 174.220(d) for watertight coamings in conjunction with weathertight doors has been changed from 6 inches to 15 inches to conform with loadline regulations in § 42.15–10(b) of this chapter.

One commenter recommended adding a statement to § 174.255(c) (§ 174.250(e)), that unless a liftboat could endure 100 knots of wind under severe-storm conditions it would be limited to service within 12 hours of a harbor of safe refuge. The Coast Guard disagrees. The definition of ''restricted service'' in § 125.160 already imposes this limit. Another commenter stated that § 174.255(c) (§ 174.250(e)), requires the same on-bottom stability for a liftboat in restricted service as for a MODU, or for a liftboat in unrestricted service. A liftboat in restricted service must endure 70 knots of wind under normal operating-conditions through its

area of operation and 100 knots under severe-storm conditions in a safe location, if the safe location is other than a harbor of safe refuge. A MODU, or a liftboat in unrestricted service, must endure 70 knots of wind under normal operating-conditions everywhere and 100 knots under severe-storm conditions everywhere. To better clarify this, the Coast Guard has added to § 174.255(c): ''* * * winds of 70 knots under normal operating-conditions and of 100 knots for severe-storm conditions when elevated in a safe location, if this location is other than a harbor of safe refuge.''

One commenter suggested adding another section to § 174.255 (§ 174.250), requiring that a vessel show reserve leg-height while both jacked up and subject to 100 knots of wind if it would qualify for unrestricted service. The Coast Guard disagrees. It considers reserve leg-height in determining a route, given restricted service, not in determining whether a liftboat qualifies for unrestricted rather than restricted service.

One commenter called arbitrary a requirement in § 174.260 (§ 174.255), of 24 inches as minimum freeboard for liftboats. The Coast Guard disagrees. The requirement of 24 inches as minimum freeboard first appeared in CH–1 to NVIC 8–81 on March 23, 1988, and since then has become accepted by industry as prudent for avoiding the adverse effects of water on deck.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 125.180 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in § 125.180.

Units of Measure

This interim rule employs British units of measure throughout. Federal policy now favors ''hard metric'' throughout. In the absence of compelling reason to the contrary, the final rule will employ metric units of measure throughout.

Regulatory Assessment

This interim rule is a significant regulatory action under section 3(f) of Executive Order 12866 and is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034 (February 26, 1979)). It has been reviewed by the Office of Management and Budget under that Order. The Coast Guard has prepared a Regulatory Assessment and placed it in the rulemaking docket. The assessment may be inspected and copied at the address listed under **ADDRESSES**, above.

a. Costs for Conventional OSVs

As of December 1987, there were 584 OSVs certificated, 407 of which were of 100 or more gross tons. In evaluating the effect of this interim rule, the Coast Guard considered all costs and benefits of this rule in constant dollars.

The added cost to construct a conventional OSV under this rule, compared to that under existing regulations, expressed as a percentage of the initial construction cost for each OSV, comes to:

1. Around 2.3 percent for each conventional OSV of less than 100 gross tons.

2. Around 0.5 percent for each conventional OSV of 100 or more gross tons.

If 90 large OSVs and 50 small OSVs are built in the six years after the rule becomes effective, the cost of this rule to the industry will come to around $0.8 million a year.

Since 1987 there have been few, if any, OSVs built, because of the downturn in the offshore industry. For this reason the Coast Guard's assumption on the number of OSVs to be built in the next 6 years may be inappropriate. The Coast Guard encourages comments from industry on the current cost to construct an OSV and on the estimated number of OSVs that might be built in the next 6 years.

The principal benefits of this rule will be (1) a vessel better equipped, with the authorization to carry more than twice as many offshore workers and up to full capacity of the tanks for liquid drilling-fluid; (2) increased safety for crew members and offshore workers, due to the damage-stability requirements; (3) a vessel less likely to suffer damage resulting in total loss of the vessel; and (4) a crew better prepared to deal with emergencies. The economic value of these benefits is difficult to quantify, as it depends on a vessel's design, operational procedures, and contractual arrangements. However, even if this rule saves just 30% of the expense of damages due to casualties, the economic value—quite apart from the first, second, and fourth of the four ''principal benefits''—of this rule will more than offset the economic costs.

b. Costs for Liftboats

This Interim Rule will affect small business-entities in the form of liftboats. (See Small Entities, below.) These vessels have not had to meet standards of Coast Guard inspections. Because the Coast Guard has seldom dealt with liftboats during design and construction, it has no accurate mechanism for determining additional costs that may be incurred by owners of new liftboats required to meet this rule. In the NPRM, the Coast Guard sought information concerning such costs that might be borne by owners and operators of liftboats resulting from newly imposed inspection requirements. One written comment did offer a few data associated with costs. Based upon those data, modifications to the draft regulatory evaluation came about.

The Coast Guard reached several designers, builders, and owners of liftboats as it prepared this final rule. These people estimated that a large liftboat (of less than 300 gross tons with legs 200 feet long) would cost between $2 and $4 million to design and build, while a liftboat of less than 100 gross tons would cost about $1 million to design and build. These people believe that, if design took account of this rule from the start, the non-recurring cost associated with construction of a liftboat would be minimal—not more than 5% above the current estimated construction cost. If it were 10% above, the non-recurring cost would come to $100,000 for a liftboat of less than 100 gross tons and between $200,000 and $400,000 for a liftboat of 100 or more gross tons. Elements of this non-recurring cost include:

1. Submittal of plans to the Coast Guard.

2. Preparation and submittal of a comprehensive operating manual to the Coast Guard.

3. Design and construction of a fail-safe jacking-system.

4. Piping for fire-main suction while the liftboat is elevated.

5. Compliance with stricter requirements for lifesaving equipment.

There would be no recurring cost associated with this rule. There is recurring cost associated with salaries of crew members, with periodic testing and drydocking, and with biennial inspections and reinspections, but this rule does not compound it.

The economic value due to the ''principal benefits'', of casualties and fatalities prevented, is the saving to the liftboat industry offered by this rule; it comes from the annual averages for the liftboat fleet, 1981 to 1986. The Coast Guard has reviewed the casualty and fatality records from 1987 through 1994 for liftboats and has deduced that the casualty and fatality statistics follow the same general trend as they did in previous years. Therefore, the average cost per casualty will not be affected by recent statistics. However, since 1987 there have been few, if any, liftboats built, because of the downturn in the

offshore industry. For this reason the Coast Guard's assumption on the cost to build a liftboat may be inappropriate. The Coast Guard encourages comments from industry on the current cost to build a liftboat and on the estimated number of liftboats that might be built in the next few years. The Coast Guard believes that this rule will reduce the average cost of total losses in the liftboat fleet, compared to that of total losses in the fleet of conventional OSVs, by around 75–87 percent. This reduced cost of liftboat losses will amount to about $65,874 for a lifboat of less than 100 gross tons, which is less than the estimated $100,000 for a new liftboat in added costs of construction. Similarly, for liftboats of 100 or more gross tons, the reduced cost of casualties will be about $183,100, which is near the low end of the range estimated for a new liftboat in added costs of construction, $200,000–$400,000.

It is difficult to gauge the impact of this rule on the liftboat industry as a whole since those consulted know of no plans for construction of new liftboats and since the Coast Guard holds only informal estimates of the added costs of construction that may be incurred. New liftboats would enjoy some unquantifiable benefits heretofore limited to conventional OSVs (for example: carriage of unlimited quantities of Grade-E liquid drilling-mud and up to 36 offshore workers). These unquantifiable benefits, when added to the anticipated reductions in casualty costs discussed above, outweigh the estimated added cost of construction.

Environment

The Coast Guard considered the environmental impact of this Interim Rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, the rule is categorically excluded from further environmental documentation because of the inconsequential effects that it expects the rule to have on the environment. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Compatibility With International Standards

The Coast Guard has adopted a policy to evaluate current and new rules and, as far as possible, to eliminate requirements that create an unwarranted differential between domestic rules and responsible international standards. The Coast Guard has therefore compared this interim rule to international standards. The Coast Guard has determined that this rule does not unnecessarily establish requirements in excess of international standards.

Federalism

The Coast Guard has analyzed this rulemaking in accordance with the principles and criteria in Executive Order 12612, and has determined that the rulemaking does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. There were no comments submitted to the public docket addressing federalism.

Small Entities

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard has considered whether this rulemaking is likely to have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that would otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632).

There are about 70 natural or corporate persons that own one conventional OSV apiece. (They account for about 12% of existing conventional OSVs.) The Coast Guard does not anticipate that there can be many more than 20 persons that will own one new conventional OSV apiece. (It reaches this figure by assuming that they would likewise account for about 12% of the anticipated 140 new conventional OSVs to be built in the next six years, or for about 3 a year.) Marginal, one-time, out-of-pocket expense for initial construction will not exceed 2.5%, as previously discussed, even if none of the operational improvements in safety or flexibility (or other unquantifiable benefits) are realized. Recurring operational expense will be nil.

There are 5 natural or corporate persons that own one liftboat apiece. (They account for about 2% of existing liftboats.) The Coast Guard does not anticipate that there can be many more than one person that own one new liftboat apiece. (It reaches this figure by assuming that they would likewise account for about 2% of the anticipated new liftboats to be built in the next six years.) Marginal, one-time, out-of-pocket expense for initial construction will not exceed 10% even if none of the operational improvements in safety or flexibility (or other unquantifiable benefits) are realized. Recurring operational expense will be nil.

Acting upon these estimates, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this interim rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rulemaking contains information-collection requirements in the following sections of 46 CFR:

126.120
126.140
126.150
126.160
126.230
126.240
126.260
126.270
126.320
126.330
126.420
126.510
126.530
127.100
127.110
127.210
128.120
128.210
128.220
128.240
129.220
129.320
129.375
130.130
130.330
130.480
131.110
131.210
131.220
131.230
131.310
131.320
131.330
131.340
131.350
131.505
131.510
131.515
131.520
131.525
131.530
131.535
131.545
131.550
131.565
131.570
131.590
131.610
131.620
131.630
131.730
131.805
131.810
131.815
131.820
131.825
131.830
131.835
131.840

131.845
131.850
131.855
131.860
131.865
131.870
131.875
131.880
131.885
131.890
131.893
131.896
131.899
131.930
131.945
131.950
131.955
132.110
132.130
132.210
132.220
132.360
134.130
134.140
134.160
134.170
174.210
174.255

The information-collection requirements have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), and approved under approval number 2115–0592.

List of Subjects

46 CFR Part 90

Administrative practice and procedures, Authority delegation, Cargo vessels, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 125

Administrative practice and procedures, Authority delegation, Hazardous materials transportation, Incorporation by reference, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 126

Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 127

Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 128

Hazardous materials transportation, Main and auxiliary machinery, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 129

Electric power, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 130

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels, Vessel control and automation.

46 CFR Part 131

Hazardous materials transportation, Marine safety, Navigation (water), Offshore supply vessels, Oil and gas exploration, Operations, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 132

Fire prevention, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 134

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Provisions for liftboats, Vessels.

46 CFR Part 170

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Stability, Vessels.

46 CFR Part 174

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Stability, Vessels.

46 CFR Part 175

Administrative practice and procedures, Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Coast Guard amends chapter I of title 46 of the Code of Federal Regulations as follows:

PART 90—GENERAL PROVISIONS

1. The authority citation for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

2. Section 90.05–20 is revised to read as follows:

§ 90.05–20 Applicability to offshore vessels

(a) Offshore supply vessels of 100 or more but of less than 500 gross tons, contracted for before March 15, 1996, are subject to inspection under this subchapter. Offshore supply vessels contracted for on or after March 15, 1996, are subject to inspection under subchapter L of this chapter.

(b) Each OSV permitted grandfathering under paragraph (a) of this section must complete construction and have a Certificate of Inspection by March 16, 1998.

3. Sections 90.10–40 (b) and (c) are revised to read as follows:

§ 90.10–40 Offshore supply vessels.

* * * * *

(b) An existing offshore supply vessel is one contracted for before March 15, 1996.

(c) A new offshore supply vessel is one contracted for on or after March 15, 1996.

§ 90.30–10 [Removed]

4. Section 90.30–10 is removed.

PART 98—[AMENDED]

§§ 98.31–5, 98.31–10 and 98.31–15 (Subpart 98.31) [Removed]

5. Subpart 98.31 consisting of §§ 98.31–5, 98.31–10, and 98.31–15, is removed.

6. Subchapter L consisting of Parts 125 through 136, is added to read as follows:

SUBCHAPTER L—OFFSHORE SUPPLY VESSELS

PART 125—GENERAL

Sec.
125.100 Applicability.
125.110 Carriage of flammable or combustible liquid cargoes in bulk.
125.120 Carriage of noxious liquid substances in bulk.
125.130 Carriage of packaged hazardous materials.
125.140 Loadlines.
125.150 Lifesaving systems.
125.160 Definitions.
125.170 Equivalents.
125.180 Incorporation by reference.
125.190 Right of appeal.

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; 49 CFR 1.46.

§ 125.100 Applicability.

(a) Except as provided by paragraph (c) of this section, this subchapter applies to each offshore supply vessel

(OSV) of United States flag contracted for on or after March 15, 1996.

(b) Each OSV contracted for before March 15, 1996, must be constructed and inspected to comply with—

(1) The regulations in effect until March 15, 1996 (46 CFR subchapter I or subchapter T), as appropriate, as they existed at the time of construction; or

(2) The regulations in this subchapter.

(c) Each OSV permitted grandfathering under paragraph (b)(1) of this section must complete construction and have a Certificate of Inspection by March 16, 1998.

(d) Certain regulations in this subchapter apply only to limited categories of OSVs. Specific statements of applicability appear at the beginning of those regulations.

Note: Navigation and Vessel Inspection Circular 8–91, ''Initial and Subsequent Inspection of Uncertificated Existing Offshore Supply Vessels, Including Liftboats'', contains guidance on how to apply the regulations in 46 CFR subchapters I and T to OSVs.

§ 125.110 Carriage of flammable or combustible liquid cargoes in bulk.

(a) Except as provided by this section, no OSV may carry flammable or combustible liquid cargoes in bulk without the approval of the Commandant (G–MMS).

(b) An OSV may carry the following in integral tanks:

(1) Grade-D combustible liquids listed by § 30.25–1 of this chapter, in quantities not to exceed 20 percent of the vessel's deadweight; except that the vessel may carry drilling fluids and excess fuel oil, Grade-E as well as Grade-D, without limit.

(2) Grade-E combustible liquids listed by § 30.25–1 of this chapter, in quantities not to exceed 20 percent of the vessel's deadweight; except that the vessel may carry drilling fluids and excess fuel oil, Grade-D as well as Grade-E, without limit.

(c) An OSV may carry the following in fixed independent tanks on deck:

Grade-B and lower-grade fammable and combustible liquids listed by § 30.25–1 of this chapter, in quantities not to exceed 20 percent of the vessel's deadweight.

(d) An OSV may carry hazardous materials in portable tanks, in compliance with part 64 and subpart 98.30 of this chapter. A po5 portable tank may be filled or discharged aboard the vessel if authorized by an endorsement on the vessel's Certificate of Inspection.

§ 125.120 Carriage of noxious liquid substances in bulk.

(a) Except as provided by this section, no OSV may carry a noxious liquid substance (NLS) in bulk without the approval of the Commandant (G–MMS).

(b) An OSV may carry in integral and fixed independent tanks NLSs listed by § 153.2 of this chapter, in quantities not to exceed 20 percent of the vessel's deadweight.

(c) An OSV carrying NLSs in bulk in integral tanks or fixed independent tanks must—

(1) Meet the definition of oceangoing in 33 CFR 151.05(j);

(2) Have a Certificate of Inspection or NLS Certificate (issued by the Coast Guard) endorsed with the name of the NLS cargo; and

(3) Have the Cargo Record Book prescribed in § 153.490(a)(1) of this chapter.

(d) An OSV that does not meet the equipment requirements in §§ 153.470 through 153.491 of this chapter may not discharge NLS residues to the sea. The vessel's Certificate of Inspection or NLS Certificate will contain this restriction.

(e) An OSV that discharges NLS residue to the sea must meet—

(1) The equipment requirements in §§ 153.470 through 153.491 of this chapter; and

(2) The operating requirements in §§ 153.901, 153.903, 153.909, and 153.1100 of this chapter.

§ 125.130 Carriage of packaged hazardous materials.

An OSV may carry packaged hazardous materials, or hazardous materials in portable tanks, if the materials are prepared, loaded, and stowed in compliance with 49 CFR parts 171–179.

§ 125.140 Loadlines.

Each OSV subject to assignment, certification, and marking of loadlines under subchapter E of this chapter must comply with subchapter E as well as with this subchapter.

§ 125.150 Lifesaving systems.

Lifesaving appliances and arrangements must comply with part 133 of this subchapter.

§ 125.160 Definitions.

Each term defined elsewhere in this chapter for a particular class of vessel applies to this part unless a different definition is given in this section. As used by this subchapter:

Accommodation includes at least the following:

(1) A space used as a messroom.

(2) A lounge.

(3) A sitting area.

(4) A recreation room.

(5) Quarters.

(6) A toilet space.

(7) A shower room.

Approved means approved by the Commandant, unless otherwise defined.

Bulkhead deck means the uppermost deck to which transverse watertight bulkheads and the watertight shell extend.

Coast Guard District Commander or *District Commander* means an officer of the Coast Guard designated by the Commandant to command activities of the Coast Guard within a Coast Guard district described by 33 CFR part 3, whose duties include the inspection, enforcement, and administration of laws for the safety and navigation of vessels.

Coastwise refers to a route not more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean.

(2) The Gulf of Mexico.

(3) The Caribbean Sea.

(4) The Gulf of Alaska.

(5) The Bering Sea.

(6) Such other, similar waters as may be designated by the District Commander.

Combustible liquid means the same as in § 30.10 of this chapter.

Commandant means the Commandant of the Coast Guard or an authorized staff officer at Coast Guard headquarters designated by § 1.01 of this chapter.

Commanding Officer, Marine Safety Center, means an officer of the Coast Guard designated by the Commandant to command activities of the Coast Guard within the Marine Safety Center, whose duties include review of plans for commercial vessels to ensure compliance with applicable laws and standards.

Crane includes at least masts, stays, booms, winches, and standing and running gear that form a part of the fixed shipboard equipment used in the lifting and moving of other equipment and supplies of the vessel.

Damp or wet space includes at least:

(1) A space exposed to the weather.

(2) A machinery space.

(3) A cargo space.

(4) A space within a galley, within a laundry, or within a public washroom or toilet room that has a bath or shower, if the space is normally exposed to splashing, water wash down, or other moisture.

(5) A space directly inside an access door to a weather deck unless the access door is protected against rain or spray by an overhanging deck or by other means.

(6) Other spaces with similar moisture levels.

Deadweight means, when measured in water of specific gravity 1.025, the difference in long tons between—

(1) The displacement of the vessel on even trim at ''lightweight'' as defined by subpart F of part 170 of this chapter; and

(2) The displacement of the vessel on even trim at the deepest load waterline.

Flammable liquid means the same as in § 30.10.22 of this chapter.

Gas-free means free from dangerous concentrations of flammable or toxic gases.

Hazardous material means the same as in § 153.2 of this chapter.

International voyage means a voyage between a country to which the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74/83) applies and a port outside that country.

Jacking system means any type of mechanical (including hydraulic) or electrical system used for elevating a liftboat.

Length, relative to a vessel, means the length listed on the vessel's certificate of documentation or the ''registered length'' as defined by § 69.53 of this chapter.

Liftboat means an OSV with movable legs capable of raising its hull above the surface of the sea.

Marine inspector means any person authorized by the Officer in Charge, Marine Inspection, to perform duties concerning the inspection, enforcement, and administration of laws for the safety and navigation of vessels.

Noxious liquid substance or *NLS* means the same as in § 153.2 of this chapter.

Ocean refers to a route more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean.

(2) The Gulf of Mexico.

(3) The Caribbean Sea.

(4) The Gulf of Alaska.

(5) The Bering Sea.

(6) Such other, similar waters as may be designated by the District Commander.

Officer in Charge, Marine Inspection, or *OCMI*, means any person of the Coast Guard so designated by the Commandant, to be in charge of an inspection zone for the performance of duties concerning the inspection, enforcement, and administration of laws for the safety and navigation of vessels.

Offshore supply vessel or *OSV* means a vessel that—

(1) Is propelled by machinery other than steam;

(2) Does not meet the definition of a passenger-carrying vessel in 46 U.S.C. 2101(22) or 46 U.S.C. 2101(35);

(3) Is more than 15 but less than 500 gross tons; and

(4) Regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

Offshore worker means a person carried aboard an OSV and employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel, but does not include the master, or a member of the crew, engaged in the business of the vessel, who has contributed no consideration for carriage aboard and is paid for services aboard.

Quarters means any space where sleeping accommodations are provided.

Restricted service means service in areas within 12 hours of a harbor of safe refuge or in areas where a liftboat may be jacked up to meet the 100-knot-wind severe-storm criteria of § 174.255(c) of this chapter.

§ 125.170 Equivalents.

A substitution for fittings, materials, equipment, arrangements, calculations, information, or tests required by this subchapter may be accepted by the OCMI; by the Commanding Officer, Marine Safety Center; by the District Commander; or by the Commandant, if the substitution provides an equivalent level of safety.

§ 125.180 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subchapter with the approval of the Director of the Federal Register in compliance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved materials are on file at the Office of the Federal Register, Suite 700, 800 North Capitol Street NW., Washington, DC 20408, and at the U.S. Coast Guard, Merchant Vessel Inspection and Documentation Division, 2100 Second Street SW., Washington, DC 20593–0001, and are available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subchapter, and the sections affected, are:

American Bureau of Shipping (ABS), Two World-Trade Center, 106th Floor, New York, NY 10048
- Rules for Building and Classing Steel Vessels Under 61 Meters (200 Ft) in Length (1983)—§ 127.210
- Rules for Building and Classing Steel Vessels (1995)—§ 127.210, § 129.360
- Rules for Building and Classing Aluminum Vessels (1975)—§ 127.210
- Rules for Building and Classing Mobile Offshore Drilling Units (1994)—§ 133.140, § 133.150

American National Standards Institute (ANSI), 11 West 42nd St., New York, NY 10036
- B 31.1–1986—Code for Pressure Piping, Power Piping—§ 128.240
- Z 26.1–1977 (including 1980 Supplement)—Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways—§ 127.430

American Society of Mechanical Engineers (ASME), 345 East 47th St., New York, NY 10027
- Boiler and Pressure Vessel Code Section I, Power Boilers, July 1989 with 1989 addenda—§ 128.240

American Society for Testing and Materials (ASTM), 1916 Race St., Philadelphia, PA 19103
- D93–80—Standard Test Methods for Flash Point by Pensky-Martens Closed Tester—§ 128.310

American Yacht and Boat Council, Inc. (AYBC), 3069 Solomon's Island Rd., Edgewater, MD 21037–1416
- A–3–1993—Galley Stoves—§ 129.550
- A–7–1970—Recommended Practices and Standards Covering Boat Heating Systems—§ 129.550
- E–1–1972—Bonding of Direct-Current Systems—§ 129.120
- E–8–1994—Alternating-Current (AC) Electrical Systems on Boats—§ 129.120
- E–9–1990—Direct-Current (DC) Electrical Systems on Boats—§ 129.120

Institute of Electrical and Electronics Engineers (IEEE), 345 E. 47th St., New York, NY 10017
- No. 45–1977—Recommended Practice for Electric Installations on Shipboard—§ 129.340

International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London SE1 7SR, England
- Resolution A.658(16), ''Use and Fitting of Retro-Reflective Materials on Lifesaving Appliances'', dated November 20, 1989—§ 131.855, § 131.875
- Resolution A.760(18), ''Symbols Related to Life-Saving Appliances and Arrangements'', dated November 17, 1993—§ 131.875
- International Convention for the Safety of Life at Sea (SOLAS), Consolidated Edition, 1992—§ 126.170

National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101
- NFPA 70—National Electrical Code, 1993 Edition—§ 129.320, § 129.340, § 129.370
- NFPA 306—Control of Gas Hazards on Vessels, 1993 Edition—§ 126.160
- NFPA 1963—Fire Hose Connections, 1993 Edition—§ 132.130
- NFPA 10—Standard for Portable Fire Extinguishers, 1994 Edition—§ 132.350
- NFPA 302—Fire Protection Standard for Pleasure and Commercial Motor Craft, 1994 Edition—§ 129.550

Underwriters Laboratories, Inc. (UL), 333 Pfingsten Rd., Northbrook, IL 60062

§ 125.190 Right of appeal.

Any person directly affected by a decision of action taken under this part, by or on behalf of the Coast Guard, may appeal from the decision or action in compliance with subpart 1.03 of this chapter.

PART 126—INSPECTION AND CERTIFICATION

Authority: 46 U.S.C. 3306; 33 U.S.C. 1321(j); E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp., p. 793; 49 CFR 1.46.

