

# 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:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

[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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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.

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Title 3—

Presidential Determination No. 96-5 of November 13, 1995

The President

Suspending Restrictions on U.S. Relations With the Palestine Liberation Organization

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Middle East Peace Facilitation Act of 1994, part E of Title V, Foreign Relations Authorization Act, Fiscal years 1994 and 1995, Public Law 103-236, as amended, ("the Act"), I hereby:

(1) certify that it is in the national interest to suspend application of the following provisions of law until December 31, 1995:

(A) Section 307 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), as it applies with respect to the Palestine Liberation Organization or entities associated with it;

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note), as it applies with respect to the Palestine Liberation Organization or entities associated with it;

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2502); and

(D) Section 37, Bretton Woods Agreement Act (22 U.S.C. 286w), as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund.

(2) certify that the Palestine Liberation Organization continues to abide by the commitments described in Section 583(b)(4) of the Act.

You are authorized and directed to transmit this determination to Congress and to publish it in the Federal Register.



THE WHITE HOUSE,  
*Washington, November 13, 1995.*

# Rules and Regulations

Federal Register

Vol. 60, No. 225

Wednesday, November 22, 1995

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

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

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1416

RIN 0560-AD00

#### Voluntary Production Limitation Program; Correction

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to the interim regulations which were published Wednesday, November 16, 1994, (59 FR 59280). This regulation relates to the provisions pertaining to the Voluntary Production Limitation Program (VPLP) concerning misrepresentation and scheme or device.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jack Welch, USDA, Consolidated Farm Service Agency (CFSA), Room 3644-S, P.O. Box 2415, Washington, D.C. 20013-2415; telephone (202) 720-9884.

**SUPPLEMENTARY INFORMATION:**

Background

The regulations that are the subject of this correction are applicable to the VPLP for the 1994 and 1995 crops of wheat and feed grains and set forth the terms and conditions under which producers of these commodities may enter into agreements with the Commodity Credit Corporation (CCC) to qualify for program benefits under the VPLP.

Need for Correction

As published, the interim regulations contain an error which may prove to be misleading and is in need of clarification.

#### List of Subjects in 7 CFR Part 1416

##### Voluntary Production Limitation Program.

Accordingly, 7 CFR Part 1416 is corrected by making the following correcting amendments:

1. The authority citation for Part 1416 continues to read as follows:

Authority: 7 U.S.C. 1444f, 1445b-3a, 15 U.S.C. 714b and 714c.

##### § 1416.110 [Corrected]

2. In § 1416.110 the second paragraph (b) is redesignated as paragraph (c).

Signed at Washington, D.C., on November 15, 1995.

Bruce R. Weber,

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-28518 Filed 11-21-95; 8:45 am]

BILLING CODE 3410-05-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 93-SW-04-AD; Amendment 39-9438; AD 95-24-06]

#### Airworthiness Directives; Bell Helicopter Textron, a Division of Textron Canada, Model 206B and 206L Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, a Division of Textron Canada (BHT), Model 206B and 206L helicopters, that currently requires a revision to the Limitations section of the FAA-approved Supplemental Type Certificate (STC) Rotorcraft Flight Manual Supplement (RFMS) until replacement of the engine power-out warning sensor on BHT Model 206B and 206L helicopters equipped with Allison 250-C20R engines in accordance with certain supplemental type certificates. This amendment requires a revision to the Limitations section of the STC RFMS, but removes the requirement for replacement of the engine power-out warning sensor. This amendment is prompted by a reevaluation of the need for an engine power-out warning sensor

based on the lack of reported operational occurrences of the false engine-out warnings. The actions specified by this AD are intended to maintain a heightened pilot awareness that false engine-out warnings may occur when practicing autorotations and could result in an unnecessary emergency autorotative landing.

**DATES:** Effective December 27, 1995.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of December 30, 1991 (56 FR 63631, December 5, 1991).