Subpart A—General

§ 126.100 Inspector not limited.

The marine inspector may at any time require that an OSV and its equipment meet any test or inspection deemed necessary to determine whether the vessel is suitable for its intended service.

§ 126.110 Inspection after accident.

(a) The owner or operator of an OSV shall make the vessel available for inspection by a marine inspector—

(1) Each time an accident occurs, or a defect is discovered that affects—

(i) The safety of the vessel; or

(ii) The effectiveness or completeness of its lifesaving, fire-fighting, or other equipment; or

(2) Whenever any important repairs or renewals are made.

(b) The inspection is to determine—

(1) What repairs or renewals must be made;

(2) That the material and workmanship used to accomplish the repairs or renewals are satisfactory; and

(3) That the OSV complies with this subchapter.

§ 126.120 Permit to proceed to another port for repairs.

(a) When an OSV fails to comply with its Certificate of Inspection or with this subchapter, the OCMI may let the vessel proceed to another port for repairs if in the judgment of the OCMI the vessel can complete the trip safely even though the Certificate has expired or is about to expire.

(b) A ''Permit to Proceed to another Port for Repairs'', Form CG–948, will be issued by the OCMI to the owner, operator, or master of the OSV and states the conditions under which the vessel may proceed to another port. The Permit will be issued only upon the written application of the owner, operator, or master, and only after the surrender of the vessel's Certificate of Inspection to the OCMI.

(c) The Permit will state on its face the conditions under which it is issued and whether the OSV may carry cargo, goods, supplies, equipment, or offshore workers.

(d) The Permit must be readily available aboard the OSV.

§ 126.130 Cranes.

(a) Except as provided by paragraph (b) of this section, cranes, if installed, must comply with §§ 107.258—107.260, 108.601, 109.437, 109.439, 109.521, 109.525, and 109.527of this chapter.

(b) The manufacturer of a crane may have tests and inspections conducted in compliance with § 107.259 of this chapter, if the surveyor conducting them for the ABS or the International Cargo Gear Bureau certifies their conduct as required by § 107.259(c) of this chapter.

§ 126.140 Drydocking.

(a) Unless on one or more extensions authorized by the Commandant (G–MCO), each OSV must be placed in drydock or hauled out for examination twice each five years with no interval between examinations exceeding three years.

(b) The owner or operator shall notify the OCMI whenever the OSV is drydocked for any reason. The OCMI, upon notification, will determine whether to assign a marine inspector to examine the underwater hull of the vessel.

(c) The internal structural members of an OSV must be examined at the same intervals required for drydocking by paragraph (a) of this section.

(d) At each drydocking required by paragraph (a) of this section, for an OSV of 100 or more gross tons, a tailshaft survey must be conducted as required by § 61.20–15 of this chapter.

(e) At each drydocking required by paragraph (a) of this section, for an OSV of less than 100 gross tons, the propeller or tailshaft must be drawn for examination if the OCMI deems drawing it necessary.

§ 126.150 Repairs and alterations.

(a) Except in an emergency, no repairs or alterations to the hull or machinery, or to equipment that affects the safety of the OSV, may be made without notice to the OCMI in the inspection zone where the repairs or alterations are to be made. When the repairs or alterations have been made, notice must be given to that OCMI as soon as practicable.

(b) When emergency repairs or alterations have been made as permitted under paragraph (a) of this section, the master, owner, or operator must notify the OCMI as soon as practicable after the emergency.

(c) Except as provided by paragraphs (b) and (e) of this section, drawings of repairs or alterations must be approved, before work starts, by the OCMI or, when necessary, by the Commanding Officer, Marine Safety Center.

(d) When the OCMI deems inspection necessary, the repairs or alterations must be inspected by a marine inspector.

(e) Submission of drawings is not required for repairs in kind, but the applicable drawings approved under subpart A of part 127 of this subchapter must be made available to the marine inspector upon request.

§ 126.160 Tests and inspections during repairs or alterations, or during riveting, welding, burning, or other hot work.

(a) NFPA 306 must be used as a guide in conducting the examinations and issuances of certificates required by this section.

(b) Until an examination has determined that work can proceed safely, no riveting, welding, burning, or other hot work can commence.

(c) Each examination must be conducted as follows:

(1) At any port or site inside of the United States or its territories and possessions, a marine chemist certified by the NFPA must make the examination. If the services of such a chemist are not reasonably available, the OCMI, upon the recommendation of the contractor and the owner or operator of the OSV, may authorize another person to make the examination. If this indicates that a repair or alteration, or hot work, can be undertaken safely, the person performing the examination shall issue a certificate, setting forth the spaces covered and any necessary conditions to be met, before the work starts. The conditions to be met must include any requirements necessary to maintain safe conditions in the spaces covered and must include any necessary further examinations and certificates. In particular the conditions to be met must include precautions necessary to eliminate or minimize hazards caused by protective coatings or by cargo residues.

(2) At any port or site outside of the United States or its territories and possessions, where the services of a certified marine chemist or other person authorized by the OCMI are not reasonably available, the master, owner, or operator of the vessel shall make the examination and a proper entry in the OSV's logbook.

(d) The master shall obtain a copy of each certificate issued by the person making the examination described in paragraph (c)(1) of this section. The master, through and for the persons under his control, shall maintain safe conditions aboard the OSV by full observance of each condition to be met, listed in the certificate issued under paragraph (c)(1) of this section.

§ 126.170 Carriage of offshore workers.

(a) Offshore workers may be carried aboard an OSV in compliance with this subchapter. The maximum number of offshore workers authorized for carriage will be endorsed on the vessel's Certificate of Inspection; but in no case will the number of offshore workers authorized for carriage exceed 36.

(b) No more than 12 offshore workers may be carried aboard an OSV certificated under this subchapter when on an international voyage, unless the vessel holds a valid passenger-ship-safety certificate (Form CG–968) issued in compliance with the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74/83).

§ 126.180 Carriage of passengers.

No passengers as defined by 46 U.S.C. 2101(21)(B) may be carried aboard an OSV except in an emergency.

Subpart B—Certificate of Inspection

§ 126.210 When required.

Except as provided by §§ 126.120 and 126.260, no OSV may be operated without a valid Certificate of Inspection.

§ 126.220 Description.

The Certificate of Inspection issued to an OSV specifies the vessel, the route it may travel, the minimum manning it requires, the maximum fire-extinguishing and lifesaving equipment it must carry, the maximum number of offshore workers and of total persons it may carry, the name of its owner and operator, and such other conditions as the OCMI may determine.

§ 126.230 How to obtain or renew.

(a) A builder, owner, master, or operator may begin to obtain or to renew a Certificate of Inspection by submitting an ''Application for Inspection of U.S. Vessel,'' Form CG–3752, to the OCMI of the marine inspection zone in which the inspection is to be made. Form CG–3752 is available from any Marine Safety or Marine Inspection Office of the U.S. Coast Guard.

(b) The application for initial inspection of an OSV being newly constructed or converted must be submitted before the start of construction or conversion.

(c) The construction, arrangement, and equipment of each OSV must be acceptable to the OCMI for the issuance of the initial Certificate of Inspection. Acceptance depends on the information, specifications, drawings, and calculations available to the OCMI, and on the successful completion of the initial inspection for certification.

(d) A Certificate of Inspection is renewed by the issuance of a new Certificate of Inspection.

(e) The condition of the OSV and its equipment must be acceptable to the OCMI for the renewal of the Certificate of Inspection. Acceptance depends on the condition of the vessel as found at the periodic inspection for certification.

§ 126.240 Posting.

The Certificate of Inspection must be framed under glass or other suitable transparent material and posted in a conspicuous place aboard the OSV so that each page is visible.

§ 126.250 Period of validity.

(a) A Certificate of Inspection is valid for two years.

(b) A Certificate of Inspection may be suspended and withdrawn or revoked by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter or other applicable laws.

§ 126.260 Temporary Certificate.

If necessary to prevent delay of the OSV, a ''Temporary Certificate of Inspection,'' Form CG–854, containing information listed by § 126.220, may be issued pending the issuance and delivery of the regular Certificate of Inspection. A temporary Certificate must be carried in the same manner as the regular Certificate.

§ 126.270 Amendment.

(a) An amended Certificate of Inspection may be issued at any time by any OCMI. The amended Certificate of Inspection replaces the original, but the expiration date remains the same as that of the original. An amended Certificate of Inspection may be issued to authorize and record a change in the dimensions, gross tonnage, owner, operator, manning, offshore workers permitted, route permitted, conditions of operations, equipment of an OSV, or the like from that specified in the current Certificate of Inspection.

(b) A request for an amended Certificate of Inspection must be made to the cognizant OCMI by the owner or operator of the OSV at any time there is a change in the character of an OSV or in its route, equipment, ownership, operation, or similar factors specified in its current Certificate of Inspection.

(c) The OCMI may require an inspection before issuing an amended Certificate of Inspection.

Subpart C—Initial Inspection

§ 126.310 Prerequisite to Certificate of Inspection.

The initial inspection is a prerequisite to the issuance of the original Certificate of Inspection.

§ 126.320 When made.

(a) No initial inspection occurs until after receipt of the written application of the owner or builder of the OSV to the OCMI in whose zone the vessel is located. The application must be on Form CG–3752, ''Application for Inspection of U.S. Vessel.''

(b) The initial inspection occurs at a time and place agreed to by the party requesting the inspection and by the OCMI. The owner or the builder, or a representative of either, must be present during the inspection.

§ 126.330 Plans.

Before construction starts, the owner, operator, or builder shall develop plans indicating the proposed arrangement and construction of the OSV. (The list of plans to be developed and the required disposition of these plans appears in part 127 of this subchapter.)

§ 126.340 Scope.

The initial inspection normally consists of a series of inspections conducted during the construction of the OSV. This inspection determines whether the vessel was built to comply with developed plans and in compliance with applicable law. Items normally included in this inspection are all the items listed in § 126.430 of subpart D of this part, and in addition the marine inspector verifies that the arrangement of the vessel conforms to the approved plans, that acceptable material is used in the construction of the vessel, and that the workmanship meets required standards for marine construction. The owner or builder shall make the vessel available for inspection at each stage of construction specified by the OCMI.

§ 126.350 Specific tests and inspections.

(a) The applicable tests and inspections set forth in subpart D of this part must be made during the initial inspection.

(b) The following specific tests and inspections must also be conducted in the presence of the marine inspector:

(1) Installation of piping for gaseous fixed fire-extinguishing (see § 95.15–15 of this chapter).

(2) Hydraulic-helm steering-systems. These systems must be tested in the manual mode, with the hydraulic pumps secured, for smooth, efficient operation by one person.

(3) Installation tests and inspections of lifeboats, rescue boats, davits, and winches under subpart 94.35 of this chapter.

Subpart D—Inspection for Certification

§ 126.410 Prerequisite to reissuance of Certificate of Inspection.

An inspection for certification is a prerequisite to the reissuance of a Certificate of Inspection.

§ 126.420 When made.

No inspection for certification occurs until after receipt of the written application of the owner, builder, master, or operator of the OSV by the OCMI in whose zone the vessel is located. The application must be on the ''Application for Inspection of U.S. Vessel'', Form CG–3752.

§ 126.430 Scope.

The inspection for certification is made by a marine inspector to determine whether the OSV is in satisfactory condition and fit for its intended service. The owner or builder shall make the vessel and its equipment available for inspection, including the following items:

(a) Structure.

(b) Watertight integrity.

(c) Pressure vessels and their appurtenances.

(d) Piping.

(e) Main and auxiliary machinery.

(f) Steering apparatus.

(g) Electrical installations.

(h) Lifesaving equipment.

(i) Work vests.

(j) Fire-detecting and fire-extinguishing equipment.

(k) Pollution-prevention equipment.

(l) Sanitary condition.

(m) Fire hazards.

(n) Verification of validity of certificates required and issued by the Federal Communications Commission.

(o) Lights and signals as required by the applicable navigational rules.

(p) Tests and inspections of cranes in compliance with § 126.130.

§ 126.440 Lifesaving equipment.

At each inspection for certification, the tests and inspections specified by § 91.25–15 of this chapter must occur in the presence of a marine inspector, or as otherwise directed by the OCMI.

§ 126.450 Fire-extinguishing equipment.

At each inspection for certification the marine inspector determines whether the tests and inspections required by § 132.350 of this subchapter have been performed.

§ 126.460 Tanks for dry bulk cargo.

The owner shall ensure that tanks for dry bulk cargo that are pressure vessels are inspected for compliance with § 61.10–5(b) of this chapter.

§ 126.470 Marine-engineering systems.

The inspection procedures for marine-engineering systems contained in subchapter F of this chapter apply.

Subpart E—Reinspection

§ 126.510 When made.

(a) Except as provided by § 126.530 of this subpart, at least one reinspection must be made of each OSV holding a Certificate of Inspection. The owner, master, or operator shall arrange for the reinspection between the tenth and fourteenth months of the period for which the Certificate of Inspection is valid.

(b) The owner, master, or operator shall make the vessel available for the reinspection at a time and place acceptable to the OCMI, but no written application is necessary.

§ 126.520 Scope.

In general, the reinspection goes into less detail than that described by § 126.430 of this part for the inspection for certification, unless the OCMI or marine inspector determines that a major change has occurred since the last inspection.

§ 126.530 Alternative midperiod examination.

(a) The owner, master, or operator of an OSV of less than 400 gross tons, except a liftboat, may ask the cognizant OCMI to arrange an alternative midperiod examination. The request must go to the OCMI assigned responsibility for inspections in the country in which the vessel is operating and will be examined. To qualify for the alternative midperiod examination, the vessel must meet the following requirements:

(1) The request must be in writing and be received by the OCMI before the end of the twelfth month of the period for which the Certificate of Inspection is valid.

(2) The vessel is likely to be continuously employed outside of the United States during the tenth through the fourteenth month of validity of its Certificate of Inspection.

(b) In determining whether to authorize the alternative midperiod examination, the OCMI considers the following:

(1) Information contained in previous examination reports on inspection and drydock, including the recommendation, if any, of the OCMI for

participation in the alternative midperiod examination.

(2) The nature, number, and severity of marine casualties or accidents, as defined by § 4.03–1 of this chapter, involving the OSV in the three years preceding the request.

(3) The nature, number, and gravity of any outstanding inspection requirements for the vessel.

(4) The owner's or operator's history of compliance and cooperation in such alternative midperiod examinations, including:

(i) The prompt correction of deficiencies.

(ii) The reliability of previously submitted reports on such alternative midperiod examinations.

(iii) The reliability of representations that the vessel would be, and was, employed outside of the United States for the tenth through the fourteenth month of validity of its Certificate of Inspection.

(c) The OCMI provides the applicant with written authorization, if any, to proceed with the alternative midperiod examination, including, when appropriate, special instructions.

(d) The following conditions must be met for the alternative midperiod examination to be accepted instead of the reinspection required by § 126.510 of this subpart:

(1) The alternative midperiod examination must occur between the tenth and fourteenth months of validity of the Certificate of Inspection.

(2) The reinspection must be of the scope detailed by § 126.520 of this subpart and must be made by the master, owner, or operator of the OSV, or by a designated representative of the owner or operator.

(3) Upon completion of the alternative midperiod examination, the person or persons making the examination shall prepare a comprehensive report describing the conditions found. This report must contain sufficient detail to let the OCMI determine whether the vessel is fit for the service and route specified on the Certificate of Inspection. This report must include subsidiary reports and receipts documenting the servicing of lifesaving and fire-protection equipment, and any photographs or sketches necessary to clarify unusual circumstances. Each person preparing this report shall sign it and certify that the information in it is complete and accurate.

(4) Unless the master of the vessel participated in the alternative midperiod examination and the preparation of the comprehensive report, the master shall review the report for completeness and accuracy. The master shall sign the report to indicate review and shall forward it to the owner or operator of the vessel, who asked for the examination.

(5) The owner or operator of a vessel examined under this section shall review and submit the comprehensive report, required by paragraph (d)(3) of this section, to the OCMI. The report must reach the OCMI before the first day of the sixteenth month of validity of the Certificate of Inspection. The forwarding letter or endorsement must be certified and must contain the following information:

(i) That the person or persons who made the alternative midperiod examination acted on behalf of the vessel's owner or operator.

(ii) That the report was reviewed by the owner or operator.

(iii) That the discrepancies noted during the reinspection have been corrected, or will be within a stated time.

(iv) That the owner or operator has sufficient personal knowledge of conditions aboard the vessel at the time of the reinspection, or has conducted inquiries necessary, to justify forming a belief that the report is complete and accurate.

(e) The form of certification required under this section, for the alternative midperiod examination, is as follows:

> I certify that to the best of my knowledge and belief the above is complete and accurate.

(f) Deficiencies and hazards discovered during the alternative midperiod examination made pursuant to this section must be corrected if practicable, before the submittal of the report to the OCMI in compliance with paragraph (d)(5) of this section. Deficiencies and hazards not corrected by the time the report is submitted must be noted in the report as ''outstanding.'' Upon receipt of a report indicating any outstanding deficiency or hazard, the OCMI will inform the owner or operator of the OSV in writing of the time allowed to correct each deficiency and hazard and of the method for establishing that each has been corrected. When any deficiency or hazard remains uncorrected or uneliminated after this time allowed, the OCMI will initiate appropriate enforcement.

(g) Upon receipt of the report, the OCMI will evaluate it and determine:

(1) Whether the OCMI accepts the alternative midperiod examination instead of the reinspection required by § 126.510 of this subpart.

(2) Whether the OSV is in satisfactory condition.

(3) Whether the vessel continues to be reasonably fit for its intended service and route.

(h) The OCMI may require further information necessary for the determinations required by this section. The OCMI will inform the owner or operator of the OSV in writing of these determinations.

(i) If the OCMI, in compliance with paragraph (g) of this section, does not accept the alternative midperiod examination instead of the reinspection required by § 126.510 of this subpart, the OCMI will require reinspection of the OSV as soon as practicable. The OCMI will inform the owner or operator of the OSV in writing that the examination is not acceptable and that a reinspection is necessary. The owner, master, or operator shall make the vessel available for the reinspection at a time and place agreeable to the OCMI.

PART 127—CONSTRUCTION AND ARRANGEMENTS

Subpart A—Plan Approval

Subpart B—Particular Construction and Arrangements

Subpart C—Rails and Guards

Subpart D—Construction of Windows, Visibility, and Operability of Coverings

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

Subpart A—Plan Approval

§ 127.100 General.

Plans listed by § 127.110 of this subpart must be submitted for approval after the owner or builder applies for inspection in compliance with § 126.320 of this subchapter.

§ 127.110 Plans and specifications required for new construction.

Each applicant for approval of plans and for an original Certificate of Inspection must submit three copies of the following:

(a) *General.*

(1) Specifications.

(2) General Arrangement Plans.

(3) Safety Plan (Fire-Control Plan).

(4) Lifesaving-Equipment Plan.

(b) *Hull structure.*

(1) Midship Section.

(2) Booklet of Scantling Plans.

(3) Arrangement of Ports, Doors, and Air ports.

(4) Hatch Coamings and Covers in Weather Decks and Watertight Decks.

(5) Scuppers and Drains Penetrating Shell-Plating.

(6) Booklet of Standard Details.

(c) *Subdivision and stability.* (For plans required for subdivision and stability, see subchapter S of this chapter.)

(d) *Marine engineering.*

(1) Piping diagrams of each Class I systems.

(2) Piping diagrams of the following Class II systems (the builder's certification of Class II non-vital piping systems must accompany the piping diagrams in compliance with § 128.220(c) of this subchapter):

(i) Systems for fill, transfer, and service of fuel oil.

(ii) Fire-main and fixed gaseous fire-extinguishing systems.

(iii) Bilge systems.

(iv) Ballast systems.

(v) Fluid-driven power and control systems.

(vi) Through-hull penetrations and shell connections.

(vii) Sanitary systems.

(viii) Vents, sounding tubes, and overflows.

(ix) Compressed-air systems.

(3) Steering and steering-control systems.

(4) Propulsion and propulsion-control systems.

(5) Piping diagrams of each system containing any flammable, combustible, or hazardous liquid including—

(i) Cargo-oil systems;

(ii) Systems for combustible drilling-fluid (such as oil-based liquid mud); and

(iii) Cargo-transfer systems for fixed independent or portable tanks.

(e) *Electrical engineering.*

(1) For each OSV of less than 100 gross tons, the following plans must be submitted:

(i) Arrangement of electrical equipment (plan and profile) with equipment identified as necessary to show compliance with this subchapter.

(ii) Electrical one-line diagram that includes wire types and sizes, overcurrent-device rating and setting, and type of electrical-equipment enclosure (drip-proof, watertight, or the like).

(iii) Switchboard plans required by paragraphs (e) and (f) of § 110.25–1 of this chapter.

(2) For each vessel of 100 or more gross tons, the plans required by § 110.25 of this chapter must be submitted.

(f) *Automation.* For each OSV of 100 or more gross tons, where automated systems are provided to replace specific personnel in the control and observation of the propulsion systems and machinery spaces, or to reduce the level of crew associated with the engine department, the following plans must be submitted:

(1) Plans necessary to demonstrate compliance with subpart D of part 130 of this subchapter.

(2) Automation-test procedure.

(3) Operations manual.

§ 127.120 Procedure for submittal of plans.

If an OSV is to be constructed, altered, or repaired in the United States, the plans, information, and calculations required by this part must be submitted to—

(a) The OCMI in the zone where the vessel is to be constructed, altered, or repaired; or

(b) The Commanding Officer, Marine Safety Center, 400 Seventh Street SW., Washington, DC 20590–0001.

Subpart B—Particular Construction and Arrangements

§ 127.210 Structural standards.

(a) Except as provided by paragraphs (b) and (c) of this section, compliance with the construction and structural rules established by the ABS and incorporated by reference in § 125.180 is acceptable for the design and construction of an OSV.

(b) The standard of any classification society, or any other established standard, acceptable to the Commandant (G–MMS) may be used.

(c) If no established standard for design is used, detailed design calculations must be submitted with the plans required by § 127.110 of this part.

(d) The plans required by § 127.110 of this part should specify their standard for design.

§ 127.220 General fire protection.

(a) Each OSV must be designed and constructed to minimize fire hazards, as far as reasonable and practicable.

(b) Exhausts of internal-combustion engines, galley uptakes, and similar sources of ignition must be kept clear of and insulated from woodwork and other combustible matter.

(c) Paint lockers and similar compartments must be constructed of steel or be wholly lined with steel.

(d) Except as provided by paragraph (e) of this section, when a compartment containing the emergency source of electric power, or vital components of that source, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, each common bulkhead and deck must be ''A–60'' Class construction as defined by § 72.05–10 of this chapter.

(e) The ''A–60'' Class construction required by paragraph (d) of this section is unnecessary if the emergency source of electric power is in a small, ventilated battery locker that—

(1) Is located above the main deck;

(2) Is located in the open; and

(3) Has no boundaries contiguous with other decks or bulkheads.

§ 127.230 Subdivision and stability.

Each OSV must meet the applicable requirements in subchapter S of this chapter.

§ 127.240 Means of escape.

(a) There must be at least two means of escape, exclusive of windows and portholes, from each of the following spaces:

(1) Each space accessible to offshore workers.

(2) Crew accommodations and each space where the crew may normally be employed.

(b) At least one of the two means of escape must—

(1) Be independent of watertight doors in bulkheads required by part 174 of this chapter to be watertight; and

(2) Lead as directly to the open deck as practicable.

(c) The two means of escape required by paragraph (a) of this section must be widely separated and, if possible, at opposite ends or sides of the space, to minimize the possibility that one incident will block both escapes.

(d) Except as provided by paragraph (e) of this section, a vertical ladder ending at a deck scuttle may not be either of the means of escape required by paragraph (a) of this section.

(e) A vertical ladder ending at a deck scuttle may be the second means of escape if the—

(1) Primary means of escape is a stairway or passageway;

(2) Installation of another stairway or passageway is impracticable;

(3) Scuttle is located where stowed deck cargo could not interfere;

(4) Scuttle is fitted with a quick-acting release, and with a hold-back to hold the scuttle open; and

(5) Scuttle meets the requirements for location, strength, and height of coaming in subchapter E of this chapter.

(f) Each vertical ladder must—

(1) Have rungs that are—

(i) At least 16 inches (410 millimeters) long;

(ii) At most 12 inches (300 millimeters) apart, uniform for the length of the ladder; and

(iii) At least 7 inches (180 millimeters) from the nearest permanent object in back of the ladder;

(2) Have at least 4½ inches (115 millimeters) of clearance above each rung;

(3) Be made of incombustible materials; and

(4) Have an angle of inclination with the horizontal, greater than 70 degrees but not more than 90 degrees.

(g) No means may be provided for locking any interior door giving access to either of the two required means of escape; except that a crash door or locking-device, capable of being easily forced in an emergency, may be employed if a permanent and conspicuous notice to this effect is attached to both sides of the door. A means may be provided for locking an exterior door to a deckhouse if the door is—

(1) Locked only by a key under the control of one of the OSV's officers; and

(2) Always operable from the inside.