**ADDRESSES:** The service information referenced in this AD may be obtained from Soly Corporation, 450 Pat Kennedy Way SW., Olympia, Washington 98501-7298. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Bray, Aerospace Engineer, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S, 1601 Lind Avenue SW., Renton, Washington 98055-4056, telephone (206) 227-2681, fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 91-23-15, Amendment 39-8084 (56 FR 63631, dated December 5, 1991), which is applicable to BHT Model 206B and 206L helicopters equipped with Allison 250-C20R engines in accordance with Supplemental Type Certificate No. SH4169NM, SH4179NM, or SH4729NM was published in the Federal Register on June 7, 1993 (58 FR 31916). That action proposed to require a revision to the Limitations section of the applicable STC RFMS in accordance with Soly Corporation Service Bulletin 02-680, revised December 8, 1992.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of

the rule as proposed, except for some editorial changes and adding explanatory Note 1, relating to the scope of the applicability statement when modifications, alterations, or repairs have been made in the area subject to the requirements of the AD.

Additionally, the FAA has revised the proposed estimated average labor rate from \$55 per work hour to an estimated average labor rate of \$60 per work hour in the preamble portion of this final rule. This revision will increase the estimated total cost impact of the AD from \$1,045 to \$1,140. Finally, the type certificate has been transferred to a new owner since the issuance of the proposal. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 19 helicopters of U.S. registry will be affected by this AD, that it will take approximately one work hour per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$1,140.

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

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Amendment 39-8084 (56 FR 63631, December 5, 1991), and by adding a new airworthiness directive (AD), Amendment 39-9438, to read as follows:

AD 95-24-06 Bell Helicopter Textron, a division of Textron Canada (BHT): Amendment 39-9438, Docket No. 93-SW-04-AD. Supersedes AD 91-23-15, Amendment 39-8084.

*Applicability:* Model 206B and 206L helicopters, equipped with Allison 250-C20R engine power-out warning sensors, part number (P/N) 206-075-545-001, in accordance with Supplemental Type Certificate (STC) No. SH4169NM (applicable to Model 206L), SH4179NM (applicable to Model 206B), or SH4729NM (applicable to both Models 206B & L), certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (b) 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 helicopter from the applicability of this AD.

*Compliance:* Required as indicated, unless accomplished previously.

To alert the pilot of a potential false engine-out warning when practicing autorotations that could result in an unnecessary emergency autorotative landing, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Limitations section of the applicable FAA-approved STC Rotorcraft Flight Manual Supplement (RFMS) by adding the warning statement and note contained in the Description section of Soly Corporation Service Bulletin 02-680, revised December 8, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Seattle

Aircraft Certification Office, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

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

(c) Special flight permits to accomplish the requirements of this AD will not be issued.

(d) The warning and note to be inserted into the Limitations section of the applicable STC RFMS are contained in Soly Corporation Service Bulletin 02-680, revised December 8, 1992. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of December 30, 1991 (56 FR 63631, December 5, 1991). Copies may be obtained from Soly Corporation, 450 Pat Kennedy Way SW., Olympia, Washington 98501-7298. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on December 27, 1995.

Issued in Fort Worth, Texas, on November 8, 1995.

Eric Bries,

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 95-28517 Filed 11-21-95; 8:45 am]

**BILLING CODE 4910-13-U**

#### **14 CFR Part 39**

**[Docket No. 95-SW-06-AD; Amendment 39-9425; AD 95-23-05]**

#### **Airworthiness Directives; Robinson Helicopter Company Model R22 Series Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Robinson Helicopter Company Model R22 series helicopters, that currently requires an inspection and repetitive visual checks for slippage of the tail rotor (T/R) drive and replacement of the T/R gearbox, if necessary. This amendment requires disassembly of the T/R gearbox to verify the installation of the input and output shaft keys (keys) between the input and output pinions and their respective shafts. This amendment is prompted by two incidents in which the key was not installed between the output shaft and

the output pinion during assembly of the T/R gearbox at Robinson Helicopter Company. The actions specified by this AD are intended to prevent slippage of the T/R drive, loss of directional control, and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Bumann, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (310) 627-5265, fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-17-07, Amendment 39-9059 (59 FR 55203, November 4, 1994), which is applicable to Robinson Helicopter Company Model R22 series helicopters, was published in the Federal Register on May 26, 1995 (60 FR 27926). That action proposed to require an inspection and repetitive visual checks for slippage of the T/R drive until the T/R gearbox is disassembled to verify installation of the shaft keys. It also proposed to allow owner/operator daily preflight checks for misalignment of the alignment dots that are installed on the tail cone skin and the drive shaft flange. These checks do not require the use of tools, precision measuring equipment, training, pilot logbook endorsements, or the use of technical data not contained in the AD. Additionally, these checks are considered part of the normal pilot "Before Takeoff" and "After Landing" checks. These checks are additional measures to detect slippage of the T/R drive until installation of the keys is verified. These checks may be performed by an owner/operator holding at least a private pilot certificate, but must be entered into the aircraft records showing compliance with this AD in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