(h) Each passageway or stairway must be wide enough to provide an effective means of escape for the number of persons having access to it even if each person is wearing a lifejacket. There must be no protrusions in the means of escape that could cause injury, ensnare clothing, or damage lifejackets.

(i) No interior stairway, other than within the machinery spaces or cargo holds, may be less than 28 inches wide. The angle of inclination of each stairway with the horizontal must not exceed 50 degrees.

(j) No dead-end passageway, or equivalent, may be more than 40 feet (13.1 meters) in length.

(k) Vertical access must be provided between the various weather decks by means of permanently inclined ladders. The angle of inclination of these ladders with the horizontal must not exceed 70 degrees.

§ 127.250 Ventilation for enclosed spaces.

(a) Each enclosed space within the OSV must be properly vented or ventilated. Means must be provided for closing each vent and ventilator.

(b) Means must be provided for stopping each fan in a ventilation system serving machinery and cargo spaces and for closing, in case of fire, each doorway, ventilator, and annular space around funnels and other openings into such spaces.

§ 127.260 Ventilation for accommodations.

(a) Each accommodation space must be adequately ventilated in a manner suitable for the purpose of the space.

(b) Each OSV of 100 or more gross tons must be provided with a mechanical ventilation system unless the OCMI is satisfied that a natural system, such as opening windows, portholes, or doors, will accomplish adequate ventilation in ordinary weather.

§ 127.270 Location of accommodations and pilothouse.

(a) Neither quarters for crew members or offshore workers nor the pilothouse may be located forward of the collision bulkhead required by § 174.190 of this chapter.

(b) Except as provided in paragraph (c) of this section, no part of any deck with accommodations for crew members or offshore workers may be below the deepest load waterline.

(c) Any deck with accommodations for crew members or offshore workers may be below the deepest load waterline if—

(1) The OSV complies with the damage-stability requirements in § 174.205 of this chapter;

(2) Each vertical ladder permitted by § 127.240 of this subpart is above the final-equilibrium waterline when the vessel is subject to the damage prescribed by § 174.205 of this chapter; and

(3) The overhead of at least one vertical ladder is at least 12 inches above the final-equilibrium waterline when the vessel is subject to the damage prescribed by § 174.205 of this chapter.

(d) No hawse pipe or chain pipe may pass through accommodations for crew members or offshore workers.

(e) There must be no direct access, except through solid, close-fitted doors or hatches, between accommodations for crew members or offshore workers and chain lockers, cargo spaces, or machinery spaces.

(f) No access openings, sounding tubes, or vents from fuel-oil or cargo-oil tanks may open into accommodations for crew members or offshore workers, except that access openings and sounding tubes may open into passageways.

(g) Accommodations for crew members must be separate from and independent of those for offshore workers unless the OCMI approves an alternative arrangement.

§ 127.280 Construction and arrangement of quarters for crew members and accommodations for offshore workers.

(a) The following requirements apply to quarters for crew members on each OSV of 100 or more gross tons:

(1) Quarters for crew members must be divided into staterooms none of which berths more than four members.

(2) Each stateroom for use by crew members must—

(i) Have clear headroom of at least 6 feet 3 inches; and

(ii) Contain at least 30 square feet of deck and at least 210 cubic feet of space for each member accommodated. The presence in a stateroom of equipment for use by the occupants does not diminish the area or volume of the room.

(3) There must be at least one toilet, one washbasin, and one shower or bathtub for every eight or fewer members who do not occupy a stateroom to which a private or a semiprivate facility is attached.

(b) The following requirements apply to accommodations for offshore workers on each OSV of 100 or more gross tons:

(1) Each offshore worker aboard must be provided with adequate fixed seating. The spacing of fixed seating must be sufficient to allow ready escape in case of fire or other emergency. The following are minimal requirements:

(i) Aisles 15 feet in length or less must not be less than 24 inches wide.

(ii) Aisles more than 15 feet in length must not be less than 30 inches wide.

(iii) Where the seating is in rows, the distance from seat front to seat front must not be less than 30 inches.

(2) If the intended operation of a vessel is to carry offshore workers aboard for more than 24 hours, quarters for them must be provided. Each stateroom for use by them must—

(i) Berth no more than six workers;

(ii) Have clear headroom of at least 6 feet 3 inches; and

(iii) Contain at least 20 square feet of deck and at least 140 cubic feet of space for each worker accommodated. The presence in a stateroom of equipment for use by the occupants does not diminish the area or volume of the room.

(3) Toilets and washbasins for use by offshore workers must meet the requirements of paragraph (a)(3) of this section.

(c) Each crew member and offshore worker aboard an OSV of less than 100 gross tons must be provided with accommodations of adequate size and construction, and with equipment for his or her protection and convenience suitable to the size, facilities, and service of the vessel.

(d) For each OSV of 100 or more gross tons, the bulkheads and decks separating accommodations for crew members and offshore workers from machinery spaces must be of ''A'' Class construction as defined by § 92.07–5 of this chapter.

(e) After reviewing the arrangement drawings required by § 127.110 of this part, the OCMI will determine and record on the OSV's Certificate of Inspection the number of offshore workers that the vessel may carry.

Subpart C—Rails and Guards

§ 127.310 Where rails required.

(a) Each OSV must have permanently installed efficient guard rails or bulwarks on decks and bridges. Each rail or bulwark must stand at least 39-½ inches from the deck except that, where this height would interfere with the normal operation of the vessel, the OCMI may approve a lesser height.

(b) At exposed peripheries of the freeboard and superstructure decks, each rail must consist of at least three courses, including the top. The opening below the lowest course must be no more than 9 inches with courses no more than 15 inches apart. On other decks and bridges each rail must consist of at least two courses, including the top, approximately evenly spaced.

(c) If satisfied that the installation of any rail of the required height is impracticable, the OCMI may accept a grab rail or a rail of a lesser height in its place.

§ 127.320 Storm rails.

Suitable storm rails must be installed in each passageway and at the deckhouse sides, including in way of inclined ladders, where persons aboard have normal access. They must be installed on both sides of passageways more than 6 feet wide.

§ 127.330 Guards in dangerous places.

Suitable hand covers, guards, or rails must be installed on each exposed and dangerous place, such as gears and machinery.

Subpart D—Construction of Windows, Visibility, and Operability of Coverings

§ 127.410 Safety-glazing materials.

Glass and other glazing material used in windows must be material that will not break into dangerous fragments if fractured.

§ 127.420 Strength.

Each window or porthole, and its means of attachment to the hull or the deckhouse, must be capable of withstanding the maximum expected load from wave and wind conditions, due to its location on the OSV and the authorized route of the vessel.

§ 127.430 Visibility from pilothouse.

(a) Windows and other openings at the pilothouse must be of sufficient size and properly located to provide adequate view for safe operation in any condition.

(b) Glass or other glazing material used in windows at the pilothouse must have a light transmission of at least 70 percent according to Test 2 of ANSI Z26.1, ''Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,'' and must comply with Test 15 of ANSI Z26.1 for Class I Optical Deviation.

§ 127.440 Operability of window coverings.

Any covering or protection placed over a window or porthole must be able to be readily removed or opened. It must be possible to open or remove the covering or protection without anyone's having to go onto a weather deck.

PART 128—MARINE ENGINEERING: EQUIPMENT AND SYSTEMS

Subpart A—General

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Authority: 46 U.S.C. 3306; 49 CFR 1.46.

Subpart A—General

§ 128.110 Equipment and systems.

(a) Except as provided by this part, the design, installation, testing, and inspection of materials, machinery, pressure vessels, and piping must comply with subchapter F of this chapter.

(b) This part contains requirements for equipment and systems commonly found on an OSV. If additional or unique systems, such as for low-temperature cargoes, are to be installed, they too must comply with subchapter F of this chapter.

§ 128.120 Plan approval.

The plans required by subchapter F of this chapter need not be submitted if the plans listed by § 127.110(d) of this subchapter have been submitted.

§ 128.130 Vital systems.

(a) Vital systems are those systems that are vital to a vessel's survivability and safety. For the purpose of this subchapter, the following are vital systems:

(1) Systems for fill, transfer, and service of fuel oil.

(2) Fire-main systems.

(3) Fixed gaseous fire-extinguishing systems.

(4) Bilge systems.

(5) Ballast systems.

(6) Steering systems and steering-control systems.

(7) Propulsion systems and their necessary auxiliaries and control systems.

(8) Systems for transfer and control of cargo, for integral tanks or fixed independent tanks, in compliance with § 125.110 of this subchapter.

(9) Ship's service and emergency electrical-generation systems and their auxiliaries.

(10) Any other marine-engineering system identified by the OCMI as crucial to the survival of the OSV or to the protection of the personnel aboard.

(b) For the purpose of this subchapter, a system not identified by paragraph (a) of this section is a non-vital system.

Subpart B—Materials and Pressure Design

§ 128.210 Class II vital systems—materials.

Except as provided by §§ 128.230 and 128.240 of this subpart, instead of complying with part 56 of this chapter, materials used in Class II vital piping-systems may be accepted by the OCMI or the Commanding Officer, Marine Safety Center, if shown to provide a level of safety equivalent to materials in § 56.60 of this chapter.

§ 128.220 Class II non-vital systems—materials and pressure design.

(a) Except as provided by §§ 128.230, 128.240, and 128.320 of this part, a Class II non-vital piping-system need not meet the requirements for materials and pressure design of subchapter F of this chapter.

(b) Piping for salt-water service must be of a corrosion-resistant material, be

hot-dip galvanized, or be at least of extra-heavy schedule in wall thickness.

(c) Each Class II non-vital piping-system must be certified by the builder as suitable for its intended service. A written certificate to this effect must be submitted with the plans required by § 127.110(d) of this subchapter.

(d) The OCMI will review the particular installation of each system for the safety hazards identified in paragraphs (a), (b)(1), and (c) through (k) of § 56.50–1 of this chapter, and will add requirements as appropriate.

§ 128.230 Penetrations of hulls and watertight bulkheads—materials and pressure design.

(a) Each piping penetration, in each bulkhead required by this subchapter to be watertight, must meet the requirements for materials and pressure design of subchapter F of this chapter.

(b) Each overboard discharge and shell connection, up to and including required shut-off valves, must meet the requirements for materials and pressure design of subchapter F of this chapter.

§ 128.240 Hydraulic or pneumatic power and control—materials and pressure design.

(a) Each standard piping component (such as pipe runs, fittings, flanges, and standard valves) for hydraulic or pneumatic power and control systems must meet the requirements for materials and pressure design of § 128.110, 128.210, or 128.220 of this part, as appropriate.

(b) Any non-standard hydraulic or pneumatic component (such as control valves, check valves, relief valves, and regulators) may be accepted by the OCMI or the Commanding Officer, Marine Safety Center, if the component is certified by the manufacturer as suitable for marine service and if—

(1) The component meets each of the requirements for materials and pressure design of subparts 56.60 and 58.30 of this chapter and if its service is limited to the manufacturer's rated pressure; or

(2) The service of the component is limited to ½ the manufacturer's recommended maximum allowable working pressure (MAWP) or 1/10 the component's burst pressure. Burst-pressure testing is described in ANSI B 31.1, Paragraph 104.7.A, and must be conducted to comply with Paragraph A–22, Section, I, ASME Boiler and Pressure Vessel Code. Written certification of results of burst-pressure testing must be submitted with the plans required by § 127.110(d) of this subchapter.

Subpart C—Main and Auxiliary Machinery

§ 128.310 Fuel.

(a) Except as provided by paragraph (b) of this section, each internal-combustion engine installed on an OSV, whether for main propulsion or for auxiliaries, must be driven by a fuel having a flashpoint of not lower than 110 degrees F. as determined by ASTM D93.

(b) The use of a fuel with a flashpoint of lower than 110 degrees F. must be specifically approved by the Commandant (G–MTH), except in an engine for a gasoline-powered rescue boat.

§ 128.320 Exhaust systems.

No diesel-engine exhaust system need meet the material requirements in § 58.10–5(d)(1)(i) of this chapter if the installation is certified as required by § 128.220(c) of this part.

Subpart D—Design Requirements for Specific Systems

§ 128.310 Ship's service refrigeration systems.

No self-contained unit either for air-conditioning or for refrigerated spaces for ship's stores need comply with § 58.20–5, 58.20–10, 58.20–15, 58.20–20(a), or 58.20–20(b) of this chapter if—

(a) The unit uses a fluorocarbon refrigerant allowed by part 147 of this chapter;

(b) The manufacturer certifies that the unit is suitable for its intended purpose; and

(c) Electrical wiring meets the applicable requirements in subchapter J of this chapter.

§ 128.420 Keel-cooler installations.

(a) Except as provided by this section, each keel-cooler installation must comply with § 56.50–96 of this chapter.

(b) Approved metallic flexible connections may be located below the deepest-load waterline if the system is a closed loop below the waterline and if its vent is located above the waterline.

(c) Fillet welds may be used in the attachment of channels and half-round pipe sections to the bottom of the OSV.

(d) Short lengths of approved non-metallic flexible hose fixed by metallic hose-clamps may be used at machinery connections if—

(1) The clamps are of a corrosion-resistant material;

(2) The clamps do not depend on spring tension for their holding power; and

(3) Two of the clamps are used on each end of the hose, except that one clamp may be used on an end expanded or beaded to provide a positive stop against hose slippage.

§ 128.430 Grid-cooler installations.

(a) Each hull penetration for a grid-cooler installation must be made through a cofferdam or at a seachest and must be provided with isolation valves fitted as close to the sea inlet as possible.

(b) Each grid cooler must be protected against damage from debris and grounding by protective guards or by recessing the cooler into the hull.

§ 128.440 Bilge systems.

(a) Except as provided by this section, each bilge system must comply with §§ 56.50–50 and 56.50–55 of this chapter.

(b) If the steering room, engine room, centerline passageway, forward machinery space, and compartment containing the dry-mud tanks are the only below-deck spaces that must be fitted with bilge suctions, the OSV may be equipped to the standards of §§ 56.50–50 and 56.50–55 of this chapter applicable to a dry-cargo vessel of less than 180 feet in length.

§ 128.450 Liquid-mud systems.

(a) Liquid-mud systems of piping may use resiliently seated valves of category A to comply with §§ 56.20–15 and 56.50–60 of this chapter.

(b) Tanks for oil-based liquid mud must be fitted with tank vents equipped with flame screens. Vents must not discharge to the interior of the OSV.

PART 129—ELECTRICAL INSTALLATIONS

Subpart A—General Provisions

Sec.

Subpart B—General Requirements

Subpart C—Power Sources and Distribution Systems

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

Subpart A—General Provisions

§ 129.100 General.

This part contains requirements for the design, construction, and installation of electrical equipment and systems including power sources, lighting, motors, miscellaneous equipment, and safety systems.

§ 129.110 Applicability.

(a) Except as specifically provided in this part, electrical installations on OSVs of 100 or more gross tons must comply with subchapter J of this chapter.

(b) Electrical installations on OSVs of less than 100 gross tons must meet the—

(1) Requirements of paragraph (a) of this section for vessels of 100 or more gross tons; or

(2) Applicable requirements of this part.

§ 129.120 Alternative standards.

(a) An OSV of 65 feet in length or less may meet the following requirements of the American Yacht and Boat Council Projects, where applicable, instead of § 129.340 of this part:

(i) E–1, Bonding of Direct Current Systems.

(ii) E–8, AC Electrical System on Boats.

(iii) E–9, DC Electrical Systems on Boats.

(b) An OSV with an electrical installation operating at a potential of less than 50 volts may comply with § 183.430 of this chapter instead of § 129.340 of this part.

Subpart B—General Requirements

§ 129.200 Design, installation, and maintenance.

Electrical equipment on an OSV must be designed, installed, and maintained to—

(a) Provide services necessary for safety under normal and emergency conditions;

(b) Protect crew members, offshore workers, and the OSV from electrical hazards, including fire, caused by or originating in electrical equipment and electrical shock;

(c) Minimize accidental personal contact with energized parts; and

(d) Prevent electrical ignition of flammable vapors.

§ 129.210 Protection from wet and corrosive environments.

(a) Electrical equipment used in the following spaces must be drip-proof:

(1) A machinery space.

(2) A space normally exposed to splashing, water wash down, or other wet conditions within a galley, a laundry, or a public washroom or toilet room that has a bath or shower.

(3) Every other space with similar wet conditions.

(b) Electrical equipment exposed to the weather must be watertight.

(c) Electrical equipment exposed to corrosive environments must be of suitable construction and must be resistant to corrosion.

§ 129.220 Basic safety.

(a) Electrical equipment and installations must be suitable for the roll, pitch, and vibration of the OSV under way.

(b) All equipment, including switches, fuses, and lampholders, must be suitable for the voltage and current used.

(c) Receptacle outlets of the type providing a grounded pole or a specific direct-current polarity must be of a configuration that does not permit improper connection.

(d) Electrical equipment and circuits must be clearly marked and identified.

(e) Any cabinet, panel, box, or other enclosure containing more than one source of power must be fitted with a sign warning persons of this condition and identifying the circuits to be disconnected.

Subpart C—Power Sources and Distribution Systems

§ 129.310 Power sources.

(a) (1) Each OSV that relies on electricity to power the following loads must be arranged so that the loads can be energized from at least two sources of electricity:

(i) Any system identified as a vital system in § 128.130(a) of this subchapter.

(ii) Interior lights.

(iii) Communication systems.

(iv) Navigational equipment and lights.

(v) Fire-protection equipment.

(2) An OSV with batteries of enough capacity for 3 hours of continuous operation to supply the loads specified in paragraph (a)(1) of this section, and with a generator or alternator driven by a propulsion engine, complies with paragraph (a)(1) of this section.

(b) Where a generator driven by a propulsion engine is used as a source of electrical power, no speed change, throttle movement, or change in direction of the propeller shaft of the OSV may interrupt power to any of the loads specified in paragraph (a)(1) of this section.

§ 129.315 Power sources for OSVs of 100 or more gross tons.

(a) The requirements of this section apply instead of those in subpart 111.10 of this chapter.

(b) If a generator provides electrical power for any system identified as a vital system by § 128.130(a) of this subchapter, at least two power-generating sets must be provided. At least one set must be independent of the main propulsion plant. A generator not independent of the main propulsion plant must comply with § 111.10–4(c) of this chapter. With any one generating set stopped, the remaining set or sets must provide the power necessary for the loads required by this section.

§ 129.320 Generators and motors.

(a) Each generator and motor must be—

(1) In an accessible space, adequately ventilated and as dry as practicable; and

(2) Mounted above the bilges to avoid damage by splash and to avoid contact with low-lying vapors.

(b) Each generator and motor must be designed for an ambient temperature of 50 degrees C. (122 degrees F.), except that—

(1) If the ambient temperature in the space where a generator or motor is does not exceed 40 degrees C. (104 degrees F.) under normal operating conditions, the generator or motor may be designed for an ambient temperature of 40 degrees C.; and

(2) A generator or motor designed for an ambient temperature of 40 degrees C. may be used in a location where the ambient temperature is 50 degrees C., if the generator or motor is derated to 80 percent of the full-load rating and if the rating or setting of the overcurrent

devices of the generator or motor is reduced accordingly.

(c) For each generator rated at 50 volts or more, a voltmeter and an ammeter used for measuring voltage and current while the generator is in operation must be provided. For each alternating-current generator, a means for measuring frequency must also be provided. To ensure satisfactory operation of each generator, additional control equipment and measuring instruments, if needed, must also be provided.

(d) Each generator must have a nameplate attached to it indicating—

(1) Name of manufacturer, type of generator, and designation of frame;

(2) Output in kilowatts, or horsepower rating;

(3) Kind of rating (continuous, overload, or other);

(4) Amperes at rated load, voltage, and frequency;

(5) Number of phases, if applicable;

(6) Type of windings, if DC:

(7) When intended for connection in a normally grounded configuration, the grounding polarity; and

(8) For a generator derated to comply with paragraph (b)(2) of this section, the derated capacity.

(e) Each motor must have attached to it a nameplate containing the information required by Article 430 of NFPA 70.

§ 129.323 Multiple generators.

If an OSV uses two or more generators to supply electricity for the ship's service loads, to comply with § 129.310(a) of this subpart, the following requirements must be met:

(a) Each generator must have an independent prime mover.

(b) The circuit breaker of a generator to be operated in parallel with another generator must comply with §§ 111.05–13, 111.12–11(f), 111.30–19(a), and 111.30–25(d) of this chapter.

(c) The circuit breaker of a generator not to be operated in parallel with another generator must be interlocked to prevent that generator from being connected to the switchboard simultaneously with another.

§ 129.326 Dual-voltage generators.

If a dual-voltage generator is installed on an OSV—

(a) The neutral of the dual-voltage system must be solidly grounded at the switchboard's neutral bus and be accessible for checking the insulation resistance of the generator to ground before the generator is connected to the bus; and

(b) Ground detection must be provided that—

(1) For an alternating-current system, complies with § 111.05–27 of this chapter; and

(2) For a direct-current system, complies with § 111.05–29 of this chapter.

§ 129.330 Distribution panels and switchboards.

(a) Each distribution panel or switchboard must be in a location as dry as practicable, accessible, adequately ventilated, and protected from falling debris and dripping or splashing water.

(b) Each distribution panel or switchboard must be totally enclosed and of the dead-front type.

(c) Each switchboard must have nonconductive handrails.

(d) Each switchboard must be fitted with a dripshield, unless the switchboard is of a type mounted deck to overhead and is not subject to falling objects or liquids from above.

(e) Each distribution panel and switchboard accessible from the rear must be constructed to prevent a person's accidental contact with energized parts.

(f) Working space must be provided around each main distribution panel and switchboard of at least 24 inches in front of the switchboard and, unless it is inaccessible from the rear, of at least 18 inches from the nearest bulkhead, stiffener, or frame behind the switchboard.

(g) Nonconductive mats or grating must be provided on the deck in front of each switchboard and, if the switchboard is accessible from the rear, on the deck behind the switchboard.

(h) Each uninsulated current-carrying part must be mounted on noncombustible, nonabsorbent, high-dielectric insulating material.

(i) Equipment mounted on a hinged door of an enclosure must be constructed or shielded so that no person will come into accidental contact with energized parts of the door-mounted equipment when the door is open and the circuit energized.

(j) Switchboards and distribution panels must be sized in accordance with § 111.30–19(a) of this chapter.

§ 129.340 Cable and wiring.

(a) If individual wires, rather than cables, are used in systems operating at a potential of greater than 50 volts, the wire and associated conduit must be run in a protected enclosure. The protected enclosure must have drain holes to prevent the buildup of condensation.

(b) Each cable and wire must—

(1) Have stranded copper conductors with sufficient current-carrying capacity for the circuit in which it is used;

(2) Be installed so as to avoid or reduce interference with radio reception and compass indication;

(3) Be protected from the weather;

(4) Be supported so as to avoid chafing or other damage;

(5) Be installed without sharp bends;

(6) Be protected by metal coverings or other suitable means, if in areas subject to mechanical abuse;

(7) Be suitable for low temperature and high humidity, if installed in refrigerated compartments;

(8) Be located outside a tank, unless it supplies power to equipment in the tank; and

(9) Have sheathing or wire insulation compatible with the fluid in a tank, when installed to comply with paragraph (b)(8) of this section.

(c) Cable and wire in power and lighting circuits must be #14 AWG or larger. Cable and wire in control and indicator circuits must be #22 AWG or larger, or be ribbon cable or similar, smaller, conductor-size cable recommended by the equipment manufacturer for use in circuits for low-power instrumentation, monitoring, or control.

(d) Cable and wire for power and lighting circuits must—

(1) Comply with Section 310–13 of the NEC (NFPA 70), except that no asbestos-insulated cable or dry-location cable may be used;

(2) Be listed by Underwriters Laboratories Inc. as UL Boat or UL Marine Shipboard cable; or

(3) Comply with § 111.60–1 of this chapter for cable, and § 111.60–11 of this chapter for wire.

(e) Cable and wire serving vital systems listed in § 128.130(a) of this subchapter or serving emergency loads must be routed as far as practicable from areas at high risk for fire, such as galleys, laundries, and machinery spaces.

(f) Cable or wire serving duplicated equipment must be separated so that a casualty that affects one cable does not affect the other.

(g) Each connection to a conductor or a terminal part of a conductor must be made within an enclosure and have a—

(1) Pressure-type connector on each conductor;

(2) Solder lug on each conductor;

(3) Splice made with a pressure-type connector to a flexible lead or conductor; or

(4) Splice soldered, brazed, or welded to a flexible lead or conductor.

(h) A connector or lug of the set-screw type must not be used with a stranded conductor smaller than No. 14 AWG, unless there is a nonrotating follower that travels with the set screw and

makes pressure contact with the conductor.

(i) Each pressure-type wire connector and lug must comply with UL 486A. No wire nuts may be used.

(j) Each terminal block must have terminal screws 6–32 or larger.

(k) Each wire connector used in conjunction with screw-type terminal blocks must be of the captive type such as the ring or the flanged-spade type.

(l) No cable may be spliced in—

(1) A hazardous location; or

(2) Another location, except—

(i) A cable installed in a subassembly may be spliced to a cable installed in another subassembly;

(ii) For a vessel receiving alterations, a cable may be spliced to extend a circuit;

(iii) A cable of large diameter or exceptional length may be spliced to facilitate its installation.

(iv) A cable may be spliced to replace a damaged section of itself if, before replacement of the damaged section, the insulation resistance of the remainder of the cable is measured, and the condition of the insulation is unimpaired.

(m) All material in a cable splice must be chemically compatible with other material in the splice and with the materials in the cable.

(n) Ampacities for conductors must comply with Section 310–15 of the NEC (NFPA 70), or with IEEE Standard 45, as appropriate.

(o) Each conductor must be sized so that the voltage drop at the load terminals does not exceed 10 percent.

(p) Each metallic covering of armored cable must—

(1) Be electrically continuous; and

(2) Be grounded at each end of the run to the—

(i) Hull (on a metallic OSV); or

(ii) Common ground plate (on a nonmetallic vessel); and

(3) Have final sub-circuits grounded at the supply end only.

(q) Each portable or temporary electric cord or cable must be constructed and used in compliance with the requirements of § 111.60–13 of this chapter for flexible electric cord or cable.

§ 129.350 Batteries—general.

(a) Wherever a battery is charged, there must be natural or induced ventilation to dissipate the gases generated.

(b) Each battery must be located as high above the bilge as practicable and be secured to protect against shifting due to roll, pitch, and heave motions or vibration of the OSV, and free from exposure to splash or spray of water.

(c) Each battery must be accessible for maintenance and removal.

(d) Each connection to a battery terminal must be made with a permanent connector, rather than with spring clips or other temporary clamps.

(e) Each battery must be mounted in a tray lined with, or constructed of, lead or other material resistant to damage by the electrolyte.

(f) Each battery charger must have an ammeter connected in the charging circuit.

(g) Unless the battery is adjacent to a distribution panel or switchboard that distributes power to the lighting, motor, and appliance circuits, the battery leads must have fuses in series with and as close as practicable to the battery.

(h) Each battery used for starting an engine must be located as close as possible to the engine or engines served.

§ 129.353 Battery categories.

This section applies to batteries installed to meet the requirements of § 129.310(a) for secondary sources of power to vital loads.

(a) *Large.* A large battery-installation is one connected to a battery charger having an output of more than 2 kw, computed from the highest possible charging current and rated voltage of the battery installed.

(b) *Small.* A small battery-installation is one connected to a battery charger having an output of 2 kw or less, computed from the highest possible charging current and rated voltage of the battery installed.

§ 129.356 Battery installations.

(a) *Large.* Each large battery-installation must be located in a locker, room, or enclosed box dedicated solely to the storage of batteries. Ventilation must be provided in accordance with § 111.15–10 of this chapter. Electrical equipment located within the battery enclosure must be approved by an independent laboratory for hazardous locations of Class I, Division 1, Group B, and must meet part 111, subpart 111.105, of this chapter.

(b) *Small.* Each small battery-installation must be located in a well-ventilated space and protected from falling objects. No small battery-installation may be in a closet, storeroom, or similar space.

§ 129.360 Semiconductor-rectifier systems.

(a) Each semiconductor-rectifier system must have an adequate heat-removal system to prevent overheating.

(b) If a semiconductor-rectifier system is used in a propulsion system or in another vital system, it must—

(1) Have a current-limiting circuit;

(2) Have external overcurrent protection; and

(3) Comply with sections 4/5.84.2 and 4/5.84.4 of the ABS's ''Rules for Building and Classing Steel Vessels.''

§ 129.370 Equipment grounding.

(a) On a metallic OSV each metallic enclosure and frame of electrical equipment must be permanently grounded to the hull. On a nonmetallic vessel each enclosure and frame of electrical equipment must be bonded to each other and to a common ground by a conductor not normally carrying current.

(b) Each metallic case of instruments must be grounded. So must each secondary winding of instrument transformers.

(c) Each equipment grounding conductor must be sized to comply with section 250–95 of NEC (NFPA 70).

(d) Each nonmetallic mast and topmast must have a lightning-ground conductor.

§ 129.375 System grounding.

(a) If a grounded distribution system is provided, there must be only one connection to ground, regardless of the number of power sources. This connection must be at the main switchboard.

(b) On each metallic OSV a grounded distribution system must be grounded to the hull. On each nonmetallic vessel the neutral of a grounded system must be connected to a common ground plate, except that no aluminum grounding conductors may be used.

(c) On each nonmetallic OSV with a grounded distribution system, the common ground plate must have—

(1) Only one connection to the main switchboard; and

(2) The connection to itself readily accessible for checking.

(d) On each nonmetallic OSV with a ground plate provided for radio equipment, the plate must be connected to the common ground plate.

(e) Each insulated grounding-conductor of a cable must be identified by one of the following means:

(1) Wrapping of the cable with green braid or green insulation.

(2) Stripping of the insulation from the entire exposed length of the grounding-conductor.

(3) Marking of the exposed insulation of the grounding-conductor with green tape or green adhesive labels.

(f) No OSV's hull may carry current as a conductor except for—

(1) An impressed-current cathodic-protection system; or

(2) A battery system to start an engine.

(g) No cable armor may be used to ground electrical equipment or systems.

(h) Each receptacle outlet and attachment plug, for a portable lamp,

tool, or similar apparatus operating at 100 or more volts, must have a grounding-pole and a grounding-conductor in the portable cord.

§ 129.380 Overcurrent protection.

(a) Overcurrent protection must be provided for each ungrounded conductor, to open the electric circuit if the current reaches a value that causes an excessive or dangerous temperature in the conductor or its insulation.

(b) Each conductor of a control, interlock, or indicator circuit, such as a conductor for an instrument, pilot light, ground-detector light, or potential transformer, must be protected by an overcurrent device.

(c) Each generator must be protected by an overcurrent device set at a value not exceeding 115 percent of the generator's full-load rating.

(d) Circuits of control systems for steering gear must be protected against short circuit.

(e) Each feeder circuit for steering gear must be protected by a circuit breaker that complies with §§ 111.93–11 (a) and (b) of this chapter.

(f) Each branch circuit for lighting must be protected against overcurrent by either fuses or circuit breakers. Neither the fuses nor the circuit breakers may be rated at more than 30 amperes.

(g) Each conductor must be protected in accordance with its current-carrying capacity. If the allowable current-carrying capacity does not correspond to a standard size of device, the next larger overcurrent device may be used, unless it exceeds 150 percent of the conductor's current-carrying capacity.

(h) An overcurrent device must be installed to protect each motor conductor and control apparatus against overcurrent due to short circuit or ground fault. Each overcurrent device must be capable of carrying the starting current of the motor.

(i) An emergency switch must be provided in each normally ungrounded main supply conductor from a battery. The switch must be accessible from the battery and located as close as practicable to it.

(j) No grounded conductor of a circuit may be disconnected by a switch or circuit breaker unless the ungrounded conductors are all simultaneously disconnected.

(k) A means of disconnect must be provided on the supply side of and adjacent to each fuse, to de-energize the fuse for inspection and maintenance.

(l) A way for locking the means of disconnect open must be provided unless the means of disconnect for a fused circuit is within sight of the equipment that the circuit supplies.

(m) Each fuse must be of the cartridge type and be listed by Underwriters Laboratories (UL) or another independent laboratory recognized by the Commandant.

(n) Each circuit breaker must meet UL 489 and be of the manually-reset type designed for—

(1) Inverse delay;

(2) Instantaneous short-circuit protection; and

(3) Switching duty if the breaker is used as a switch.

(o) Each circuit breaker must indicate whether it is open or closed.

§ 129.390 Shore power.

Each OSV that has an electrical system operating at more than 50 volts and provides for shore power must meet the requirements of this section:

(a) A shore-power-connection box or receptacle must be permanently installed at a convenient location.

(b) A cable connecting the shore-power-connection box or receptacle to the switchboard or main distribution panel must be permanently installed.

(c) A circuit breaker must be provided at the switchboard or main distribution panel for the shore-power connection.

(d) The circuit breaker, required by paragraph (c) of this section, must be interlocked with the OSV's power sources so that shore power and the vessel's power sources may not operate simultaneously.

§ 129.395 Radio installations.

A separate circuit, with overcurrent protection at the switchboard, must be provided for each radio installation.

Subpart D—Lighting Systems

§ 129.410 Lighting fixtures.

(a) Each globe, lens, or diffuser of a lighting fixture must have a high-strength guard or be made of high-strength material, except in accommodations, the pilothouse, the galley, or similar locations where the fixture is not subject to damage.

(b) No lighting fixture may be used as a connection box for a circuit other than the branch circuit supplying the fixture.

(c) Each lighting fixture must be installed as follows:

(1) Each lighting fixture and lampholder must be fixed. No fixture may be supported by the screw shell of a lampholder.

(2) Each pendant-type lighting fixture must be suspended by and supplied through a threaded rigid-conduit stem.

(3) Each tablelamp, desklamp, floorlamp, or similar equipment must be so secured in place that it cannot be displaced by the roll, pitch, or vibration of the vessel.

(d) Each lighting fixture in an electrical system operating at more than 50 volts must comply with UL 595, ''Marine Type Electric Lighting Fixtures.'' A lighting fixture in an accommodation space, radio room, galley, or similar interior space may comply with UL 57, ''Electric Lighting Fixtures,'' UL 1570, ''Fluorescent Lighting Fixtures,'' UL 1571, ''Incandescent Lighting Fixtures,'' UL 1572, ''High Intensity Discharge Lighting Fixtures,'' UL 1573, ''Stage and Studio Lighting Units,'' or UL 1574, ''Track Lighting Systems,'' as long as the general marine requirements of UL 595 are satisfied.

§ 129.420 Branch circuits for lighting on OSVs of 100 or more gross tons.

On each OSV of 100 or more gross tons, each branch circuit for lighting must comply with § 111.75–5 of this chapter, except that—

(a) Appliance loads, electric-heater loads, and isolated small-motor loads may be connected to a lighting-distribution panelboard; and

(b) Branch circuits, other than for lighting, connected to the lighting-distribution panelboard permitted by paragraph (a) of this section may have fuses or circuit breakers rated at more than 30 amperes.

§ 129.430 Navigational lighting.

(a) Each OSV of less than 100 gross tons and less than 65 feet in length must have navigational lighting in compliance with the applicable navigation rules.

(b) Each OSV of 100 or more gross tons, or 65 feet or more in length, must have navigational lighting in compliance with the applicable navigation rules and with § 111.75–17(d) of this chapter.

§ 129.440 Emergency lighting.

(a) An OSV of less than 100 gross tons must have adequate emergency lighting fitted along the line of escape to the main deck from accommodations and working (machinery) spaces below the main deck.

(b) The emergency lighting required by paragraph (a) of this section must automatically actuate upon failure of the main lighting. Unless an OSV is equipped with a single source of power for emergency lighting, it must have individual battery-powered lighting that is—

(1) Automatically actuated upon loss of normal power;

(2) Not readily portable;

(3) Connected to an automatic battery-charger; and

(4) Of enough capacity for 6 hours of continuous operation.

§ 129.450 Portable lighting.

Each OSV must be equipped with at least two operable, portable, battery-powered lights. One of these lights must be located in the pilothouse, another at the access to the engine room.

Subpart E—Miscellaneous Electrical Systems

§ 129.510 Lifeboat winches.

Each lifeboat winch operated by electric power must comply with subparts 111.95 and 160.015 of this chapter.

§ 129.520 Hazardous areas.

(a) No OSV that carries flammable or combustible liquid with a flashpoint of below 140 degrees F. (60 degrees C.), or carries hazardous cargoes on deck or in integral tanks, or is involved in servicing wells, may have electrical equipment installed in pump rooms, in hose-storage spaces, or within 10 feet of a source of vapor on a weather deck unless the equipment is explosion-proof or intrinsically safe under §§ 111.105–9 or 111.105–11 of this chapter.

(b) No electrical equipment may be installed in any locker used to store paint, oil, turpentine, or other flammable liquid unless the equipment is explosion-proof or intrinsically safe under §§ 111.105–9 or 111.105–11 of this chapter.

(c) Equipment that is explosion-proof and intrinsically safe must comply with subpart 111.105 of this chapter.

§ 129.530 General alarm.

Each OSV must be fitted with a general alarm that complies with subpart 113.25 of this chapter.

§ 129.540 Remote stopping-systems on OSVs of 100 or more gross tons.

(a) Except as provided by paragraph (b) of this section, each OSV must be fitted with remote stopping-systems that comply with subpart 111.103 of this chapter.

(b) The following remote stopping-systems may substitute for remote stopping-systems that must comply with subpart 111.103 of this chapter:

(1) For each propulsion unit, in the pilothouse.

(2) For each discharge pump for bilge slop or dirty oil, at the deck discharge.

(3) For each powered ventilation system, outside the space ventilated.

(4) For each fuel-oil pump, outside the space containing the pump.

(5) For each cargo-transfer pump for combustible and flammable liquid, at each transfer-control station.

(c) Remote stopping-systems required by this section may be combined.

§ 129.550 Power for cooking and heating.

(a) Equipment for cooking and heating must be suitable for marine use. Equipment designed and installed to comply with ABYC Standards A–3 and A–7 or Chapter 6 of NFPA 302 meets this requirement.

(b) The use of gasoline for cooking, heating, or lighting is prohibited.

(c) The use of liquefied petroleum gas for cooking, heating, or other purposes must comply with subpart 58.16 of this chapter.

(d) Each electric space-heater must be provided with a thermal cut-out to prevent overheating.

(e) Each element of an electric space-heater must be enclosed, and the case or jacket of the element made of a corrosion-resistant material.

(f) Each electrical connection for a cooking appliance must be drip-proof.

§ 129.560 Engine-order telegraphs on OSVs of 100 or more gross tons.

No OSV of 100 or more gross tons need carry an engine-order telegraph.

PART 130—VESSEL CONTROL, AND VARIOUS EQUIPMENT AND SYSTEMS

Subpart A—Vessel Control

Sec.

Subpart B—Miscellaneous Equipment and Systems

Subpart C—Navigational Equipment

Subpart D—Automation of Unattended Machinery Spaces

Authority: 46 U.S.C. 3306, 8105; 49 CFR 1.46.

Subpart A—Vessel Control

§ 130.110 Internal communications on OSVs of less than 100 gross tons.

Each OSV of less than 100 gross tons equipped with an independent auxiliary means of steering, as required by § 130.130(b) of this subpart, must have a fixed means of communication between the pilothouse and the place where the auxiliary means of steering is controlled.

§ 130.120 Propulsion control.

(a) Each OSV must have—

(1) A propulsion-control system operable from the pilothouse; and

(2) A means at each propulsion engine of readily disabling the propulsion-control system to permit local operation.

(b) Each propulsion-control system operable from the pilothouse must enable—

(1) Control of the speed of each propulsion engine;

(2) Control of the direction of propeller-shaft rotation;

(3) Control of propeller pitch, if a controllable-pitch propeller is fitted; and

(4) Shutdown of each propulsion engine.

(c) The propulsion-control system operable from the pilothouse may constitute the remote stopping-system required by § 129.540 of this subchapter.

(d) Each propulsion-control system, including one operable from the pilothouse, must be designed so that no one failure of the system allows the propulsion engine to over speed or the pitch of the propeller to increase.

§ 130.130 Steering on OSVs of less than 100 gross tons.

(a) Each OSV of less than 100 gross tons must have a steering system that complies with—

(1) Section 130.140 of this subpart; or

(2) This section.

(b) Except as provided by paragraph (i) of this section, each OSV must have a main and an independent auxiliary means of steering.

(c) The main means of steering (main steering gear) must be—

(1) Of adequate strength for, and capable of, steering the OSV at each service speed;

(2) Designed to operate at maximum astern speed without being damaged; and

(3) Capable of moving the rudder from 35 degrees on one side to 30 degrees on the other side in no more than 28 seconds with the vessel moving ahead at maximum service speed.

(d) Control of the main steering gear must be available from the pilothouse, including control of any necessary ancillary device (motor, pump, valve, or the like). If a power-driven main steering gear is used, a pilot light must be installed in the pilothouse to indicate operation of the power units.

(e) The auxiliary means of steering (auxiliary steering gear) must be—

(1) Of adequate strength for steering the OSV at navigable speed;

(2) Capable of steering the vessel at navigable speed; and

(3) Controlled from a place that—

(i) Can communicate with the pilothouse; or

(ii) Enables the master to safely maneuver the vessel.

(f) The steering gear must be designed so that transfer from the main steering gear or its control to the auxiliary steering gear or its control can be achieved rapidly. Any tools or equipment necessary for transfer must be readily available. Instructions for transfer must be posted.

(g) Each OSV must have instantaneous protection against short circuit for electrical-power circuits and control circuits, the protection sized and located to comply with §§ 111.93–11 (d) and (e) of this chapter.

(h) A rudder-angle indicator independent of the control of the main steering gear must be installed at the steering-control station in the pilothouse.

(i) No auxiliary steering gear need be installed if—

(1) The main steering gear, including power systems, is installed in duplicate; or

(2) Multiple-screw propulsion—with independent control of propulsion from the pilothouse for each screw and with a means to restrain and center the rudder—is installed, and if that control is capable of steering the OSV.

(j) Each OSV with duplicate (parallel but cross-connected) power systems for the main steering gear by way of compliance with paragraph (i)(1) of this section, may use one of the systems for other purposes if—

(1) Control of the subordinate parallel system is located at the steering-control station in the pilothouse;

(2) Full power is available to the main steering gear when the subordinate parallel system is not in operation;

(3) The subordinate parallel system can be isolated from the means of steering, and instructions on procedures for isolating it are posted; and

(4) The subordinate parallel system is materially equivalent to the steering system.

§ 130.140 Steering on OSVs of 100 or more gross tons.

(a) Each OSV of 100 or more gross tons must have a means of steering that meets the—

(1) Applicable requirements of subchapters F and J of this chapter; or

(2) Requirements for a hydraulic-helm steering-system in paragraph (b) of this section.

(b) Each hydraulic-helm steering-system must have the following:

(1) A main steering gear of adequate strength for, and capable of, steering the OSV at every service speed without being damaged at maximum astern speed.

(2) A hydraulic system with a MAWP of not more than 1800 psi, dedicated to steering.

(3) Piping materials that comply with Subchapter F of this chapter, and piping thickness of at least schedule 80.

(4) Each fore-and-aft run of piping located as far inboard as practicable.

(5) Rudder stops.

(6) Either—

(i) Two steering pumps in accordance with § 130.130(c)(3) of this part; or

(ii) A single hydraulic sump of the ''cascading overflow'' type with a centerline bulkhead open only at the top, if each half has enough capacity to operate the system.

(7) Control of the main steering gear from the pilothouse, including—

(i) Control from the helm;

(ii) Control of any necessary ancillary device (motor, pump, valve, or the like); and

(iii) Adequate visibility when going astern.

(8) Multiple-screw propulsion with independent control of propulsion from the pilothouse, complying with § 130.120 of this part and being capable of steering the vessel.

(9) Dual hydraulic cylinders arranged so that either cylinder can be readily isolated, permitting the other cylinder to remain in service and move each rudder.

(10) The steering alarms and indicators required by § 111.93–13 of this chapter, located in the pilothouse.

(11) Instantaneous protection against short circuit for electrical power, and control circuits sized and located as required by §§ 111.93–11 (d) and (e) of this chapter.

(12) A rudder-angle indicator, at the steering-control station in the pilothouse, that is independent of the control of the main steering gear.

(13) Means to locally start and stop the steering pumps.

(14) Means to isolate any auxiliary means of steering so as not to impair the reliability and availability of the control required by paragraph (b)(7) of this section.

(15) Manual capability to center and steady the rudder if the vessel loses normal steering power.

(c) For compliance with paragraph (b) of this section, one set of piping among pumps, helm, and cylinders is acceptable.

Subpart B—Miscellaneous Equipment and Systems

§ 130.210 Radiotelegraph and radiotelephone.

Each OSV must comply with 47 CFR part 80 as applicable.

§ 130.220 Design of equipment for cooking and heating.

(a) Doors on each cooking appliance must be provided with heavy-duty hinges and locking-devices to prevent accidental opening in heavy weather.

(b) Each cooking appliance must be installed so as to prevent its movement in heavy weather.

(c) Each grill or similar cooking appliance must have means to collect grease or fat and to prevent its spillage onto wiring or the deck.

(d) On each cooking appliance, grab rails must be installed when determined by the OCMI to be necessary for safety.

(e) On each cooking appliance, sea rails, with suitable barriers to prevent accidental movement of cooking pots, must be installed.

(f) Each heater must be constructed and installed so as to prevent the hanging from it of items such as towels and clothing.

§ 130.230 Protection from refrigerants.

(a) For each refrigeration system that exceeds 20 cubic feet of storage capacity if using ammonia or other hazardous gas, or exceeds 1000 cubic feet of storage capacity if using a fluorocarbon, as a refrigerant, there must be a self-contained breathing apparatus available.

(b) Each self-contained breathing apparatus must be stowed convenient to, but outside of, the space containing the refrigeration equipment.

(c) A complete recharge in the form of a spare charge must be carried for each self-contained breathing apparatus. The spare charge must be stowed with the equipment it is to reactivate.

(d) Each self-contained breathing apparatus must be of a type approved under subpart 160.011 of this chapter.

(e) The self-contained breathing apparatus in the fireman's outfit complies with this section.

§ 130.240 Anchors and chains.

(a) Each OSV must be fitted with anchors and chains meeting the

applicable standards set by the ABS for Classed Vessels, including equipment, except as permitted by paragraphs (b) and (c) of this section.

(b) As well as the standards incorporated by paragraph (a) of this section, the following apply:

(1) Except as provided by paragraph (c) of this section, standards of the ABS relating to anchor equipment are mandatory, not precatory.

(2) Each vessel of under 200 feet (61 meters) in length and with an equipment number from the ABS of less than 150 may be equipped with either—

(i) One anchor of the tabular weight and one-half the tabulated length of anchor chain listed in the applicable standard; or

(ii) Two anchors of one-half the tabular weight with the total length of anchor chain listed in the applicable standard, if both anchors are ready for use at any time and if the windlass is capable of heaving in either anchor.

(c) Standards of other classification societies may be used, instead of those established by the ABS, upon approval of the Commandant.

Subpart C—Navigational Equipment

§ 130.310 Radar.

Each OSV of 100 or more gross tons must be fitted with a general marine radar in the pilothouse.

§ 130.320 Electronic position-fixing device.

Each OSV must be equipped with an electronic position-fixing device satisfactory for the area in which the vessel operates.

§ 130.330 Charts and nautical publications.

(a) Except as provided by paragraph (b) or (c) of this section, as appropriate for the intended voyage, each OSV must carry adequate and up-to-date—

(1) Charts of large enough scale to make safe navigation possible;

(2) U.S. Coast Pilot or similar publication;

(3) Coast Guard Light List;

(4) Tide Tables published by the National Ocean Service;

(5) Local Notice or Notices to Mariners; and

(6) Current Tables published by the National Ocean Service, or a river-current publication issued by the U.S. Army Corps of Engineers or by a river authority, or both.

(b) Any OSV may carry, instead of the complete publications listed in paragraph (a) of this section, extracts from them for areas it will transmit.

(c) When operating in foreign waters, an OSV may carry an appropriate foreign equivalent of any item required by paragraph (a) of this section.

§ 130.340 Compass.

Each OSV must be fitted with a compass suitable for the intended service of the vessel. Except aboard a vessel limited to daytime operation, the compass must be illuminated.

Subpart D—Automation of Unattended Machinery Spaces

§ 130.400 Applicability.

This subpart applies to each OSV of 100 or more gross tons where automated systems either replace specific personnel in the control and observation of the propulsion system and machinery spaces or reduce the level of crew associated with the vessel's engine department.

§ 130.410 General.

(a) Arrangements must be such that under any operating condition, including maneuvering, the safety of the OSV is equivalent to that of the same vessel with the machinery spaces fully tended and under direct manual supervision.

(b) Acceptance by the Coast Guard of automated systems to replace specific crew members or to reduce overall requirements for crew members depends upon the—

(1) Capabilities of the automated system;

(2) Combination of crew members, equipment, and systems necessary to ensure the safety of the OSV, personnel, and environment in each operating condition, including maneuvering; and

(3) Ability of the crew members to perform each operational evolution, including to cope with emergencies such as fire and failure of control or monitoring systems.

(c) Equipment, provided to eliminate crew members in particular or to reduce crew members in general, that in the judgment of the OCMI proves unsafe or unreliable must be immediately replaced or repaired; otherwise, the OCMI will require added crew members to compensate for the equipment's inadequacy.

§ 130.420 Controls.