The manufacturer was the only commenter, and it believes that AD 94-17-07, which required a one-time application of a 35-pound load to the tip of a tail rotor blade to induce slipping of the shaft and a daily "dot alignment" check for slippage, provides adequate safeguards to assure the safety of the helicopter. The manufacturer notes that proof tests were performed on various gearboxes with keys removed and the load required to cause slippage varied

between 14 and 27 pounds. The load tests combined with no reports of additional defective gearboxes leads the manufacturer to assert that the one-time application of the 35-pound load should be the terminating action. The FAA does not agree. The FAA has determined that the one-time application of a 35-pound weight on the tip of the tail rotor blade to test for slippage of the shaft cannot be considered terminating action for Priority Letter 94-17-07. Slippage is a function of surface friction of the material(s) and the attaching hardware clamping pressure, which may vary due to the condition of the gearbox. A no-slippage condition does not ensure that the keys have been installed. Also, there is no assurance that the torque of the retaining nuts will be maintained until the next gearbox overhaul. Although no cases of slippage have been reported as a result of Priority Letter AD 94-17-07, there is no assurance that the keys have been installed.

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for deleting proposed paragraph (a)(2) since this procedure is not necessary to check for the misalignment of dots, deleting the requirement to vibro-etch the AD number on the output cartridge since the requirement to vibro-etch the AD number on the input flange is sufficient to identify installation of the keys, exempting from the requirements of this AD 196 additional serial-numbered gearboxes that have been verified by the manufacturer to have both keys installed, adding certain non-substantive, descriptive, clarifying words, adding a clarifying figure, and making various editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 500 helicopters of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$150,000.

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

##### **§ 39.13 [Amended]**

Section 39.13 is amended by removing Amendment 39-9059 (59 FR 55203, November 4, 1994), and by adding a new airworthiness directive (AD), Amendment 39-9425, to read as follows:

AD 95-23-05 Robinson Helicopter Company: Amendment 39-9425. Docket No. 95-SW-06-AD. Supersedes AD 94-17-07, Amendment 39-9059.

*Applicability:* Model R22 series helicopters certified in any category, with tail rotor (T/R) gearboxes that were manufactured or overhauled by Robinson Helicopter Company prior to June 8, 1992. The following gearbox serial numbers have been determined to have the T/R input and output shaft keys installed and are therefore exempt from this AD: 0012, 0013, 0014, 0015, 0018, 0020, 0021, 0030, 0040, 0054, 0062, 0079, 0091, 0095, 0098, 0107, 0108, 0121, 0134, 0137, 0146, 0149, 0153, 0169, 0179, 0184, 0185, 0191, 0193, 0201, 0205, 0227, 0228, 0235, 0239, 0241, 0248, 0258, 0262, 0269, 0272, 0277, 0280, 0296, 0304, 0321, 0333, 0342, 0345, 0346, 0355, 0365, 0385, 0387, 0392, 0415, 0417, 0424, 0431, 0432, 0439, 0444, 0447, 0503, 0504, 0505, 0525, 0542, 0546, 0547, 0548, 0554, 0558, 0559, 0565, 0574, 0576, 0579, 0592, 0594, 0597, 0603, 0604, 0605, 0615, 0619, 0632, 0634, 0639, 0641, 0644, 0650,