Each piece of machinery under automatic control must have an alternative manual means of control.

§ 130.430 Pilothouse control.

Each OSV must have, at the pilothouse, controls to start a fire pump, charge the fire main, and monitor the pressure in the fire main.

§ 130.440 Communications system.

(a) Each OSV must have a communications system to immediately summon a crew member to the machinery space wherever an alarm is required by § 130.460 of this subpart.

(b) The communications system must be either—

(1) An alarm that—

(i) Is dedicated for this purpose;

(ii) Sounds in the crew accommodations and the normally manned spaces; and

(iii) Is operable from the pilothouse; or

(2) A telephone operated from the pilothouse that reaches the master's stateroom, engineer's stateroom, engine room, and crew accommodations that either—

(i) Is a sound-powered telephone; or

(ii) Gets its power from the emergency switchboard or from an independent battery continuously charged by its own charger.

§ 130.450 Machinery alarms.

(a) Each alarm required by § 130.460 of this subpart must be of the self-monitoring type that will both show visibly and sound audibly upon an opening or break in the sensing circuit.

(b) The visible alarm must show until it is manually acknowledged and the condition is corrected.

(c) The audible alarm must sound until it is manually silenced.

(d) No silenced alarm may prevent any other audible alarm from sounding.

(e) Each OSV must provide for testing each visible and audible alarm.

(f) Each OSV must provide battery power for the alarm required by § 130.460(a)(8) of this subpart.

§ 130.460 Placement of machinery alarms.

(a) Visible and audible alarms must be installed at the pilothouse to indicate the following:

(1) Loss of power for propulsion control.

(2) Loss of power to the steering motor or for control of the main steering gear.

(3) Engine-room fire.

(4) High bilge-level.

(5) Low lube-oil pressure for each main propulsion engine and each prime mover of a generator.

(6) For each main propulsion engine and each prime mover of a generator—

(i) High lube-oil temperature; and

(ii) High jacket-water temperature.

(7) For each reduction gear and each turbocharger with a pressurized oil system—

(i) Low lube-oil pressure; and

(ii)High lube-oil temperature.

(8) Loss of normal power for the alarms listed in paragraphs (a)(1) through (a)(7) of this section.

(b) Sensors for the high-bilge-level alarm required by paragraph (a)(4) of this section must be installed in—

(1) Each space below the deepest load waterline that contains pumps, motors, or electrical equipment; and

(2) The compartment that contains the rudder post.

(c) Centralized displays must be installed in the machinery spaces to allow rapid evaluation of each problem detected by the alarms required by paragraph (a) of this section.

Equipment-mounted gages or meters are acceptable for this purpose, if they are grouped at a central site.

§ 130.470 Fire alarms.

(a) Each fire detector and control unit must be of a type specifically approved by the Commandant (G–MMS).

(b) No fire-alarm circuit for the engine room may contain a fire detector for any other space.

(c) The number and placement of fire detectors must be approved by the OCMI.

§ 130.480 Test procedure and operations manual.

(a) A procedure for tests to be conducted on automated equipment by the operator and the Coast Guard must be submitted to comply with § 127.110 of this subchapter.

(b) The procedure for tests must—

(1) Be in a sequential-checkoff format;

(2) Include the required alarms, controls, and communications; and

(3) Set forth details of the tests.

(c) Details of the tests must specify status of equipment, functions necessary to complete the tests, and expected results.

(d) No tests may simulate conditions by misadjustments, artificial signals, or improper wiring.

(e) A detailed operations manual that describes the operation and indicates the location of each system installed to comply with this part must be submitted to comply with § 127.110 of this subchapter.

PART 131—OPERATIONS

Subpart A—Notice of Casualty and Records of Voyage

Sec.

Subpart B—Markings on Vessels

Subpart C—Preparation for Emergencies

Subpart D—Sufficiency and Supervision of Crew of Survival Craft

Subpart E—Tests, Drills, and Inspections

Subpart F—Logs

Subpart G—Work Vests

Subpart H—Markings for Fire Equipment and Emergency Equipment

Subpart I—Miscellaneous

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101, 8105, 10104; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

Subpart A—Notice of Casualty and Records of Voyage

§ 131.110 Notice and records.

Each OSV must meet the requirements of part 4 of this chapter for reporting marine casualties and retaining voyage records.

Subpart B—Markings on Vessels

§ 131.210 Hulls.

Each OSV must be marked as required by parts 67 and 69 of this chapter.

§ 131.220 Drafts.

(a) Each OSV must have the drafts of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost, or at any place at the stern of the vessel that may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) Each draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

(c) When, because of raked stem or cutaway skeg, the keel does not extend forward or aft to the draft markings, the datum line from which the draft is taken must be the line of the bottom of the keel projected forward or aft, as the case may be, to where the line meets that of the draft markings projected downward.

(d) When a skeg or other appendage extends below the line of the keel, the draft at the end of the OSV adjacent to that appendage must be measured to a line tangent to the lowest part of the appendage and parallel to the line of the bottom of the keel.

(e) Drafts must be separated so that the projections of the marks onto a vertical plane are of uniform height, equal to the vertical spacing between consecutive marks.

(f) Marks must be painted in a color contrasting with that of the hull.

(g) Where marks are obscured because of operational constraints or by protrusions, the OSV must be fitted with a reliable draft-indicating system from which the drafts at bow and stern can be determined.

§ 131.230 Loadlines and decklines.

Each OSV assigned a loadline must have loadline markings and deck-line markings permanently scribed or embossed as required by subchapter E of this chapter.

Subpart C—Preparations for Emergencies

§ 131.310 List of crew members and offshore workers.

(a) The master of each OSV shall keep a correct list containing the name of each person that embarks upon and disembarks from the vessel.

(b) The list required by paragraph (a) of this section must be prepared before the OSV's departure on a voyage, and deposited ashore—

(1) At the facility from which the crew members and offshore workers embarked;

(2) In a well-marked place at the vessel's normal berth; or

(3) With a representative of the owner or managing operator of the vessel.

§ 131.320 Safety orientation for offshore workers.

(a) Before an OSV gets under way on a voyage, the master shall ensure that suitable public announcements are made informing each offshore worker of—

(1) In general terms, emergency and evacuation procedures;

(2) Locations of emergency exits and of embarkation areas for survival craft;

(3) Locations of stowage of lifejackets and immersion suits;

(4) With demonstration, proper method or methods of donning and adjusting lifejackets and immersion suits of the type or types carried on the vessel;

(5) Locations of the instruction placards for lifejackets and other lifesaving devices;

(6) Explanation that each offshore worker shall don an immersion suit and a lifejacket when the master determines that hazardous conditions do or might exist but that offshore workers may don lifejackets whenever they feel it necessary;

(7) Which hazardous conditions might require the donning of lifejackets and immersion suits;

(8) Types and locations of any other lifesaving device carried on the vessel;

(9) Locations and contents of the ''Emergency Instructions'' required by § 131.330;

(10) Survival craft to which assigned;

(11) Any hazardous materials on the vessel; and

(12) Any conditions or circumstances that constitute a risk to safety.

(b) The master of each OSV shall ensure that each offshore worker boarding the vessel on a voyage after the initial public announcement has been made as required by paragraph (a) of this section also hears the information in paragraph (a) of this section.

§ 131.330 Emergency instructions.

(a) Except as otherwise provided by this section, the master of each OSV shall prepare and post durable emergency-instruction placards in conspicuous locations accessible to the crew members and offshore workers.

(b) The instruction placards must contain the recommended ''Emergency Instructions'' listed in § 131.340 that, in the judgment of the OCMI, apply. The placards must be further designed to address the equipment, arrangement, and operation peculiar to each OSV.

§ 131.340 Recommended placard for emergency instructions.

The following is a recommended format and content of the placard for emergency instructions:

Emergency Instructions

(a) *Rough weather at sea, crossing of hazardous bars, or flooding.*

(1) Close each watertight and weathertight door, hatch, and air-port to prevent taking water aboard or further flooding in the OSV.

(2) Keep bilges dry to prevent loss of stability from water in bilges. Use power-driven bilge pump, hand pump, and buckets to dewater.

(3) Align fire pumps to serve as bilge pumps if possible.

(4) Check, for leakage, each intake and discharge line that penetrates the hull.

(5) Offshore workers remain seated and evenly distributed.

(6) Offshore workers don immersion suits (if required aboard) or lifejackets if the going becomes very rough, if the vessel is about to cross a hazardous bar, if flooding begins, or when ordered to by the master.

(7) Never abandon the vessel unless actually forced to, or ordered to by the master.

(8) Prepare survival craft—life floats, (inflatable) rafts, (inflatable) buoyant apparatus, and boats—for launching.

(b) *''Man overboard''.*

(1) Throw a ring buoy into the water as close to the person overboard as possible.

(2) Post a lookout to keep the person overboard in sight.

(3) Launch the rescue boat and maneuver it to pick up the person overboard, or maneuver the OSV to pick up the person.

(4) Have a crew member put on an immersion suit or lifejacket, have a safety line made fast to the crew member, and have the crew member stand by to jump into the water to assist the person overboard if necessary.

(5) If the person overboard is not immediately located—

(i) Notify other vessels in the vicinity, and the Coast Guard; and

(ii) Continue searching until released by the Coast Guard.

(c) *Fire.*

(1) Cut off air to the fire: close hatches, ports, doors, manual ventilators, and the like and shut off the ventilation system.

(2) Deenergize electrical systems supplying the affected compartment.

(3) Immediately use a portable fire extinguisher aimed at the base of the flames. Never use water on electrical fires.

(4) If the fire is in machinery spaces, shut off the fuel supply and ventilation system and activate any fixed extinguishing-system.

(5) Maneuver the OSV to minimize the effect of wind on the fire.

(6) If unable to control the fire, notify other vessels in the vicinity, and the Coast Guard.

(7) Move offshore workers away from fire; have them don lifejackets and, if necessary, prepare to abandon the OSV.

§ 131.350 Station bill.

(a) The master of each OSV shall post a station bill if the vessel's Certificate of Inspection requires more than four crew members, including the master.

(b) The station bill must be posted in the pilothouse and in conspicuous places in crew members' and offshore workers' accommodations.

(c) The station bill must set forth the special duties and duty stations of each crew member for various emergencies. The duties must, as far as possible, be comparable to and compatible with the regular work of the member. The duties must include at least the following and should comprise any other duties necessary for the proper handling of a particular emergency:

(1) The closing of hatches, air-ports, watertights doors, vents, and scuppers,

and of intake valves and discharge lines that penetrate the hull; the stopping of fans and ventilating systems; and the operating of safety equipment.

(2) The preparing and launching of survival craft and rescue boats.

(3) The extinguishing of fire.

(4) The mustering of offshore workers, which includes—

(i) Assembling them and seeing that they are properly dressed and have donned their immersion suits and lifejackets; and

(ii) Directing them to their appointed stations.

§ 131.360 Responsibilities of licensed or certificated individuals.

Nothing in the emergency instructions or in any station bill required by this subpart exempts any licensed or certificated individual from the exercise of good judgment in an emergency.

Subpart D—Sufficiency and Supervision of Crew of Survival Craft

§ 131.410 Certificate of proficiency.

A merchant mariner's document with an endorsement of lifeboatman or another inclusive rating under part 12 of this title is evidence of training in survival craft and serves as a certificate of proficiency. For this subpart, a ''certificated'' person is a person holding a merchant mariner's document with such an endorsement.

§ 131.420 Manning and supervision.

(a) There must be enough trained persons aboard each survival craft to muster and assist untrained persons.

(b) Except as permitted by paragraph (c)(2) of this section, there must be enough deck officers, able seamen, or other certificated persons aboard each survival craft to manage the launching and handling of the survival craft.

(c) One person must be placed in charge of each survival craft to be used.

(1) Except as permitted by paragraph (c)(2) of this section, the person in command must be a deck officer, able seaman, or other certificated person.

(2) Considering the nature of the voyage, the number of persons permitted aboard, and the characteristics of the OSV, including gross tonnage, the OCMI may permit persons practiced in the handling of liferafts to be placed in charge of liferafts instead of persons required under paragraph (c)(1) of this section.

(3) A deck officer, able seaman, or other certificated person shall serve as second-in-command for each lifeboat either—

(i) Carried on a vessel in ocean service; or

(ii) Permitted to carry more than 40 persons.

(d) The person in charge and the second-in-command of each survival craft shall have a list of crew members and offshore workers assigned to the craft and shall see that the crew members are acquainted with their duties.

(e) Each motorized survival craft must have assigned a person capable of operating the engine and carrying out minor adjustments.

(f) The master shall ensure that the persons required under paragraphs (a), (b), and (c) of this section are equitably distributed among the OSV's survival craft.

Subpart E—Tests, Drills, and Inspections

§ 131.505 Steering gear, whistle, and means of communication.

(a) On each OSV expected to be away from shore for more than 48 hours, the master shall examine and test the steering gear, the whistle, and the means of communication between the pilothouse and the engine room 12 or fewer hours before departure. On every other vessel, the master shall do the same at least once a week.

(b) The date of each test and examination and the condition of the equipment must be noted in the OSV's logbook.

§ 131.510 Draft and loadline markings.

(a) The master of each OSV on an ocean or coastwise voyage shall enter in the vessel's logbook the drafts of the vessel, forward and aft, when leaving port.

(b) The master of each OSV subject to the requirements of subchapter E of this chapter shall, upon departure from port on an ocean or coastwise voyage, enter in the vessel's logbook a statement of the position of the loadline markings, port and starboard, relative to the surface of the water in which the vessel is then floating.

(c) If the master when recording draft compensates for the density of the water in which the OSV is floating, he or she shall note this density in the vessel's logbook.

§ 131.513 Verification of compliance with applicable stability requirements.

(a) After loading but before departure, and at other times necessary to assure the safety of the OSV, the master shall verify that the vessel complies with requirements in its trim-and-stability book, stability letter, Certificate of Inspection, and Loadline Certificate, whichever apply, and then enter a statement of the verification in the logbook. The vessel may not leave port until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements, the master shall ascertain the OSV's draft, trim, and stability as necessary; and any stability calculations made in support of the determination must remain aboard the vessel for the duration of the voyage.

§ 131.515 Periodic sanitary inspections.

(a) The master shall make periodic inspections of the quarters, toilet and washing spaces, serving pantries, galleys, and the like, to ensure that those spaces are maintained in a sanitary condition.

(b) The master shall enter in the OSV's logbook the results of these inspections.

§ 131.520 Hatches and other openings.

Before any OSV leaves protected waters, the master shall ensure that exposed cargo hatches and other openings in the hull are closed; made properly watertight by the use of tarpaulins, gaskets, or similar devices; and properly secured for sea.

§ 131.525 Emergency lighting and power.

(a) The master of each OSV shall ensure that fitted systems for lighting and power in emergencies are tested at least once each week that the vessel is operated, to verify that they work.

(b) The master shall ensure that emergency generators driven by internal-combustion engines run under load for at least 2 hours at least once each month that the OSV is operated.

(c) The master shall ensure that storage batteries driving fitted systems for emergency lighting and power are tested at least once each 6 months that the OSV is operated, to demonstrate the ability of the batteries to supply the emergency loads for the period specified by Table 112.05–5(a) of this chapter for cargo vessels.

(d) The date of each test and the condition and performance of the apparatus must be noted in the OSV's logbook.

§ 131.530 Abandon-ship training and drills.

(a) Material for abandon-ship training must be present on each OSV. The material must consist of a manual of one or more volumes, or audiovisual training aids, or both.

(1) The material must contain instructions and information about the lifesaving appliances aboard the vessel and about the best methods of survival. Any manual must be written in easily understood terms, illustrated wherever possible.

(2) If a manual is used, there must be a copy in each messroom and recreation room for crew members or in each stateroom for them. If audiovisual aids are used, they must be incorporated in the training sessions aboard under paragraph (d) of this section.

(3) The material must explain the—

(i) Method of donning immersion suits and lifejackets carried aboard;

(ii) Mustering at assigned stations;

(iii) Proper boarding, launching, and clearing of survival craft and rescue boats;

(iv) Method of launching survival craft by people within them;

(v) Method of releasing survival craft from launching-appliances;

(vi) Use of devices for protecting survival craft in launching-areas, where appropriate;

(vii) Illumination of launching-areas;

(viii) Use of each item of survival equipment;

(ix) Instructions for emergency repair of lifesaving appliances;

(x) Use of radio lifesaving-appliances, with illustrations;

(xi) Use of sea anchors;

(xii) Use of engine and accessories, where appropriate;

(xiii) Recovery of survival craft and rescue boats, including stowage and securing;

(xiv) Hazards of exposure and need for warm clothing;

(xv) Best use of survival craft for survival; and

(xvi) Methods of retrieving personnel, including use of helicopter-mounted rescue gear (slings, baskets, stretchers) and vessel's line-throwing apparatus.

(b) An abandon-ship drill must be held on each OSV in alternate weeks. If none can be held during the appointed week, because of bad weather or other unavoidable constraint, one must be held at the first opportunity afterward. If the crew changes more than once in any 2 weeks, one must be held as soon after the arrival of each crew as practicable.

(1) Any crew member excused from an abandon-ship drill must participate in the next one, so that each member participates in at least one each month. Unless more than 25 percent of the members have participated in one on that particular vessel in the previous month, one must be held before the vessel leaves port if reasonable and practicable; but, unless the Commandant (G–MMS) accepts arrangements as at least equivalent, one must be held not later than 24 hours after the vessel leaves port in any event.

(2) On a voyage likely to take more than 24 hours to complete:

(i) A muster of offshore workers must be held on departure. The master shall ensure that each worker is assigned to a survival craft and is told where to find it. Each person in charge of such a craft shall maintain a list of workers assigned to the craft.

(ii) On a voyage likely to take 24 or fewer hours to complete, the master shall call the attention of each offshore worker to the emergency instructions required by § 131.330.

(3) Each abandon-ship drill must include:

(i) Summoning of crew members and offshore workers to survival craft with the general alarm.

(ii) Simulation of an abandon-ship emergency that varies from drill to drill.

(iii) Reporting of crew members and offshore workers to survival craft, and preparing for, and demonstrating the duties assigned under the procedure described in the station bill for, the particular abandon-ship emergency being simulated.

(iv) Checking to see that crew members and offshore workers are suitably dressed.

(v) Checking to see that immersion suits and lifejackets are correctly donned.

(vi) Lowering of at least one lifeboat (far enough that the davit head has completed its travel and the fall wire of the lifeboat has begun to pay out) or, if no lifeboats are required, lowering of one rescue boat, after any necessary preparation for launching.

(vii) Starting and operating of the engine of the lifeboat or rescue boat.

(viii) Operation of davits used for launching liferafts.

(4) As far as practicable, at successive drills different lifeboats must be lowered to meet the requirements of paragraph (b)(3)(vi) of this section.

(5) As far as practicable, each abandon-ship drill must be conducted as if there were an actual emergency.

(6) Each lifeboat must be launched with its assigned crew aboard during an abandon-ship drill, and be maneuvered in the water, at least once each 3 months that the OSV is operated.

(7) Each rescue boat must be launched with its assigned crew aboard and be maneuvered in the water—

(i) Once each month that the OSV is operated, if reasonable and practicable; but

(ii) In any event, at least once each 3 months that the OSV is operated.

(8) If drills for launching lifeboats and rescue boats are carried out with the vessel making headway, the drills must, because of the danger involved, be practiced only in waters where the drills are safe, under the supervision of an officer experienced in such drills.

(9) At least one abandon-ship drill each 3 months must be held at night, unless the master determines it unsafe.

(10) Emergency lighting for mustering and abandonment must be tested at each abandon-ship drill.

(c) The master of each OSV carrying immersion suits shall ensure that—

(1) Each crew member either—

(i) Wears an immersion suit in at least one abandon-ship drill a month unless it is impracticable because of warm weather; or

(ii) Participates in at least one immersion-suit drill a month that includes donning an immersion suit and being instructed in its use;

(2) In each abandon-ship drill, each offshore worker aboard is instructed in the use of immersion suits; and

(3) Each offshore worker is told at the beginning of the voyage where immersion suits are stowed aboard and is encouraged to read the instructions for donning and using the suits.

(d) Each crew member aboard the OSV must be given training in the use of lifesaving appliances and in the duties assigned by the station bill.

(1) Except as provided by paragraph (d)(2) of this section, training aboard in the use of the vessel's lifesaving appliances, including equipment on survival craft, must be given to each crew member as soon as possible but not later than 2 weeks after the member joins the vessel.

(2) If a crew member is on a regularly scheduled rotating assignment to a vessel, training aboard in the use of the vessel's lifesaving appliances, including equipment on survival craft, must be given to the member not later than 2 weeks after the member first joins the vessel.

(3) Each crew member must be instructed in the use of the vessel's lifesaving equipment and appliances and in survival at sea during alternate weeks, normally in the weeks when abandon-ship drills are not held. If individual instructional sessions cover different parts of the vessel's lifesaving system, they must cover each part of the vessel's lifesaving equipment and appliances each 2 months. Each member must be instructed in at least—

(i) Operation and use of the vessel's inflatable liferafts;

(ii) Problems of hypothermia, first aid for hypothermia, and other appropriate procedures; and

(iii) Special procedures necessary for use of the vessel's lifesaving equipment and appliances in heavy weather.

(4) Training in the use of davit-launched inflatable liferafts must take place at intervals of not more than 4 months on each vessel with such

liferafts. Whenever practicable this must include the inflation and lowering of a liferaft. If this liferaft is a special one intended for training only, and is not part of the vessel's lifesaving system, it must be conspicuously so marked.

(e) Dates when musters are held, details of abandon-ship drills, drills on other lifesaving equipment and appliances, and training aboard must be entered in the OSV's official logbook. Each logbook entry must include the following, as applicable:

(1) Time and date.

(2) Length of drill or training session.

(3) Identification of survival craft used in drills.

(4) Subject of training session.

(5) Statement on the condition of the equipment used.

(6) Unless a full muster, drill, or training session is held at the appointed time, the circumstances and the extent of the muster, drill, or training session held.

§ 131.535 Firefighting training and drills.

(a) A fire drill must be held on each OSV, normally in alternate weeks, It must not be held as part of the abandon-ship drill, nor immediately before or after the abandon-ship drill. If none can be held on schedule, because of bad weather or other unavoidable constraint, one must be held at the next opportunity.

(b) Any crew member excused from a fire drill must participate in the next one, so that each member participates in at least one each month. Unless more than 25 percent of the members have participated in one on that particular OSV in the previous month, one must be held before the vessel leaves port if reasonable and practicable; but, unless the Commandant (G–MMS) accepts arrangements as at least equivalent, one must be held not later than 24 hours after the vessel leaves port in any event.

(c) Each fire drill must include:

(1) Summoning of crew members and offshore workers to their stations with the general alarm.

(2) Simulation of a fire emergency that varies from drill to drill.

(3) Reporting of crew members and offshore workers to stations, and preparing for, and demonstrating of the duties assigned under the procedure described in the station bill for, the particular fire emergency being simulated.

(4) Starting of fire pumps and use of a sufficient number of outlets to determine that the system is working right.

(5) Bringing out of each breathing apparatus and other item of rescue and safety equipment from the emergency-equipment lockers, and demonstrating of the use of each item by the person or persons that will make use of it.

(6) Operation of each watertight door.

(7) Operation of each self-closing fire door.

(8) Closing of each fire door and each door within the fire boundary.

(9) Closing of each ventilation closure of each space protected by a fixed fire-extinguishing system.

(d) Each fire drill must, as far as practicable, be conducted as if there were an actual emergency.

(e) The dates when fire drills are held, and details of training in fire fighting and of fire drills, must be entered in the OSV's official logbook. Each logbook entry must include the following, as applicable:

(1) Time and date.

(2) Length of drill or training session.

(3) Number and lengths of hose used.

(4) Subject of training session.

(5) Statement on the condition of the equipment used.

(6) Unless a full drill or training session is held at the appointed time, the circumstances and the extent of the drill or training session held.

§ 131.540 Operational readiness.

(a) Except as provided by § 131.545(e) of this subpart, each lifesaving appliance and each item of equipment for a lifeboat, liferaft, survival craft, rescue boat, life float, or buoyant apparatus must be in good working order and ready for immediate use before the OSV leaves port and at any time when the vessel is away from port.

(b) Each deck where a lifeboat, liferaft, survival craft, rescue boat, life float, or buoyant apparatus is stowed, launched, or boarded must be kept clear of obstructions that would interfere with the breaking out, launching, or boarding of the lifesaving appliance.

§ 131.545 Maintenance in general.

(a) For each lifesaving appliance, the manufacturer's instructions for maintenance of the appliances aboard must be aboard and must include the following:

(1) Checklists for use in the inspections required by § 131.565(a) of this subpart.

(2) Instructions for maintenance and repair.

(3) A schedule of periodic maintenances.

(4) A diagram of lubrication points with the recommended lubricants.

(5) A list of replaceable parts.

(6) A list of sources of spare parts.

(7) A log for records of inspections, maintenance, and repair.

(b) The master shall ensure that maintenance is carried out to comply with the instructions required by paragraph (a) of this section.

(c) For lifesaving appliances constructed on or before July 1, 1986, paragraph (a) of this section need be complied with only to the extent that appliances' manufacturers' instructions are available.

(d) The OCMI may accept, instead of the instructions required by paragraph (a) of this section, a program for planned shipboard maintenance that includes the items listed in that paragraph.

(e) If lifeboats and rigid liferafts are maintained and repaired while the OSV is under way, there must be enough lifeboats and rigid liferafts available for use on each side of the vessel to accommodate each person aboard the vessel.

(f) Except in an emergency, no extensive repairs or alterations may be made to any lifesaving appliance without advance notice to the OCMI. As far as possible, each repair or alteration must be made to comply with the requirements for the appliance in subchapter Q of this chapter. The OCMI may require each appliance that has been extensively repaired or in any way altered to undergo each pertinent test in subchapter Q.

(g) The master shall report each emergency repair or alteration to a lifesaving appliance, as soon as practicable, either to the OCMI in the next ports in the United States where the OSV calls or, if the OSV does not regulatory call at ports in the United States, to the OCMI responsible for the next foreign port where the vessel calls.

(h) No lifeboat or rigid liferaft may be repaired or reconditioned for use on an OSV other than the one it was originally built for, unless specifically permitted by the OCMI. The lifeboat or rigid liferaft must be so repaired or reconditioned under the supervision of the OCMI, unless the OCMI specifically allows otherwise.

§ 131.550 Maintenance of falls.

(a) Each fall used with a launching appliance must be turned end for end oat intervals of not more than 30 months.

(b) Each fall used with a launching appliance must be renewed either when necessary because of deterioration or after the passage of not more than 5 years, whichever occurs earlier.

(c) Each fall used with a launching appliance must have a corrosion-resistant tag permanently marked with—

(1) The date the new fall was installed; and

(2) The last date, if any, the fall was turned end for end.

§ 131.555 Spare parts and repair equipment.

Spare parts and repair equipment must be provided for each lifesaving appliance and component that either is subject to excessive wear or consumption or needs to be replaced regularly. These parts and equipment must be kept aboard the OSV, except that, if the vessel operates daily out of the same shore base, they may be kept at that base.

§ 131.560 Weekly tests and inspections.

The following tests and inspections must be carried out weekly:

(a) Each lifesaving appliance and launching appliance must be visually inspected to ensure that it is ready for use.

(b) Each engine of a lifeboat or a rescue boat must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimal temperature required for starting the engine.

(c) The general alarm system must be activated.

(d) Each battery for starting the engine of a lifeboat or a rescue boat, or for energizing a searchlight, a fixed installation of a radio in a lifeboat, or a portable radio, must be brought up to full charge at least once a week if the battery is—

(1) Of a type that requires recharging; and

(2) Not connected to a device that keeps it continuously charged.

(e) The transmitter of each fixed installation of a radio in a lifeboat and that of each portable radio must be tried out at least once a week with a dummy antenna load.

§ 131.565 Monthly tests and inspections.

(a) Each lifesaving appliance, including lifeboat equipment, must be inspected monthly against the checklist required by § 131.545(a)(1) of this subpart to ensure that it is aboard and in good order. A report of the inspection, including a statement on the condition of the appliance, must be entered in the OSV's logbook.

(b) Each emergency position indicating radio beacon (EPIRB) and each search and rescue transponder (SART), other than an EPIRB or SART in an inflatable liferaft, must be tested monthly. The EPIRB must be tested using the integrated test circuit and the output indicator to determine that it works.

§ 131.570 Quarterly inspections.

(a) Each apparatus that controls a lifeboat winch, including motor controllers, emergency switches, master switches, and limit switches, must be inspected once each 3 months.

(b) The inspection must involve the removal of drain plugs and the opening of drain valves to ensure that enclosures are free of water.

(c) The date of the inspection required by this section and the condition of the equipment must be entered in the OSV's logbook.

§ 131.575 Yearly inspections and repair.

(a) Each lifeboat, rescue boat, rigid liferaft, buoyant apparatus, and life float must be stripped, cleaned, and thoroughly inspected and repaired as needed at east once a year. This procedure includes emptying and cleaning each fuel tank and refilling it with fresh fuel.

(b) Each davit, winch, fall, and other launching-appliance must be thoroughly inspected and repaired as needed once a year.

(c) Each item of survival equipment with an expiration date must be replaced during the annual inspection and repair if this date has passed.

(d) Each battery used in an item of survival equipment and clearly marked with an expiration date must be replaced during the annual inspection and repair if this date has passed.

(e) Except a storage battery used in a lifeboat or in a rescue boat, each battery used in an item of survival equipment and not clearly marked with an expiration date must be replaced during the annual inspection and repair.

(f) Compliance with the requirements of this section does not relieve the master or person in charge of the duty of compliance with requirements in § 131.540(a) of this subpart to keep the equipment ready for immediate use when the OSV is under way.

§ 131.580 Servicing of inflatable liferafts, inflatable lifejackets, inflatable buoyant apparatus, and inflated rescue boats.

(a) Each inflatable liferaft, inflatable lifejacket, inflatable buoyant apparatus, and hybrid inflatable lifejacket or work vest must be serviced within 12 months of—

(1) Its initial packing; and

(2) Each subsequent servicing, except when a servicing due after 12 months is delayed not more than 5 months until the next scheduled inspection of the OSV.

(b) Each inflatable liferaft and inflatable buoyant apparatus must be serviced—

(1) Whenever the container of the raft is damaged, or the straps or seal broken; and

(2) In compliance with subpart 160.051 of this chapter.

(c) Each inflatable lifejacket must be serviced in compliance with subpart 160.176 of this chapter.

(d) Each hybrid inflatable lifejacket or work vest must be serviced in compliance with subpart 160.077 of this chapter.

(e) Repair and maintenance of inflated rescue boats must follow the manufacturers' instructions. Each repair, except an emergency repair made aboard the OSV, must be made at servicing facilities approved by the Commandant (G–MMS).

§ 131.585 Periodic servicing of hydrostatic-release units.

(a) Except a disposable hydrostatic-release unit with an expiration date, each hydrostatic-release unit must be serviced—

(1) Within 12 months of its manufacture and within 12 months of each subsequent servicing, except when a servicing due after 12 months is delayed not more than 5 months until the next scheduled inspection of the OSV; and

(2) In compliance with subpart 160.062 of this chapter.

(b) The springs of each spring-tensioned gripe used with a hydrostatic-release unit must be renewed when the unit is serviced and tested.

§ 131.590 Firefighting equipment.

(a) The master shall ensure that the OSV's required firefighting equipment is on board in the prescribed location and always ready for use, other than when the equipment is being serviced.

(b) The master shall, at least once each 12 months, ensure the performance of the tests and inspections of each portable fire extinguisher, semiportable fire extinguisher, and fixed fire-extinguishing system aboard described by Tables 132.350(a) and 132.350(b) of this subchapter.

(c) The master shall keep records of these tests and inspections, showing the dates of their performance, the number or other identification of each unit undergoing them, and the name of the person or company conducting them. The records must be made available to the marine inspector upon request and must be kept for the period of validity of the OSV's current Certificate of Inspection.

(d) The conducting of tests and inspections required by this section does not relieve the master of his responsibility to maintain the prescribed firefighting equipment in working order for use at any time when the OSV is under way.

Subpart F—Logs

§ 131.610 Logbooks and records.

(a) Each OSV must by statute, or by regulations in this subchapter, have certain logbooks or records. The master shall make specific entries required by statute, or by regulations in this subchapter.

(b) 46 U.S.C. 11301 states that a vessel of the United States, except one on a voyage from a port in the United States to a port in Canada, shall have an official logbook if the vessel is—

(1) On a voyage from a port in the United States to a foreign port; or

(2) Of at least 100 gross tons and on a voyage between a port in the United States on the Atlantic Ocean and one on the Pacific Ocean.

(c) The Coast Guard gratuitously furnishes to masters of vessels of the United States the official logbook as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. The first several pages of this logbook list various acts of Congress governing logbooks and the entries required in them.

(d) When a voyage is completed, or after a specified time has elapsed, the master shall file the official logbook containing required entries with the OCMI at or nearest the port where the vessel may be.

(e) Unless an official logbook is required, the owner, operator, or master shall supply an alternative log or record for making entries required by law, including regulations in this subchapter. This log or record need not be filed with the OCMI, but must be kept available for review by a marine inspector for a year after the date that the latest entry concerns.

§ 131.620 Matters that must be logged.

The following matters must be entered in each OSV's logbook:

(a) Safety Orientation for Offshore Workers. As held. See § 131.320.

(b) Tests and inspection of Steering Gear, Whistle, and Means of Communication. Before departure. See § 131.505.

(c) Draft and Loadline Markings. Before leaving port. Ocean and coastwise voyages only. See § 131.510.

(d) Verification of Compliance with Applicable Stability Requirements. See § 131.513.

(e) Periodic Sanitary Inspections. After periodic sanitary inspections made by the master. See § 131.515.

(f) Hatches and Other Openings. Each opening and closing, or departure from port without closing (except by vessels on protected waters). See § 131.520.

(g) Tests of Emergency Lighting and Power. Weekly and twice-yearly. See § 131.525.

(h) Abandon-Ship Training and Drills, and Firefighting Training and Drills. As held. See §§ 131.530 and 131.535.

(i) Inspection of Lifeboat Winches. Once each 3 months. See § 131.570.

§ 131.630 Entries in official logbooks.

On each OSV required to have an Official Logbook, the items required by 46 U.S.C. 11301 must be entered in the logbook, as well as the items required by § 131.620.

Subpart G—Work Vests

§ 131.710 Approved work vests of unicellular plastic foam.

Each buoyant work vest carried aboard must be approved under subpart 160.053 of this chapter or, as a commercial hybrid personal flotation device, under subpart 160.077 of this chapter.

§ 131.720 Use.

(a) An approved buoyant work vest is an item of safety apparel and may be carried aboard for wear by a crew member when working near or over the water.

(b) The vest may not count against an OSV's complement of lifejackets.

(c) The vest may not be worn instead of a lifejacket during a drill.

§ 131.730 Shipboard stowage.

(a) The master shall ensure that no buoyant work vest is stowed where any lifejacket is stowed.

(b) Each space containing a vest must be marked ''WORK VEST''.

§ 131.740 Shipboard inspections.

Each buoyant work vest must be subject to examination by a marine inspector, to determine its serviceability. If found serviceable, it may continue in service; but no buoyant work vest is stamped as inspected. If not found serviceable, and if determined irreparable by the inspector, a buoyant work vest must be destroyed in the presence of the inspector.

Subpart H—Markings for Fire Equipment and Emergency Equipment

§ 131.800 General.

(a) This section prescribes markings necessary for the guidance of persons aboard in case of an emergency. The markings may be modified or omitted, if they are unnecessary because the OSV is small or particular circumstances warrant and if the OCMI approves.

(b) Each stateroom notice, directional sign, and the like must be printed in English and in other languages appropriate to the service of the OSV.

(c) Where this subpart specifies red letters, letters of a contrasting color on a red background are acceptable.

§ 131.805 General alarm bell, switch.

The switch in the pilothouse that activates the general alarm bell must be clearly and permanently identified either by letters on a metal plate or with a sign in red letters on a suitable background: ''GENERAL ALARM.''

§ 131.810 General alarm bell.

Each general alarm bell must be identified by red letters at least ½-inch high: ''GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION.''

§ 131.815 Alarm for fixed gaseous fire extinguishing system.

Each alarm for a fixed gaseous fire extinguishing system must be conspicuously identified: ''WHEN ALARM SOUNDS, LEAVE AT ONCE: [CARBON DIOXIDE] [HALON] BEING RELEASED.''

§ 131.820 Branch lines of fire extinguishing system.

The valves of each branch line in the fire extinguishing system must be plainly and permanently marked, indicating the spaces served.

§ 131.825 Controls of fire extinguishing system.

Each control cabinet or space containing a valve or manifold for a fire extinguishing system must be distinctly marked in conspicuous red letters at least 2 inches high: ''FIRE APPARATUS FOR [CARBON DIOXIDE] [HALON]''.

§ 131.830 Fire host stations.

Each fire station must be identified in red letters and figures at least 2 inches high: ''FIRE STATION #1,'' ''* * * 2,'' ''* * * 3,'' and so on. Where the hose is not so stowed in the open or behind glass as to be readily seen, this identification must be so placed as to be readily seen from a distance.

§ 131.835 Portable fire extinguishers.

(a) Except as provided by paragraph (b) of this section, each portable fire extinguisher must be marked with a number, and the site of its stowage must be marked with a corresponding number at last ½-inch high.

(b) If only one type and size of portable fire extinguisher is carried, the number may be omitted.

§ 131.840 Emergency lighting.

Emergency lighting must be marked with a letter ''E'' at least ½-inch high.

§ 131.845 Instructions for shift of steering gear.

(a) Instructions, including diagrams, for a shift of steering gear and for a shift to the alternative steering stations must be on water-resistant material and posted at each steering station and in the steering-engine room, relating, in order, the different steps to take in either shift.

(b) The instructions must indicate each clutch or pin to be ''in'' or ''out'' and each valve or switch to be ''open'' or ''closed'' in a shift to any means of steering for which the OSV is equipped.

(c) The instructions must specify that each steering wheel or lever, and each rudder, must be amidships before any shift of steering gear or steering stations.

(d) Each clutch, gear, wheel, lever, valve, or switch used during any shift of steering gear or steering stations must be numbered or lettered on a metal plate or painted so that the numbers or letters are recognizable at a reasonable distance.

§ 131.850 Rudder orders.

At each steering station there must be installed a suitable notice on the wheel or lever, or in some other place directly in the helmsman's line of sight, to indicate the direction in which to turn the wheel or lever for ''right rudder'' and for ''left rudder.''

§ 131.855 Lifeboats and rescue boats.

(a) The following must be plainly marked or painted on each side of the bow of each lifeboat and rescue boat in letters and numbers at least 3 inches high and in a color contrasting to that of the boat:

(1) The name of the OSV.

(2) The number of the boat. (The boats on each side of the vessel must be numbered from forward to aft. If there are boats on both sides of the vessel, the odd numbers must be on the starboard side.)

(3) For each vessel in ocean service, the name of the port whose marking on the stern is required under subpart 67.13 of this chapter.

(b) The following must be plainly marked or painted on each side of the bow of each lifeboat and rescue boat in letters and numbers at least 1½ inches high:

(1) The length and beam of the boat.

(2) The number of persons the boat will hold. This number must—

(i) Be the number of persons the boat is equipped for; and

(ii) Not be greater than the number of persons the boat is approved for, as shown on its nameplate.

(c) The following must be plainly marked or painted on each lifeboat and rescue boat, in at least two places visible from above the boat, in letters and numbers at least 3 inches high and in a color contrasting to that of the boat:

(1) The number of persons the boat will hold.

(2) The name of the OSV.

(d) The name of the OSV must be plainly marked or painted on each oar and paddle.

(e) Each lifeboat and rescue boat must be marked with Type II retro-reflective material approved under subpart 164.018 of this chapter. The arrangement of the retro-reflective material must comply with IMO Resolution A.658(16).

§ 131.860 Rigid liferafts.

(a) The following must be plainly marked or painted, near one entrance of each rigid liferaft, in letters and numbers at least 3 inches high and in a color contrasting to that of the raft:

(1) The name of the OSV.

(2) The number of the raft. (Rafts stowed on the sides of the vessel must be numbered as lifeboats must under § 131.855(a)(2).)

(3) For each vessel in ocean service, the name of the port whose marking on the stern of the vessel is required by subpart 67.13 of this chapter.

(b) The length of the painter must be plainly marked or painted, near one entrance of each rigid liferaft, in letters and numbers at least 1½ inches high and in a color contrasting to that of the raft.

(c) The number of persons the rigid liferaft is approved for must be plainly marked or painted, over each entrance to each raft, in letters and numbers at least 4 inches high and in a color contrasting to that of the raft. This number must—

(1) Be the number of persons the raft is equipped for; and

(2) Not be greater than the number of persons the raft is approved for, as shown on its nameplate.

(d) The name of the OSV must be plainly marked or painted on each paddle.

§ 131.865 Inflatable liferafts and inflatable buoyant apparatus.

The number of the inflatable liferaft or inflatable buoyant apparatus and the number of persons it is approved for must be marked or painted, in a conspicuous place in the immediate vicinity of each raft and each apparatus, in letters and numbers at least 1½ inches high and in a color contrasting to that of the raft or apparatus. Each raft or apparatus stowed on the side of an OSV must be numbered like a liferaft, in compliance with § 97.37–40 of this chapter. No letters or numbers may go on the raft or on the container of the apparatus.

§ 131.870 Life floats and buoyant apparatus.

(a) The name of the OSV must be plainly marked or painted on each life float or buoyant apparatus, and on each oar and paddle.

(b) The number of persons each life float or buoyant apparatus is approved for must be plainly marked or painted on each float or apparatus in letters and numbers at least 1½ inches high and in a color contrasting to that of the float or apparatus. This number must—

(1) Be the number of persons the float or apparatus is equipped for; and

(2) Not be greater than the number of persons the float or apparatus is approved for, as shown on its nameplate.

§ 131.875 Lifejackets, immersion suit, and ring life buoys.

(a) Each lifejacket immersion suit, and ring life buoy must be marked in block capital letters with the OSV's name.

(b) Each container for lifejackets and immersion suits must be marked in letters and numbers at least 2 inches high with the number, identity or IMO symbol specified by IMO Resolution A.760(18), and size of the items stowed inside.

(c) Each ring life buoy on an OSV in ocean service must be marked in block capital letters with the name of the port whose marking on the stern of the vessel is required by subpart 67.13 of this chapter.

(d) Each stowage site for a ring life buoy must be marked ''LIFE BUOY'' or marked with the IMO symbol.

(e) Each lifejacket must be marked with Type I retro-reflective material approved under subpart 164.018 of this chapter. The arrangement of the retro-reflective material must comply with the IMO Resolution A.658(16).

(f) Each ring life buoy must be marked with Type I or II retro-reflective material approved under subpart 164.018 of this chapter. The arrangement of the retro-reflective material must comply with IMO Resolution A.658(16).

§ 131.880 Fire hoses and axes.

Each fire hose and axe must be marked with the OSV's name.

§ 131.885 Portable magazine chests.

Each portable magazine chest must be marked in letters at least 3 inches high: ''PORTABLE MAGAZINE CHEST—FLAMMABLE: KEEP FIRE AND LIGHTS AWAY.''

§ 131.890 EPIRBs and SARTs.

The name of the OSV must be plainly marked or painted on each Emergency Position Indicating Radio Beacon (EPIRB) and on each Search and Rescue Transponder (SART), except on an EPIRB or SART—

(a) In an inflatable liferaft; or

(b) Permanently installed in a survival craft.

§ 131.893 Watertight doors and watertight hatches.

Each watertight door in a bulkhead that must be watertight in compliance with the requirements in part 174 of this chapter, and each watertight hatch, must be marked on both sides in letters at least 2 inches high: ''WATERTIGHT DOOR—KEEP CLOSED EXCEPT FOR PASSAGE'' or ''WATERTIGHT HATCH—KEEP CLOSED WHEN NOT IN USE''.

§ 131.896 Remote stopping systems.

The remote stopping systems required by § 129.540 of this subchapter must be clearly marked to show what system each controls.

§ 131.899 Fire dampers.

Each fire damper installed within the boundary of a space protected by a fixed fire extinguishing system must be fitted with an indicator showing whether the damper is open or closed and be marked with red letters at least ½-inch high stating ''FIRE DAMPER'' and, as otherwise appropriate, identifying the space served by the fire damper.

Subpart I—Miscellaneous

§ 131.905 Statutory penalties.

(a) The marine-safety statutes and criminal statutes impose penalties for violating the applicable provisions of this subchapter. Penal proceedings include:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution, where no loss of life results.

(3) Criminal prosecution for manslaughter, where loss of life results from violating marine-safety statutes or regulations or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) 46 U.S.C. Chapter 77 allows, in addition to the foregoing, the suspension or revocation of licenses, certificates, or documents issued by the Coast Guard, for incompetence, misconduct, or negligence or for violating marine-safety statutes or regulations.

§ 131.910 Notices to mariners and aids to navigation.

Each master and mate shall acquaint himself or herself with the latest information published by the Coast Guard and the U.S. Navy regarding aids to navigation in the area in which the OSV operates.

§ 131.915 Persons allowed in pilothouse and on navigational bridge.

No person may be in the pilothouse while the OSV is under way, unless connected with the navigation of the vessel or authorized for good cause by the master or mate on watch.

§ 131.920 Level of manning.

Each OSV must carry the personnel required by the Certificate of Inspection, as determined by the OCMI, based on an evaluation under part 15 of this chapter.

§ 131.925 Compliance with provisions of Certificate of Inspection.

The master of the OSV shall ensure compliance with each provision of the Certificate of Inspection. Nothing in this subchapter prevents the master's diverting the vessel from the route prescribed in the Certificate or taking other steps necessary and prudent to assist vessels in distress or to handle similar emergencies.

§ 131.930 Display of stability letter.

If the Coast Guard issues a stability letter under § 170.120 of this chapter, the letter must be readily available to the person on watch in the pilothouse of the OSV.

§ 131.935 Prevention of oil pollution.

Each OSV must be operated in compliance with, among others, 33 CFR parts 151, 155, and 156.

§ 131.940 Marine sanitation device.

Each OSV with installed toilet facilities must have a marine sanitation device in compliance with 33 CFR part 159.

§ 131.945 Display of plans.

Each OSV must have permanently exhibited, for the guidance of the master and crew members, general arrangement plans showing for each deck the various fire-retardant bulkheads together with particulars of the—

(a) Fire-detection systems;

(b) Manual-alarm systems;

(c) Fire-extinguishing systems;

(d) Fire doors;

(e) Means of ingress to the different compartments; and

(f) Ventilating-systems, including the—

(1) Positions of the dampers;

(2) Site of the remote means of stopping the fans; and

(3) Identification of the fans serving each section.

§ 131.950 Placard on lifesaving signals and helicopter recovery.

Each OSV must have readily available to the person on watch in the pilothouse a placard (Form CG–811) containing instructions—

(a) For the use of lifesaving signals set forth in Regulation 16, Chapter V, of SOLAS 74/83; and

(b) In helicopter recovery.

The signals must be employed by vessels or persons in distress when communicating with lifesaving stations and maritime rescue unit.

§ 131.955 Display of license.

Each master and licensed officer on an OSV shall conspicuously display his or her license in compliance with 46 U.S.C. 7110.

§ 131.960 Use of auto-pilot.

During the use of the automatic pilot, the master shall ensure that—

(a) It is possible to immediately establish manual control of the OSV's steering;

(b) A competent person is ready at any time to take over that control; and

(c) The shift from automatic control of the vessel's steering to manual and the reverse is made by, or under the supervision of, the master or officer of the watch.

§ 131.965 Sounding of whistle.

No OSV may sound its whistle within any harbor limits of the United States unless it needs to.

§ 131.970 Unauthorized lighting.

No master of an OSV may authorize or permit the OSV's carrying of any lighting not required by law that will interfere in any way with any other vessel's distinguishing the OSV's navigation lighting.

§ 131.975 Searchlights.

No person may flash, or cause to be flashed, the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way.

§ 131.980 Lookouts and watches.

Nothing in this part exonerates any master or officer of the watch from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch, or of any neglect of any precaution that may be required by the ordinary practice of seamen, by general prudence, or by the special circumstances of the case. A master shall set added watches when necessary to guard against fire or other danger and to give an alarm in case of accident or disaster.

PART 132—FIRE-PROTECTION EQUIPMENT

Subpart A—Fire Main

Subpart B—Portable and Semiportable Fire Extinguishers

Subpart C—Miscellaneous

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

Subpart A—Fire Main

§ 132.100 General.

(a) Except as provided by paragraphs (b) and (c) of this section, each OSV must be equipped with a fire main that complies with this subpart.

(b) Each OSV of less than 100 gross tons and not more than 65 feet in length may have, instead of a fire main that complies with this subpart, a hand-operated pump and a hose capable of providing an effective stream of water to each part of the vessel.

(c) A garden hose of nominal inside diameter of at least ⅝-inch complies with paragraph (b) of this section if the hose is—

(1) Of good commercial grade and is constructed of an inner rubber tube, plies of braided-fabric reinforcement, and an outer cover made of rubber or equivalent fire-resistant material; and

(2) Fitted with a commercial garden-hose nozzle of high-grade bronze or equivalent metal capable of providing a solid stream and a spray pattern.

§ 132.110 Piping.

(a) Except as provided for liftboats by § 134.180 of this subchapter, each fitting, flange, valve, and run of piping must meet the applicable requirements of part 128 of this subchapter. Piping must be—

(1) Hot-dip galvanized;

(2) At least extra-heavy schedule; or

(3) Of a suitable corrosion-resistant material.