0656, 0662, 0663, 0665, 0674, 0686, 0689, 0696, 0697, 0700, 0701, 0702, 0707, 0722, 0734, 0735, 0736, 0742, 0755, 0756, 0759, 0767, 0777, 0778, 0784, 0786, 0805, 0811, 0832, 0836, 0839, 0842, 0845, 0850, 0862, 0863, 0866, 0868, 0880, 0885, 0887, 0892, 0926, 0937, 0939, 0952, 0970, 0983, 0986, 0996, 0997, 0998, 0999, 1007, 1016, 1018, 1021, 1029, 1030, 1035, 1048, 1062, 1072, 1078, 1081, 1087, 1104, 1116, 1121, 1126, 1129, 1132, 1141, 1151, 1176, 1182, 1186, 1187, 1197, 1199, 1205, 1208, 1217, 1222, 1224, 1228, 1233, 1237, 1245, 1249, 1252, 1254, 1255, 1269, 1274, 1290, 1293, 1299, 1301, 1307, 1310, 1311, 1323, 1328, 1330, 1333, 1338, 1339, 1341, 1342, 1350, 1351, 1361, 1371, 1379, 1385, 1388, 1392, 1404, 1412, 1414, 1428, 1429, 1435, 1438, 1442, 1450, 1460, 1468, 1494, 1499, 1505, 1508, 1509, 1512, 1514, 1526, 1541, 1544, 1565, 1578, 1586, 1593, 1595, 1597, 1605, 1610, 1627, 1628, 1629, 1636, 1643, 1647, 1648, 1652, 1654, 1661, 1676, 1677, 1686, 1687, 1698, 1701, 1702, 1706, 1708, 1710, 1714, 1724, 1731, 1732, 1738, 1739, 1741, 1750, 1752, 1754, 1757, 1759, 1766, 1767, 1769, 1783, 1785, 1786, 1800, 1803, 1807, 1808, 1814, 1816, 1823, 1828, 1830, 1833, 1837, 1844, 1846, 1851, 1852, 1858, 1861, 1868, 1869, 1871, 1874, 1886, 1889, 1893, 1898, 1899, 1909, 1911, 1912, 1913, 1920, 1922, 1927, 1928, 1948, 1951, 1959, 1961, 1963, 1965, 1966, 1974, 1978, 1983, 1992, 1996, 2002, 2025, 2028, 2034, 2037, 2043, 2051, 2058, 2071, 2100, 2101, 2103, 2108, 2115, 2126, 2129, 2136, 2160, 2166, 2170, 2180, 2182, 2193, 2197, 2203, 2216, 2231, 2242, 2254, 2265, 2269, 2272, 2279, 2280, 2283, 2285, 2289, 2294, 2298, 2299, 2303, 2304, 2308, 2314, 2337, 2346, 2357, 2360, 2362, 2364, 2377, 2380, 2381, 2387, 2395, 2406, 2408, 2410, 2414, 2416, 2419, 2420, 2421, 2422, 2423, 2425, 2431, 2435, 2436, 2459, 2467, 2479, 2492, 2498, 2513, 2529, 2531, 2536, 2539, 2551, 2556, 2557, 2574, 2579, 2582, 2587, 2591, 2604, 2605, 2607, 2609, 2616, 2627, 2634, 2642, 2651, 2672, 2682, 2683, 2687, 2690, 2697, 2716, 2719, 2720, 2721, 2731, 2736, 2784, 2797, 2799, 2815, 2826, 2841, 2842, 2845, 2862, 2863, 2873, 2937, 2945, 3004, 3109.

Note 1: This AD applies to each helicopter 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 helicopters 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) 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 helicopter from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent slippage of the T/R drive, loss of directional control, and subsequent loss of

control of the helicopter, accomplish the following:

(a) Before further flight, install alignment dots as follows: Remove the transparent inspection cover on the tail cone and rotate the T/R blades so that one blade leading edge is aligned with the tail cone centerline. Mark a dot on the tail cone skin aligned with the tip of the blade leading edge. With the same alignment, mark a dot on the centerline of the tail cone skin at the edge of the inspection hole, and mark a corresponding dot on the drive shaft flange (see figure 4).

(b) Conduct the following daily preflight checks for misalignment of the alignment dots until compliance with paragraph (c) of this AD has been accomplished: Check for misalignment of the alignment dots installed on the tail cone skin and the drive shaft flange by rotating the T/R blade so that the alignment dot is visible in the inspection window and the tip of the T/R blade leading edge aligns with the dot on the tail cone skin. Ensure that the drive shaft flange dot is aligned with the dot on the centerline of the tail cone skin at the edge of the inspection window. If any misalignment is detected, before further flight, replace the T/R gearbox with an airworthy one that has been determined to have both the input and output keys installed in accordance with paragraph (c) of this AD or other FAA-approved procedures, or is exempt from the requirements of this AD as listed in the applicability section of this AD. The daily preflight checks required by this AD may be performed by an owner/operator holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with paragraph (b) of this AD, in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations.

(c) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, or at the next annual inspection, whichever occurs first, verify installation of both the input and output shaft keys as follows:

(1) Cut and remove the safety wire securing the chip detector to the sight gage on the T/R gearbox. Place a container under the T/R gearbox to catch the drained oil and remove the chip detector. Remove and discard the gasket on the chip detector.

(2) Remove the T/R gearbox from the helicopter in accordance with the applicable maintenance manual.

(3) Cut and remove the safety wire securing the filler vent plug to the sight gage on the T/R gearbox and remove the filler vent plug and sight gage. Remove and discard the gasket on the filler vent plug and sight gage.

(4) Remove and disassemble the output cartridge, P/N A111-1, from the T/R gearbox case, P/N A109-1 (see figure 1) as follows:

(i) Place a mark across the gear case, P/N A109-1, and output cartridge, P/N A111-1, with a felt pen or grease pencil to ensure proper reassembly.

(ii) Cut and remove the safety wire around the four MS20074-04-06 bolts securing the output cartridge to the gear case. Remove and retain each of the four bolts and their associated AN960-416L washer(s), noting the washer stacks for reassembly. Separate the

output cartridge from the gear case (see figure 1).

(iii) Remove and discard the safety wire, MS16562-24 or 52-022-094-0437 roll pin, and MS14145L6 or LCN6M-624 retaining nut. Remove the AN960-616L washer(s) and the washer, P/N A141-2, noting the washer(s) location for reassembly. Do not damage the output shaft, P/N A107-1, or the shim(s), P/N A118-1 through -6, located next to the flange of the output cartridge when removing the retaining nut.

(iv) Visually inspect for the presence of the output shaft key, P/N A114-2, between the pinion gear, P/N A545-1, and the output shaft (see figure 2).

(v) If the output shaft key is missing, replace the T/R gearbox with an airworthy gearbox that has been determined to have the output key installed. Report any T/R gearbox that has a missing key within 10 days after the inspection to the Manager, Los Angeles Manufacturing Inspection Office, FAA, Northwest Mountain Region, 3960 Paramount Blvd., Lakewood, California 90712, telephone (310) 627-5290, fax (310) 627-5293. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

(vi) If the output key is installed, reinstall the washer, P/N A141-2, and AN960-616L washer(s). Install an MS14145L6 or LCN6M-624 retaining nut, and torque to 225-275 in.-lbs. Install a MS16562-24 or 52-022-094-0437 roll pin, and safety wire using 0.032-inch stainless steel safety wire. The safety wire pigtail must be wrapped tightly around the retaining nut.

(5) Remove and disassemble the input cartridge, P/N A110-1, from the T/R gear case, P/N A109-1, as follows:

(i) Place two marks across the gear case, P/N A109-1, and input cartridge, P/N A110-1, with a felt pen or grease pencil to ensure proper reassembly.

(ii) Cut and remove the safety wire around the four MS20074-04-06 bolts securing the input cartridge to the gear case. Remove each of the four bolts and their associated AN960-416L washer(s), noting the washer stacks for reassembly. Separate the input cartridge from the gear case (see figure 1).

(iii) Secure the input cartridge to a block of wood through the two bolt holes in the input shaft assembly, P/N A116-1 (see figure 1). Place the block of wood in a vise. Remove and discard the safety wire, roll pin, and retaining nut. Remove the AN960-616L washer(s), and washer, P/N A141-1, noting the washer(s) location for reassembly. Do not damage the input shaft or shim(s), P/N A118-1 through -6, located next to the flange of the input cartridge.

(iv) Visually inspect for the presence of the input shaft key, P/N A114-1, between the gear, P/N A545-2, and the input shaft (see Note on figure 2).