(b) Each distribution cut-off valve must be marked in compliance with § 131.820 of this subchapter.

§ 132.120 Fire pumps.

(a) Except as provided by § 132.100(b) of this subpart, each OSV must be equipped with one self-priming power-driven fire pump capable of delivering a single stream of water from the highest hydrant, through the hose and nozzle at a Pitot-tube pressure of at least 50 psi (pounds a square inch).

(b) Each fire pump must be fitted on the discharge side with a pressure gauge.

(c) Each fire pump must be fitted on the discharge side with a relief valve set to relieve at either 25 psi in excess of the pressure necessary to maintain the requirements of paragraph (a) of this section or 125 psi, whichever is greater. The relief valve is optional if the pump is not capable of developing pressure exceeding the greater amount.

(d) If two propulsion engines are installed, the pump required by paragraph (a) of this section may be driven by one of the engines. If only one propulsion engine is installed, the pump must be driven by a source of power independent of the engine.

(e) If two fire pumps are installed, and if one pump remains available for service on the fire main at any time, the other pump may be used for other purposes.

(f) Each fire pump must be capable of providing the quantity of water required to comply with paragraph (a) of this section while meeting any other demands placed on it, as by a branch line connected to the fire main for washing the anchor or the deck.

(g) No branch line may be directly connected to the fire main except for fighting fires or for washing the anchor or the deck. Each discharge line for any other purpose must be clearly marked and must lead from a discharge manifold near the fire pump.

(h) When a fire monitor is connected to the fire main system, it must lead from a discharge manifold near the fire pump.

(i) The total cross-section of piping leading from a fire pump may not be less than that of the discharge of the pump.

(j) In no case may a pump connected to a line for flammable or combustible liquid be used as a fire pump.

§ 132.130 Fire stations.

(a) Except as provided by paragraph (b) of this section, fire stations must be so numerous and so placed that each part of the OSV accessible to persons aboard while the vessel is being operated, and each cargo hold, are reachable by at least two effective spray patterns of water. At least two patterns must come from separate hydrants. At least one pattern must come from a single length of hose.

(b) Each part of the main machinery space, including the shaft alley if it contains space assigned for the stowage of combustibles, must be reachable by at least two streams of water. Each stream must come from a single length of hose, from a separate fire station.

(c) Each fire station must be numbered in compliance with § 131.830 of this subchapter.

(d) Each part of the fire main on a weather deck must be either protected against freezing or fitted with cut-out valves and drain valves so that exposed parts of the piping may be shut off and drained in freezing weather. Except when closed against freezing, the cut-out valves must be sealed open.

(e) Each outlet at a fire hydrant must be 1½ inches in diameter and, to minimize the possibility of kinking, must be fitted so that no hose leads upward from it.

(f) Each fire station must be equipped with a spanner suitable for use on the hose there.

(g) Each fire station must have at least one length of fire hose. Each hose on the station must have a fire nozzle approved under subpart 162.027 of this chapter that can discharge both solid stream and water spray.

(h) Each pipe and fire hydrant must be placed so that the fire hose may be easily coupled to them. Each station must be readily accessible. No deck cargo may interfere with access to the stations; each pipe must run as far away from this cargo as practicable, to avoid risk of damage by the cargo.

(i) Each fire hydrant or ''Y'' branch must be equipped with a valve such that the fire hose may be removed while there is pressure on the fire main.

(j) Each fire hydrant connection must be of brass, bronze, or equivalent metal. The threads of fire hose couplings must be of brass or other suitable corrosion-resistant material and comply with NFPA 1963.

(k) Each fire hydrant must have a fire hose 1½ inches in diameter, 50 feet in length, connected to an outlet, for use at any time.

(l) No fire hose, when part of the fire equipment, may be used for any purpose except fire-fighting, fire drills, and testing.

(m) A suitable hose rack or other device must be provided for each fire hose. Each rack on a weather deck must be placed so as to protect its hose from heavy weather.

(n) Each section of fire hose must be lined commercial fire hose, or lined fire hose that meets Standard 19 of Underwriters Laboratories, Inc. (UL). Hose that bears the UL label as lined fire hose complies with this section.

Subpart B—Portable and Semiportable Fire Extinguishers

§ 132.210 Classification.

(a) Each portable fire extinguisher and semiportable fire extinguisher is classified by a symbol combining letter and number. The letter indicates the type of fire that the unit should extinguish; the number indicates the relative size of the unit.

(b) The types of fire are:

(1) ''A''—fires in ordinary combustible materials, where the quenching and cooling effect of quantities of either water or solutions containing large percentages of water is essential.

(2) ''B''—fires in flammable liquids, greases, and the like, where the blanketing effect of a smothering-agent is essential.

(3) ''C''—fires in electrical equipment, where the use of nonconducting extinguishing-agent is essential.

(c) The sizes of units run from ''I'' for the smallest to ''V'' for the largest. Sizes I and II are portable fire extinguishers; sizes III, IV, and V, which exceed 55 pounds in gross weight, are semiportable fire extinguishers and must be fitted with suitable hose and nozzle or other practicable means to cover any part of the space involved. Typical portable and semiportable fire extinguishers are set forth by Table 132.210 of this section.

TABLE 132.210

Classification		Halon 1211,1301, and 1211–1301 mixtures, pounds	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	.....	2½	.....	.....
B	I	2½	.....	4	2
B	II	10	2½	15	10
B	III	.....	12	35	20
B	IV	.....	20	50	30
B	V	.....	40	100	50
C	I	2½	.....	4	2
C	II	10	.....	15	10

(d) Each portable fire extinguisher and semiportable fire extinguisher must have permanently attached an identification plate that gives the name of the extinguishing-agent, the capacity of the agent in gallons or pounds, the classification of the extinguisher expressed by letter or letters indicating the type or types of fire for which it is intended, and the identifying mark of the manufacturer.

§ 132.220 Installation.

(a) Portable fire extinguishers approved under subpart 162.028 of this chapter and semiportable fire extinguishers approved under subpart 162.039 of this chapter must be installed in compliance with Table 132.220 of this section. The placement of the extinguisher must satisfy the OCMI. The OCMI may require such additional extinguishers as the OCMI deems necessary for the proper protection of the OSV.

TABLE 132.220.—CARRIAGE OF PORTABLE AND SEMIPORTABLE FIRE EXTINGUISHERS

Space	Classification (see § 132.210)	Number and placement
Safety areas:		
Communicating passageways	A–II	1 in each main passageway, not more than 150 feet apart (permissible in stairways).
Pilothouse	C–I	2 in vicinity of exit.
Service spaces:		
Galleys	B–III or C–II	1 for each 2,500 square feet or fraction thereof, suitable for hazards involved.
Paint lockers	B–II	1 outside space, in vicinity of exit.
Accessible baggage and storerooms	A–II	1 for each 2,500 square feet or fraction thereof, located in vicinity of exits, either inside or outside spaces.
Work shops and similar spaces	A–II	1 outside space in vicinity of exit.
Machinery spaces:		
Internal-combustion propulsion-machinery	B–II	1 for each 1,000 brake horsepower, but not fewer than 2 nor more than 6.
	B–III	1 required. (*), (**)
Electric propulsion motors or generators of open type.	C–II	1 for each propulsion motor or generator unit.
Auxiliary spaces:		
Internal combustion	B–II	1 outside space in vicinity of exit. (**)
Electric motors and emergency generators	C–II	1 outside space in vicinity of exit. (**)

(*) Not required where a fixed gaseous fire-extinguishing system is installed.
(**) Not required on OSVs of less than 300 gross tons.

(b) Each semiportable fire extinguisher must be mounted or otherwise placed in the open so as to be readily visible.

(c) Except as provided by paragraph (d) of this section, each portable fire extinguisher must be mounted or otherwise placed in the open or behind glass so as to be readily visible.

(d) A portable fire extinguisher may be mounted or otherwise placed in an enclosure together with the fire hose, if the enclosure is marked in compliance with § 131.830 of this subchapter.

(e) Each portable fire extinguisher and its station must be numbered to comply with § 131.835 of this subchapter.

(f) No portable or semiportable fire extinguisher with a nameplate indicating that it needs protection from freezing may be mounted or otherwise placed where freezing temperatures are foreseeable.

§ 132.230 Spare charges.

(a) Except as provided by paragraph (b) or (c) of this section, each OSV must carry 50% spare charges for portable fire extinguishers required by § 132.220 of this subpart.

(b) An OSV may—rather than comply with paragraph (a) of this section—carry one extra extinguisher of the same classification.

(c) If extinguishers of a particular classification cannot be readily recharged by crew members, an OSV must—rather than comply with paragraph (a) of this section—carry one more extinguisher of that classification.

(d) Each spare charge must be packaged so as to minimize the hazards to personnel recharging the extinguishers.

§ 132.240 Stowage of semiportable fire extinguishers.

The frame or support of each semiportable fire extinguisher of size III, IV, or V must be secured to prevent the extinguisher from shifting in heavy weather.

Subpart C—Miscellaneous

§ 132.310 Fixed fire extinguishing systems for paint lockers.

(a) Except as provided by paragraph (b) of this section, a fixed gaseous fire extinguishing system or another approved fixed fire extinguishing system must be installed in each paint locker.

(b) No fixed fire extinguishing system need be installed in a paint locker that is—

(1) Less than 60 cubic feet in volume;

(2) Accessible only from the weather deck; and

(3) Not adjacent to a tank for flammable or combustible liquid.

(c) Each fixed fire extinguishing system installed must comply with part 95 of this chapter or be approved by the Commanding Officer, Marine Safety Center.

§ 132.320 Helicopter-landing decks.

Each OSV with a helicopter-landing deck must meet the fire fighting requirements of part 108 of this chapter.

§ 132.330 Fire monitors.

(a) Each fire monitor of the fire main system must be fitted with a shut-off valve at the monitor and at the connection to the fire main discharge manifold required by § 132.120(h) of this part.

(b) Fire monitor piping must comply with § 132.110 of this part.

(c) Each fire monitor must be protected against over-pressure.

§ 132.340 Equipment installed although not required.

An OSV may install equipment for detection of and protection against fires beyond that required by this subchapter, unless the excess equipment in any way endangers the vessel or the persons aboard. This equipment must be listed and labeled by a nationally recognized testing laboratory.

§ 132.350 Tests and inspections of fire-extinguishing equipment.

(a) Each master of an OSV shall ensure that the tests and inspections, of fire-extinguishing equipment, described by paragraph (b) of this section are performed—

(1) Every 12 months; or

(2) Not later than the next inspection for certification, unless the total time from the date of the last tests and inspections exceeds 15 months.

(b) The master shall provide satisfactory evidence of the servicing of fire-extinguishing equipment, required by paragraph (c) of this section, to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility may be required to perform the required inspections, maintenance, and hydrostatic tests.

(c) The following tests and inspections of fire extinguishing equipment must be performed by the owner, operator, or master, or by a qualified servicing facility, to verify compliance with paragraph (a) of this section:

(1) Each portable fire extinguisher must be inspected, maintained, and hydrostatically tested as required by Chapter 4 of NFPA 10 with the frequency specified by NFPA 10. Carbon-dioxide and halon portable fire extinguishers must be refilled when the weight loss of net content exceeds that specified for fixed systems by Table 132.350. Further, each must be examined for excessive corrosion and for general condition. A tag issued by a qualified servicing facility, and attached to each extinguisher, will be acceptable evidence that the necessary maintenance has been conducted.

(2) Each semiportable fire extinguisher and each fixed fire-extinguishing system must be—

(i) Inspected and tested as required by Table 132.350 of this subpart;

(ii) Inspected, tested, and marked as required by §§ 147.60 and 147.65 of this chapter;

(iii) Inspected to ensure that piping, controls, and valves are in good general condition with no excessive corrosion; and

(iv) Inspected and tested to determine that alarms and ventilation shutdowns for each fire-extinguishing system operates properly.

TABLE 132.350.—TESTS OF SEMIPORTABLE AND FIXED FIRE-EXTINGUISHING SYSTEMS

Type of system	Test
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10% of weight of charge. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.
Halon	Weigh cylinders. Recharge if weight loss exceeds 5% of weight of charge. If the system has a pressure gauge, also recharge if pressure loss (adjusted for temperature) exceeds 10%. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.

TABLE 132.350.—TESTS OF SEMIPORTABLE AND FIXED FIRE-EXTINGUISHING SYSTEMS—Continued

Type of system	Test
Dry chemical (cartridge-operated).	Examine pressure cartridge and replace if end is punctured or if cartridge has leaked or is in unsuitable condition. Inspect hose and nozzle to see that they are clear. Insert charged cartridge. Ensure that dry chemical is free-flowing (not caked) and that extinguisher contains full charge
Dry chemical (stored pressure).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that extinguisher is fully charged with dry chemical. Recharge if pressure is low or if dry chemical is needed.
Foam (stored pressure)	See that pressure gauge, if there is one, is in the operating range. If it is not, or if seal is broken, weigh or otherwise determine that extinguisher is fully charged with foam. Recharge if pressure is low or if foam is needed. Replace premixed agent every 3 years.

(3) The fire-main system must be operated, and the pressure checked at the remotest and highest outlets. Each fire hose must be subjected to a test pressure, equivalent either to the maximal pressure to which it may be subjected in service or to 100 psi, whichever is greater.

(4) All systems for detecting smoke and fire, including sensors and alarms, must be inspected and tested.

§ 132.360 Fire axes.

(a) Each OSV of less than 100 gross tons must carry one fire axe.

(b) Each OSV of 100 or more gross tons must carry two fire axes.

(c) Each fire axe must be so placed as to be readily available in an emergency.

(d) Each fire axe must be so placed in the open or behind glass that it is readily visible; except that, if the enclosure is marked in compliance with § 131.830 of this subchapter, the axe may be placed in an enclosure together with the fire hose.

§ 132.370 Added requirements for fixed independent and portable tanks.

(a) When carrying fixed independent tanks on deck or portable tanks in compliance with § 125.110 of this subchapter, each OSV must also comply with §§ 98.30–37 and 98.30–39 of this chapter.

(b) When carrying portable tanks in compliance with § 125.120 of this subchapter, each OSV must also comply with 49 CFR 176.315.

PART 133—RESERVED FOR LIFESAVING SYSTEMS

PART 134—ADDED PROVISIONS FOR LIFTBOATS

Sec.

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 134.100 Applicability.

This part, as well as parts 125 through 133 of this subchapter, applies to each liftboat of United States flag to which this subchapter applies.

§ 134.110 Initial inspection.

Liftboat jacking systems, liftboat legs, liftboat leg pads, and arrangements for supply of water to fire mains, as well as the items listed by § 126.340 of this subchapter, will normally be inspected during the initial inspection to determine whether the liftboat was built in compliance with developed plans and meets applicable regulations.

§ 134.120 Inspection for certification.

Liftboat jacking systems, liftboat legs, liftboat leg pads, and arrangements for supply of water to fire mains, as well as the items listed by § 126.430 of this subchapter, will normally be inspected during an inspection for certification to determine whether the liftboat is in satisfactory condition and fit for the service intended.

§ 134.130 New construction.

Each applicant for an original Certificate of Inspection and for approval of plans must submit, as well as three copies of those required by § 127.110 of this subchapter, three copies of the following plans:

(a) Operating Manual for Liftboats.

(b) Legs, details of supporting structure, and structural calculations.

§ 134.140 Structural standards.

(a) Except as provided by paragraph (b) of this section, each liftboat must comply with the ABS's ''Rules for Building and Classing Mobile Offshore Drilling Units'', assuming a steady wind speed of 100 knots, as follows:

(1) The main hull structure, legs, and supporting structure must comply with Section 3/4.3 of the Rules.

(2) The calculations required by Section 3/4.3 of the Rules must assume the vessel to be in the most adverse loading conditions described by Sections 3/2.1 and 3/4.1 of the Rules.

(3) The calculations on column-buckling required by Section 3/4.3 of the Rules, must employ an effective-length factor, ''K'', of not less than 2.0.

(4) The calculations on single-rack jacking systems required by Sections 3/2.1 and 3/4.1 of the Rules must include an extra bending moment caused by the most adverse eccentric loading of the legs.

(b) The standard of any classification society, or other established standard acceptable to the Commandant (G–MMS), may be used.

(c) Upon submittal of the plans required by §§ 127.110 and 133.130 of this subchapter, the standard used in the design must be specified.

(d) If no established standard is used in the design, detailed design calculations must be submitted with the plans required by §§ 127.110 and 133.130 of this subchapter.

§ 134.150 Liftboat-jacking systems.

(a) For this subchapter, liftboat jacking systems are vital systems and must comply with Sections 4/1.13.1 through 4/1.13.3 of the ABS's ''Rules for Building and Classing Mobile Offshore Drilling Units'' as well as meet the applicable requirements of Part 128 of this subchapter.

(b) Each control system for a liftboat jacking system must be designed so that loss of power, loss of pressure in the hydraulic system, or low hydraulic-fluid level will activate a visible and audible alarm at the operating station and will not result in the liftboat's uncontrolled descent.

§ 134.160 Freeboard markings.

Freeboard markings required by § 174.260 of this subchapter must be both permanently scribed or embossed and painted white or yellow on a dark background.

§ 134.170 Operating manual.

(a) Each liftboat must have aboard an operating manual approved by the Coast Guard as complying with this section.

(b) The operating manual must be available to, and written so as to be easily understood by, the crew members of the liftboat and must include:

(1) A table of contents and general index.
(2) A general description of the vessel, including—
(i) Major dimensions;
(ii) Tonnages; and
(iii) Load capacities for—
(A) Various cargoes;
(B) Crane hook; and
(C) Helicopter landing deck.
(3) Designed limits for each mode of operation, including—
(i) Draft;
(ii) Air gap;
(iii) Wave height;
(iv) Wave period;
(v) Wind;
(vi) Current;
(vii) Temperatures; and
(viii) Other environmental factors.
(4) The heaviest loads allowable on deck.
(5) Information on the use of any special cross-flooding fittings and on the location of valves that may require closure to prevent progressive flooding.
(6) Guidance on preparing the unit for heavy weather and on what to do when heavy weather is forecast, including when critical decisions or acts—such as leaving the area and heading for a harbor of safe refuge, or evacuating the vessel—should be accomplished.
(7) Guidance on operating the vessel while changing mode and while preparing the vessel to make a move, and information on how to avoid structural damage from shifting loads during heavy weather.
(8) Information on inherent operational limitations for each mode and on changing modes, including preloading instructions.
(9) Guidance on the proper procedures for discovering the flooding of a normally buoyant leg or leg pad, precautionary information concerning the effects on stability of flooded legs, and what to do upon discovering the flooding of a normally buoyant leg or leg pad.
(10) A description, a diagram, operating guidance for the bilge system, and an alternative method of dewatering.
(11) A general arrangement diagram showing the locations of—
(i) Watertight and weathertight compartments;
(ii) Openings in the hull and structure;
(iii) Vents and closures;
(iv) Shutdowns for mechanical and electrical emergencies, and for emergencies affecting ventilation;
(v) Alarms for flooding and for too-high and too-low levels;
(vi) Fire and gas detectors; and
(vii) Access to different compartments and decks.
(12) A list of shutdown locations for emergencies and guidance on restarting mechanical and electrical equipment and equipment for ventilation after shutdowns.
(13) A diagram of the hazardous locations (if applicable).
(14) A diagram of the emergency-power system.

§ 134.180 Piping for fire-main suction.

(a) Except as provided by paragraph (b) of this section, suction lines must comply with § 132.110 of this subchapter.
(b) Suction lines that extend below the main deck outside of the hull plating and that supply the fire pump with the liftboat in the elevated mode must be metallic, unless they comply with § 56.60–25(c) of this chapter for vital fresh-water and salt-water service.

PARTS 135 AND 136—[RESERVED]

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

7. The authority citation for Part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

8. Section 170.055(g) is revised, to read as follows:

§ 170.055 Definitions concerning a vessel.

* * * * *

(g) ''Downflooding angle'' means, except as specified by §§ 171.055(f), 172.090(d), 173.095(e), 174.015(b), 174.035(b)(2), and 174.185 of this chapter, the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that cannot be closed watertight and through which downflooding can occur.

PART 174—SPECIAL RULES PERTAINING TO VESSELS OF SPECIFIC TYPES

9. The authority citation for Part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

10. Paragraphs (g) and (h) are added to § 174.005, to read as follows:

§ 174.005 Applicability.

* * * * *

(g) Offshore supply vessel inspected under Subchapter L of this chapter.
(h) Liftboat inspected under Subchapter L of this chapter.

11. Subparts G and H are added to Part 174, to read as follows:

Subpart G—Special Rules Pertaining to Offshore Supply Vessels

Sec.

Subpart H—Special Rules Pertaining to Liftboats

Subpart G—Special Rules Pertaining to Offshore Supply Vessels

§ 174.180 Applicability.

Each offshore supply vessel (OSV), except a liftboat inspected under subchapter L of this chapter, must comply with this subpart.

§ 174.185 Intact stability.

(a) Each OSV must be shown by design calculations to meet, under each condition of loading and operation, the minimal requirements for metacentric height (GM) in § 170.170 of this chapter, and in either § 170.173 of this chapter or paragraphs (b) through (e) of this section.

(b) The area under each righting arm curve must be at least 15 foot-degrees up to the smallest of the following angles:

(1) The angle of maximum righting arm;

(2) The downflooding angle; or

(3) 40 degrees.

(c) The downflooding angle must not be less than 20 degrees.

(d) The righting arm curve must be positive to at least 40 degrees.

(e) The freeboard at the stern must be equal to the freeboard calculated to comply with subchapter E of this chapter or to the value taken from Table 174.185, whichever is less.

(f) For paragraphs (b) and (d) of this section, at each angle of heel an OSV's righting arm is calculated after the vessel is permitted to trim free until the trimming moment is zero.

TABLE 174.185.—MINIMAL FREEBOARD AT THE STERN

LBP (feet)	Freeboard at stern (inches)
Less than 65	12
65 but less than 100	15
100 but less than 130	18
130 but less than 155	20
155 but less than 190	22
190 but less than 230	24
230 and greater	26

§ 174.190 Collision bulkhead.

(a) Each OSV must have a collision bulkhead in compliance with §§ 171.085(c)(1), (d), (e)(2), and (f) of this chapter.

(b) Penetration of the collision bulkhead by piping must be minimal, and, where fitted, piping must meet the requirements of §§ 56.50–1(b)(1) and (c) and 128.230 of this chapter.

§ 174.195 Bulkheads in machinery spaces.

(a) The bulkhead in each machinery space of each OSV must be watertight to the bulkhead deck.

(b) Each penetration of, and each opening in, a bulkhead in a machinery space must—

(1) Be kept as high and as far inboard as practicable; and

(2) Except as provided by § 174.210 of this subpart and by paragraph (c) of this section, have means to make it watertight.

(c) No penetration of a bulkhead in a machinery space by a ventilation duct need have means to make the bulkhead watertight if—

(1) Every part of the duct is at least 30 inches from the side of the OSV; and

(2) The duct is continuously watertight from the penetration to the main deck.

(d) Each penetration of a bulkhead in a machinery space by piping must meet the design requirements for material and pressure in subchapter F of this chapter.

§ 174.200 Damaged stability in machinery spaces.

Each OSV must be shown by design calculations to comply, under each condition of loading and operation, with §§ 174.205 (c) through (f) of this subpart in case of damage between any two watertight bulkheads in each machinery space.

§ 174.205 Damaged stability in general.

(a) *Calculations.* Each OSV carrying more then 16 offshore workers must be shown by design calculations to meet, under each afloat condition of loading and operation, the survival conditions in paragraph (e) of this section in case of the damage specified by paragraph (b) of this section.

(b) *Character of damage.* For paragraph (a) of this section, design calculations must show that the OSV can survive damage at any place other than either the collision bulkhead or a transverse watertight bulkhead unless—

(1) The transverse watertight bulkhead is closer than the longitudinal extent of damage, specified by Table 174.205(b), to the adjacent transverse watertight bulkhead; or

(iv) Watertight door in compliance with § 174.210 of this subpart; or

(v) Side scuttle of the non-opening type.

(2) *Angle of heel.* The angle of heel must not exceed 15 degrees.

(3) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, an OSV must meet the following conditions:

(i) The righting arm curve must be positive.

(ii) The righting arm must be at least 4 inches.

(iii) Each submerged opening must be weathertight. (A tank vent fitted with a ball check-valve is weathertight.)

(4) *Progressive flooding.* Piping, ducts, or tunnels within the assumed extent of damage must be either—

(i) Equipped with arrangements, such as stop check-valves, to prevent progressive flooding of the spaces with which they connect; or

(ii) Assumed in the calculations required by paragraph (a) of this section to permit progressive flooding of the spaces with which they connect.

(f) *Buoyancy of superstructure.* For paragraph (a) of this section, the buoyancy of any superstructure directly above the side damage must be considered in the most unfavorable condition.