(v) If the input shaft key is missing, replace the T/R gearbox with an airworthy gearbox that has been determined to have the input key installed. Report any T/R gearbox that has a missing key within 10 days after the inspection to the Manager, Los Angeles Manufacturing Inspection District Office, FAA, Northwest Mountain Region, 3960

Paramount Blvd., Lakewood, California 90712, telephone (310) 627-5290, fax (310) 627-5293. Reporting requirements have been approved by the Office of Management and Budget, and assigned OMB control number 2120-0056.

(vi) If the input key is installed, reinstall the AN960-616L washer(s) and washer, P/N A141-1. Install an MS14145L6 or LCN6M-624 retaining nut, and torque to 225-275 in.-lbs. Install a MS16562-24 or 52-022-094-0437 roll pin and safety wire using 0.032-inch stainless steel safety wire. The safety wire pigtail must be wrapped tightly around the retaining nut. Remove the two bolts securing the input shaft assembly to the block of wood. Vibro-etch the final rule AD

number on the input cartridge attachment flange.

(6) Reassemble the input and output cartridges to the T/R case as follows:

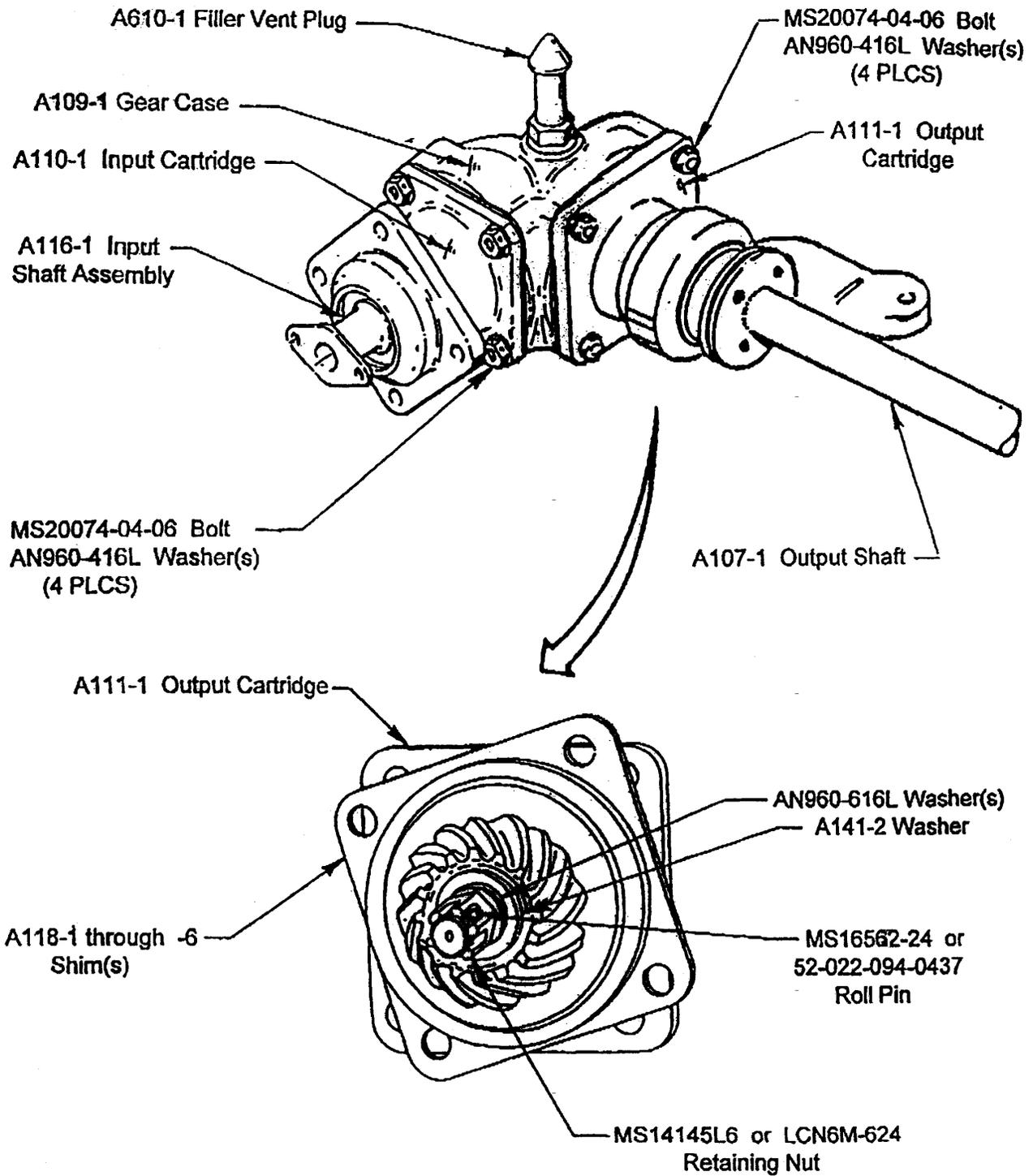
(i) Color the "X" marked on the pinion gear, P/N A545-1, (one tooth only) of the output cartridge and on the gear, P/N A545-2, (located on two consecutive teeth) of the input cartridge with a red marker to make reinstallation easier. Note that these three gear teeth may already be colored (see figure 3).

(ii) Visually inspect the edge of the chamfers in the gear case, making sure they are round and smooth so that the O-ring will not be damaged upon installation.

(iii) Remove and discard the O-ring on both the input cartridge and output cartridge. Replace the O-ring with National P/N AS142 B46-70, or Parker P/N 2-142 N674-70 O-ring. Lubricate the replacement O-ring with oil, P/N A257-2, and install an O-ring on each cartridge.

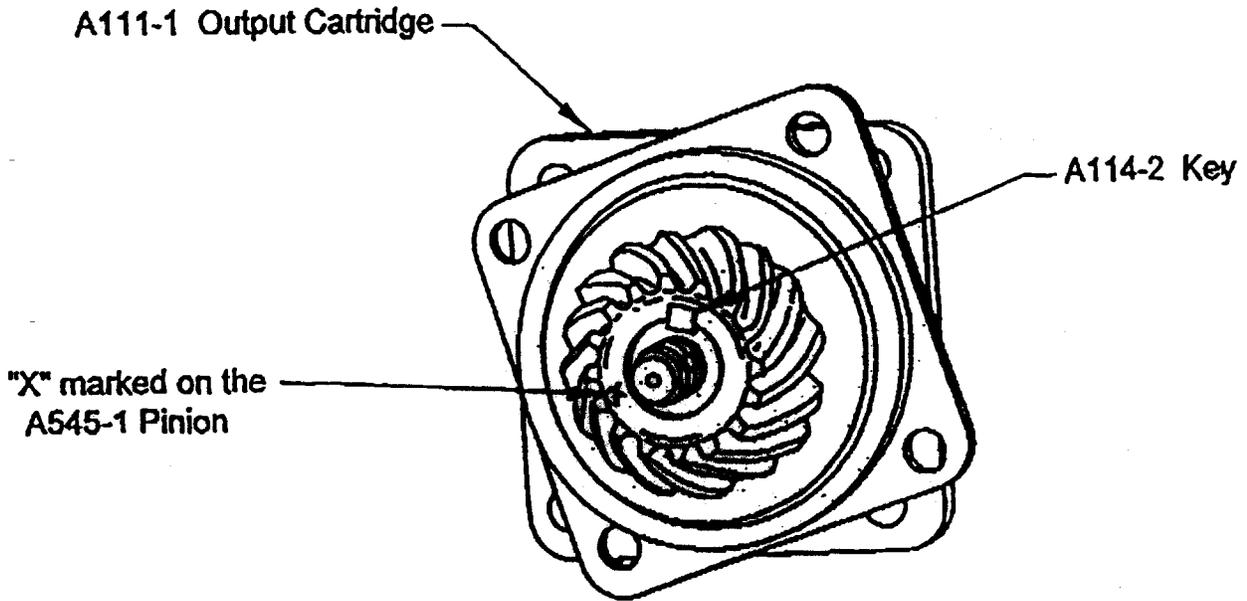
(iv) Reinstall the output cartridge on the gear case with the four MS20074-04-06 bolts and AN960-416L washer stacks that were removed in accordance with paragraph (c)(4)(ii). Reinstall the input cartridge on the gear case with the four MS20074-04-06 bolts and AN960-416L washer stacks that were removed in accordance with paragraph (c)(5)(ii). Do not torque the bolts at this time.