(2) The transverse watertight bulkhead has a step or a recess, which must be assumed damaged, if it is both more than 10 feet in length and located within the transverse extent of damage specified by Table 174.205(b) of this section.

(c) *Extent of damage.* For paragraph (a) of this section, damage must consist of penetrations having the dimensions specified by Table 174.205(b) of this section, except that, if the most disabling penetrations are smaller than the penetrations specified by the Table, damage must consist of the smaller penetrations.

(d) *Permeability of spaces.* For paragraph (a) of this section, the permeability of a floodable space must be as specified by Table 174.205(d) of this section.

(e) *Survival conditions.* An OSV is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(1) *Final waterline.* The final waterline, in the final stage of sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, a tonnage opening, an opening closed by a weathertight door or hatch-cover, or a tank vent fitted with a ball check-valve. This opening does not include an opening closed by a—

(i) Watertight manhole-cover;

(ii) Flush scuttle;

(iii) Small hatch-cover for a watertight cargo-tank that maintains the high integrity of the deck;

(iv) Watertight door in compliance with § 174.210 of this subpart; or

(v) Side scuttle of the non-opening type.

(2) *Angle of heel.* The angle of heel must not exceed 15 degrees.

(3) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, an OSV must meet the following conditions:

(i) The righting arm curve must be positive.

(ii) The righting arm must be at least 4 inches.

(iii) Each submerged opening must be weathertight. (A tank vent fitted with a ball check-valve is weathertight.)

(4) *Progressive flooding.* Piping, ducts, or tunnels within the assumed extent of damage must be either—

(i) Equipped with arrangements, such as stop check-valves, to prevent progressive flooding of the spaces with which they connect; or

(ii) Assumed in the calculations required by paragraph (a) of this section to permit progressive flooding of the spaces with which they connect.

(f) *Buoyancy of superstructure.* For paragraph (a) of this section, the buoyancy of any superstructure directly above the side damage must be considered in the most unfavorable condition.

TABLE 174.205(b).—EXTENT OF DAMAGE

Collision Penetration	
Longitudinal extent (vessels with LBP not greater than 143 feet).	.1L or 6 feet, whichever is greater in length.
Longitudinal extent (vessels with LBP greater than 143 feet).	10 feet + .03L.
Transverse extent*	30 inches.

TABLE 174.205(b).—EXTENT OF DAMAGE—Continued

Vertical extent	From baseline upward without limit.

*The transverse penetration applies inboard from the side of the vessel, at right angles to the centerline, at the level of the deepest loadline.

TABLE 174.205(d).—PERMEABILITY OF SPACES

Spaces and tanks	Permeability
Storerooms	60 percent.
Accommodations	95 percent.
Machinery	85 percent.
Voids and passageways.	95 percent.
Dry-bulk tanks	0(*) or 95 percent.
Consumable-liquid tanks.	0(*) or 95 percent.
Other liquid tanks	0(*) 0(**) or 95 percent.

*Whichever results in the more disabling condition.

**If tanks are partly filled, the permeability must be determined from the actual density and amount of liquid carried.

§ 174.210 Watertight doors in watertight bulkheads.

(a) This section applies to each OSV with watertight doors in bulkheads made watertight in compliance with this chapter.

(b) Except as provided by paragraph (c) of this section, each watertight door must comply with subpart H of part 170 of this chapter.

(c) A Class-1 door may be installed at any place if—

(1) The door has a quick-acting closing-device operative from both sides of the door;

(2) The door is designed to withstand a head of water equivalent to the depth from the sill of the door to the bulkhead deck or 10 feet, whichever is greater; and

(3) The OSV's pilothouse contains a visual indicator showing whether the door is open or closed.

(d) Each watertight door must be marked in compliance with § 131.893 of this chapter.

(e) If a Class-1 door is installed, the OSV's stability letter will require the master to ensure that the door is always closed except when being used for access.

§ 174.215 Drainage of weather deck.

The weather deck must have open rails to allow rapid clearing of water, or must have freeing ports in compliance with § 42.15–70 of this chapter.

§ 174.220 Hatches and coamings.

(a) Each hatch exposed to the weather must be watertight, except that the following hatches may be only weathertight:

(1) Each hatch on a watertight trunk that extends at least 17½ inches above the weather deck.

(2) Each hatch in a cabin top.

(b) Each hatch cover must—

(1) Have securing-devices; and

(2) Be attached to the hatch frame or coaming by hinges, captive chains, or other devices to prevent its loss.

(c) Each hatch that provides access to quarters or to accommodation spaces for crew members or offshore workers must be capable of being opened and closed from either side.

(d) Except as provided by paragraph (e) of this section, a weathertight door with a permanent watertight coaming at least 15 inches high must be installed for each opening in a deckhouse or companionway that—

(1) Gives access into the hull; and

(2) Is in an exposed place.

(e) If an opening in a deckhouse or companionway has a Class 1 watertight door installed, the height of the watertight coaming need only accommodate the door.

§ 174.225 Hull penetrations and shell connections.

Each overboard discharge and shell connection except an engine exhaust must comply with §§ 56.50–95 and 128.230 of this chapter.

Subpart H—Special Rules Pertaining to Liftboats

§ 174.240 Applicability.

Each liftboat inspected under Subchapter L of this chapter must comply with this subpart.

§ 174.245 General.

Each liftboat must comply with §§ 174.210 through 174.225.

§ 174.250 Unrestricted service.

Each liftboat not limited to restricted service must comply with Subpart C of this part in each condition of loading and operation.

§ 174.255 Restricted service.

This section applies to each liftboat unable to comply with § 174.250 and limited to restricted service as defined by § 125.160 of this chapter.

(a) *Intact stability.* (1) Each liftboat must be shown by design calculations to meet, under each condition of loading and operation afloat, the following requirements:

(i) Those imposed by § 174.045, given a ''K'' value of at least 1.4.

(ii) A range of positive stability of at least 10 degrees extending from the angle of the first intercept of the curves of righting moment and wind healing moment, either to the angle of the second intercept of those curves or to the angle of heel at which downflooding would occur, whichever angle is less.

(iii) A residual righting energy of at least 5 foot-degrees between the angle of the first intercept of the curves of righting moment and wind heeling moment, either to the angle of the second intercept of those curves or to the angle of heel at which downflooding would occur, whichever angle is less.

(2) For this section, each wind heeling moment must be calculated as prescribed by § 174.055 of this part using winds of 60 knots for normal conditions of operation afloat and of 70 knots for severe-storm conditions of operation afloat.

(3) For paragraph (a)(1) of this section, the initial metacentric height must be at least 1 foot for each leg position encountered while afloat including the full range of leg positions encountered while jacking.

(b) *Damaged stability.* (1) Each liftboat must be designed so that, while it is in each of its normal operating conditions, its final equilibrium waterline will remain below the lowest edge of any opening through which additional flooding can occur if the liftboat is subjected simultaneously to—

(i) Damage causing flooding described by paragraph (b)(4) of this section; and

(ii) A wind heeling moment calculated in compliance with § 174.055(b) using a wind speed of 50 knots.

(2) Each liftboat must have a means of closing off each pipe, ventilation system, and trunk in each compartment described by paragraph (b)(4) of this section if any part of the pipe, ventilation system, or trunk is within 30 inches of the hull.

(3) For compliance with paragraph (b)(1) of this section, no compartment on the liftboat may be ballasted or pumped out to compensate for the flooding described by paragraph (b)(4) of this section.

(4) For compliance with paragraph (b)(1) of this section, each compartment within 30 inches of the hull, excluding the bottom of the liftboat, between two adjacent main watertight bulkheads and the uppermost continuous deck or first superstructure deck where superstructures are fitted must be assumed subject to simultaneous flooding.

(5) In the calculations required by paragraph (b)(1) of this section, the

permeability of a floodable space must be as listed by Table 174.205(b).

(c) *On-bottom stability.* Each liftboat must be shown by design calculations to exert a continuous downward force on each footing when the vessel is supported on the bottom with footings and is subjected to the forces of waves, currents, and winds of 70 knots under normal conditions of operation, and winds of 100 knots under severestorm conditions of operation when elevated in a safe place, if this place is other than a harbor of safe refuge. Waves and currents must be appropriate for the winds and place.

§ 174.260 Freeboard.

(a) Each liftboat not required to obtain and maintain a loadline in compliance with subchapter E of this chapter must place markings on each side of the vessel amidships. These markings must each consist of a horizontal line 18 inches in length and 1 inch in height. The upper edges of the markings must be at a distance equal to the authorized freeboard measured vertically below the intersection of the continuation outwards of the upper surface of the weather deck and the outer surface of the shell. This distance must be at least 24 inches.

(b) The markings required by paragraph (a) of this section may not be submerged in any condition of loading or operation.

PART 175—GENERAL PROVISIONS

12. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; § 175.01–3 also issued under the authority of 44 U.S.C. 3507.

13. Section 175.05–2 is revised to read as follows:

§ 175.05–2 Applicability to offshore supply vessels.

(a) Offshore supply vessels of more than 15 but less than 100 gross tons, contracted for before March 15, 1996, are subject to inspection under this subchapter. Offshore supply vessels of more than 15 but less than 100 gross tons, contracted for on or after March 15, 1996, are subject to inspection under subchapter L of this chapter.

(b) Each OSV permitted grandfathering under paragraph (a) of this section must complete construction and have a Certificate of Inspection by March 16, 1996.

14. Section 175.10–40 is revised to read as follows:

§ 175.10–40 Offshore supply vessel.

(a) An offshore supply vessel is a vessel that is propelled by machinery other than steam, that is of above 15 gross tons and of less than 500 gross tons, and that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(b) An existing offshore supply vessel is one that was contracted for before March 15, 1996.

(c) A new offshore supply vessel is one contracted for on or after March 15, 1996.

Subpart 175.35—[Removed]

15. Subpart 175.35, consisting of § 175.35–1, is removed.

Dated: November 3, 1995.

Robert E. Kramek,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 95–27870 Filed 11–15–95; 8:45 am]

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Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

Single Family Mortgage Insurance—Special Forbearance Procedures; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. FR–3626–F–02]

RIN 2502–AG20

Single Family Mortgage Insurance—Special Forbearance Procedures

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

ACTION: Final rule.

SUMMARY: This final rule permits the mortgagee and the mortgagor to enter into a special forbearance agreement without obtaining the prior approval of HUD requiring the payment of the arrearage before maturity of the mortgage. It also eliminates the present gap in reimbursement of debenture interest that occurs if the mortgagor files a petition in bankruptcy after entering into a special forbearance agreement. The purpose of this change is to encourage mortgagees to make greater use of special forbearance procedures when the mortgagor is temporarily unable to make full regular mortgage payments. When special forbearance agreements are utilized, but subsequently fail, mortgagees are entitled to collect all unpaid interest on their claim, from the oldest unpaid installment to foreclosure initiation. Generally this provides for inclusion of at least two additional months of interest on the insurance claim reimbursement.

EFFECTIVE DATE: This final rule is effective on December 18, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Servicing Division, Room 9178, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708–1672, or, for hearing and speech impaired, (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This rule revises current HUD regulations governing forbearance procedures in the context of the servicing of FHA insured single-family home mortgage loans. HUD currently has two special forbearance procedures. Under 24 CFR 203.614(a), the mortgagee must obtain prior approval from HUD for the special forbearance agreement to be valid. A special forbearance agreement with HUD approval may require increased payments prior to mortgage maturity. Under 24 CFR 203.614(b), the mortgagee may reduce or suspend the mortgagor's required payments during the forbearance period without HUD approval, but may not increase payments to recover arrearage until after mortgage maturity. This rule adds a new paragraph (c) to § 203.614, which will permit the mortgagee to reduce the required payments to an amount not less than 50% of the regular mortgage payments for a forbearance period of up to nine (9) months. On expiration of the forbearance period, but no sooner than four (4) months after the execution of the agreement, the mortgagee may, without HUD approval, increase the required payments to not more than one and one-half (1½) times the regular payment amount until all arrearages are repaid.

Limitations

The new procedure contains several limitations to keep arrearages from accumulating to an amount that the mortgagor cannot reasonably be expected to repay before loan maturity. These limitations include:

- The agreement must be executed not later than the due date of the seventh unpaid monthly installment;
- The monthly payments may be reduced but not suspended;
- The period of reduced payments may not exceed nine (9) months;
- The increase in payments may not be required earlier than four (4) months after execution of the agreement;
- The first payment may be any amount mutually agreed upon by the mortgagor and mortgagee, and must be due within 30 days of execution of the agreement; and
- The agreement is not considered a valid special forbearance agreement until the first required payment under the terms of the agreement is made.

If greater forbearance relief is needed, the mortgagee can utilize the existing forbearance procedures, or can provide a less restrictive work out plan under which the mortgagee may not be entitled to the payment of additional note interest on that portion of the claim covered by the special forbearance.

Conditions for New Procedures

The conditions for granting the new form of special forbearance relief are as follows:

(1) As under the existing regulations, the mortgagor must establish to the satisfaction of the mortgagee that the mortgagor does not own other property subject to an FHA-insured mortgage and that the default was caused by circumstances beyond the control of the mortgagor.

(2) During the forbearance period, the forbearance agreement must provide for payment of not less than 50 percent of the regular mortgage payments, nor more than the regular mortgage payments. The Secretary, by administrative instruction, may permit a different required minimum percentage, but in no event will it be more than 100 percent of the regular mortgage payment.

(3) The period of reduced payments may not exceed nine (9) monthly payments after execution of the forbearance agreement.

(4) The agreement must provide for an increase in payments, in order to recover arrearage accruing prior to and during the forbearance period. The increase in the payments is to begin no earlier than four (4) months after execution of the agreement.

(5) The increased payments may not exceed one and one-half (1½) times the regular mortgage installments.

(6) The agreement must provide for resumption of the regular mortgage payments after the total amount of arrearage is repaid.

(7) The agreement must be executed no later than the due date of the seventh full unpaid monthly payment.

(8) The agreement must require that the first payment is due within 30 days of the execution of the agreement.

(9) The agreement is not a valid special forbearance agreement until the first required payment under the terms of the agreement is made.

Other Changes

Current regulations have the effect that if State law, bankruptcy, or assignment considerations preclude a mortgagee from initiating foreclosure within 90 days after the mortgagor fails to meet the requirements of a special forbearance agreement, then neither mortgage nor debenture interest is paid on the insurance claim for the period from 90 days after the date of the mortgagor's failure to meet the requirements of a special forbearance agreement until the date foreclosure is initiated (§§ 203.402a and 203.410(a)(3)). This rule eliminates this lapse in interest payments by revising § 203.410(a)(3) to provide that debenture interest payments begin the day after the date to which mortgage interest is computed.

In addition, current regulations do not specifically identify mortgage assignment consideration as a possible reason for delaying foreclosure

initiation; this rule has been expanded to do so.

Section 203.355 has been amended to add paragraph (h), which requires that, if the mortgagor fails to meet the requirements of a special forbearance agreement and the failure continues for a period of 60 days, the mortgagee must initiate foreclosure within the later of nine (9) months after the date of default, or 90 days following the mortgagor's failure to meet the special forbearance requirements.

Finally, the rule makes a conforming revision to § 203.355(c). This section currently requires mortgagees to commence foreclosure within 60 days after the expiration of any prohibition on foreclosure that is found in State law or Federal bankruptcy law when such prohibition did not permit commencement of foreclosure within prescribed time requirements. The rule also applies this 60-day requirement when such prohibitions do not permit the commencement of foreclosure after the mortgagor's failure to meet the requirements of a special forbearance agreement.

Public Comments

The Department published a proposed rule on January 23, 1995 at 60 FR 4391.

Six commenters responded to the proposed rule: one association, three mortgage lenders, one consultant and one provider of legal services. Three of the six generally supported the rule, but recommended certain changes. Another commenter fully agreed with the rule as proposed. Two of the comments took issue with the need for any amendment to the rule, indicating that the existing regulation already authorized some of the proposed rule's features. The Department is persuaded by those comments indicating that the proposed rule may have been too restrictive to encourage widespread use. Consequently, the final rule contains several revisions.

Below is a listing of the comments received and the Department's responses.

1. Two commenters indicated that any ''reasonable'' arrangement that would be acceptable to the mortgagee should qualify as a special forbearance, and the test of whether the agreement was ''reasonable'' should rest with a subsequent review of the file. HUD acknowledges that a mortgagee should and does have the flexibility to enter into any reasonable arrangement that is acceptable to that mortgagee to cure a default. However, with respect to such arrangement qualifying as a ''special forbearance'' agreement entitling the mortgagee to significant additional amounts on a claim payment, HUD has a responsibility to place such restrictions as are deemed appropriate to safeguard against the possibility of overpayments from the Insurance Funds. With regard to evaluating the appropriateness of the agreement through a post-claim review of the file, the rule is specifically intended to avoid this. If all the requirements of this new special forbearance rule are met, HUD does not intend to second-guess the mortgagee's decision after the fact.

2. One commenter indicated that the criterion requiring payments under the agreement to be not less than 50% had no intrinsic value and therefore should be modified. As the rule specifically provides for the ability of the Commissioner to adjust this criterion at any time through administrative instruction, HUD does not agree that this criterion should be removed. After the Department has had some practical experience with this regulation, a decision will be made as to whether an adjustment to the minimum acceptable payment is advisable.

3. One commenter indicated that requiring the execution of the agreement within four (4) months of delinquency may prove to be too restrictive and therefore counterproductive. The Department is persuaded by this argument and this criterion has been liberalized in the final rule. Agreements which are executed by the due date of the *seventh* unpaid monthly installment will meet the criteria for a valid special forbearance agreement.

4. One commenter indicated that the period during which reduced payments are allowed was too short and did not provide the mortgagee with sufficient flexibility. The Department is persuaded by this comment and has revised the final rule to extend the allowable period of reduced payments from six (6) to nine (9) months.

5. Several commenters indicated in general comments that the final rule could be made more useful if the eligibility criteria were revised to be less restrictive. As indicated above, the Department is persuaded by this general observation as evidenced by language contained in the final rule that eases some of the criteria contained in the proposed rule.

The following is a summary of the revisions contained in the final rule.

(1) The period within which an agreement may be entered has been extended from four (4) months to the due date of the seventh full unpaid installment.

(2) The period the mortgagee may provide forbearance has been extended from six (6) months to nine (9) months.

(3) The period of time the mortgagee must wait after executing the agreement before it can require increased payments has been reduced from six (6) months to four (4) months.

(4) The agreement can allow up to 30 days after execution before the initial payment is required, rather than requiring payment to be made at the time the agreement is executed.

6. Two of the commenters disagreed with the need for this rule, indicating that the existing regulation already enables mortgagees to increase payments under special forbearance agreements without HUD approval. In addition, both of these commenters indicated that the proposed rule would adversely affect the interest of mortgagees with respect to mortgages already insured or approved for insurance, and therefore should be prospective only, under the provisions of § 203.499. HUD has made a determination that the current regulation does not authorize the mortgagee to increase payments under a special forbearance agreement prior to the maturity date without HUD approval. HUD, therefore, disagrees that this rulemaking is unnecessary, and HUD maintains its position that this change is necessary to enable the mortgagee to increase payments under an agreement that qualifies as a ''special forbearance'' agreement, prior to the loan maturity date. HUD disagrees with the assertion that this rule would have a negative impact on loans already insured. The use of this additional special forbearance provision is completely elective on the part of the mortgagee; furthermore, HUD sees no adverse effect on loans currently insured. To the contrary, HUD believes this additional special forbearance provision provides a significant benefit to the mortgagee. Therefore, it is HUD's position that the prospectivity requirement of § 203.499 is not applicable to this rule.

Other Matters

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20 (a) and (l) of the HUD regulations, the policies and procedures contained in this rule relate only to loan terms and individual actions involving single-family housing and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule would not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Specifically, the requirements of this rule are directed to lenders and do not impinge upon the relationship between the Federal government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive order 12606, The Family, has determined that this rule would not have potential for 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 would result from promulgation of this rule, as those policies and programs relate to family concerns.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule would permit, but would not require, use of a special forbearance procedure by mortgagees. In addition, the number of cases to which the procedure would apply is limited.

Catalog of Federal Domestic Assistance.

The Catalog of Federal Domestic Assistance program number is 14.117.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and record keeping requirements, Solar energy.

Accordingly, part 203 of title 24 of the Code of Federal Regulations is amended as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b and 1715u; 42 U.S.C. 3535(d).

2. In § 203.355, the introductory text of paragraph (a) and paragraph (c) are revised and new paragraph (h) is added, to read as follows:

§ 203.355 Acquisition of property.

(a) *In general.* Except as provided in paragraphs (b) through (h) of this section, upon default of a mortgage the mortgagee shall take one of the following actions. Such action shall be taken within nine (9) months from the date of default, or within any additional time approved by the Secretary or authorized by §§ 203.345, 203.346, or §§ 203.650 through 203.660:

* * * * *

(c) *Prohibiting of foreclosure within time limits.* If assignment consideration under §§ 203.650 through 203.660, the laws of the State in which the mortgaged property is located, or Federal bankruptcy law:

(1) Do not permit the commencement of foreclosure within the time limits described in paragraphs (a), (b), (g), and (h) of this section, the mortgagee must commence foreclosure within 60 days after the expiration of the time during which foreclosure is prohibited; or

(2) Require the prosecution of a foreclosure to be discontinued, the mortgagee must recommence the foreclosure within 60 days after the expiration of the time during which foreclosure is prohibited.

* * * * *

(h) *Special Forbearance.* If the mortgagor fails to meet the requirements of a special forbearance under § 203.614 and the failure continues for 60 days, the mortgagee must commence foreclosure within the later of nine (9) months after the date of default or 90 days after the mortgagor's failure to meet the special forbearance requirements.

3. Section 203.402a is revised to read as follows:

§ 203.402a Reimbursement for uncollected interest.

The mortgagee shall be entitled to receive an allowance in the insurance settlement for unpaid mortgage interest if the mortgagor fails to meet the requirements of a forbearance agreement entered into pursuant to § 203.614 and this failure continues for a period of 60 days. The interest allowance shall be computed to:

(a) The earliest of the applicable following dates, except as provided in paragraph (b) of this section:

(1) The date of the initiation of foreclosure;

(2) The date of the acquisition of the property by the mortgagee by means other than foreclosure;

(3) The date the property was acquired by the Commissioner under a direct conveyance from the mortgagor;

(4) Ninety days following the date the mortgagor fails to meet the requirements of the forbearance agreement, or such other date as the Commissioner may approve in writing prior to the expiration of the 90-day period; or

(5) The date the mortgagee sends the mortgagor notice of eligibility to participate in the Pre-Foreclosure Sale procedure; or

(b) The date foreclosure is initiated or a deed in lieu is obtained, or the date such actions were required by § 203.355(c), whichever is earlier, if the commencement of foreclosure within the time limits described in § 203.355(a), (b), (g), or (h) is precluded by:

(1) Assignment consideration under §§ 203.650–203.660;

(2) The laws of the State in which the mortgaged property is located; or

(3) Federal bankruptcy law.

4. In § 203.410, the heading of paragraph (a) is revised and paragraph (a)(3) is revised to read as follows:

§ 203.410 Issue date of debentures.

(a) *Conveyed properties, claims without conveyance, pre-foreclosure sales*—* * *

(3) As of the day after the date to which mortgage interest is computed as specified in § 203.402a, if the insurance settlement includes an allowance for uncollected interest in connection with a special forbearance.

* * * * *

5. In § 203.614, a new paragraph (c) is added, to read as follows:

§ 203.614 Conditions of special forbearance.

* * * * *

(c) The mortgagee may grant special forbearance relief providing for increased mortgage payments without the approval of the Secretary, subject to the following conditions:

(1) The conditions of paragraph (b)(1) of this section are met;

(2) The agreement is executed not later than the due date of the seventh full unpaid monthly payment;

(3) Within 30 days after the date of the execution of the agreement, the mortgagor must pay an amount agreed upon by the mortgagor and the mortgagee, but not less than the first monthly installment due under the agreement;

(4) The agreement is not valid until the full initial payment is made under the terms of the agreement.

(5) The written special forbearance agreement shall:

(i) Provide for the payment for a period not to exceed nine (9) months after execution of the agreement, of:

(A) Not less than 50 percent of the regular mortgage payments, but not more than the regular mortgage payment; or

(B) Such other percentage as the Secretary, by administrative instruction, may determine, but in no event more than the regular mortgage payment;

(ii) Provide for an increase of payments to not more than one and one-half (1½) times the regular mortgage payments, commencing no sooner than four (4) months after execution of the agreement; and

(iii) Provide for resumption of the regular mortgage payments after the total unpaid amount accruing prior to and during the forbearance period is repaid.

Dated: November 8, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

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H.R. 1905/P.L. 104–46

Energy and Water Development Appropriations Act, 1996 (Nov. 13, 1995; 109 Stat. 402)

H.R. 2589/P.L. 104–47

To extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes. (Nov. 13, 1995; 109 Stat. 423)

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