**BILLING CODE 4910-13-U**



Note: The safety wire has been removed for clarity

Figure 1



**Note: The A114-1 Key for the A110-1 Input Cartridge is located similar to the A111-1 Output Cartridge depicted above**

Figure 2

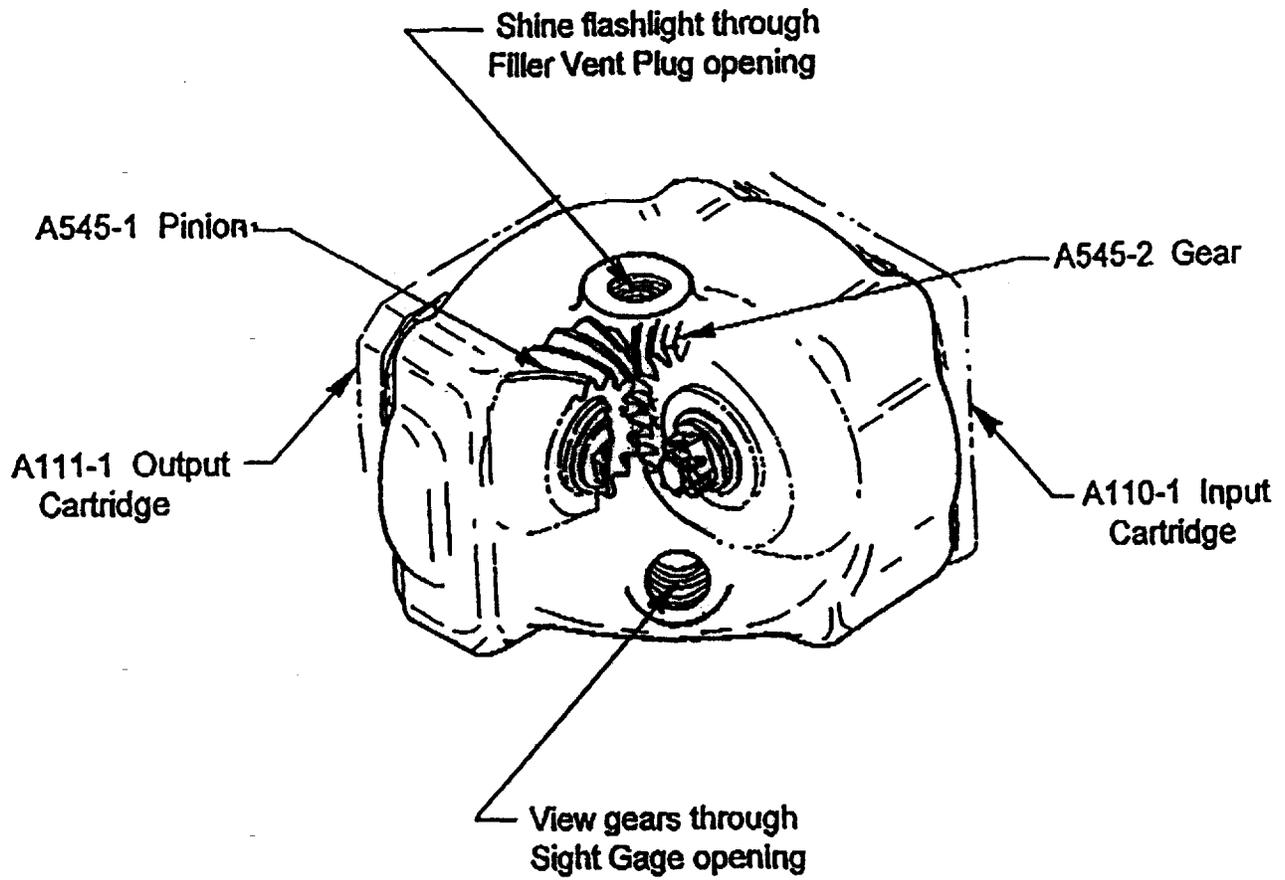


Figure 3

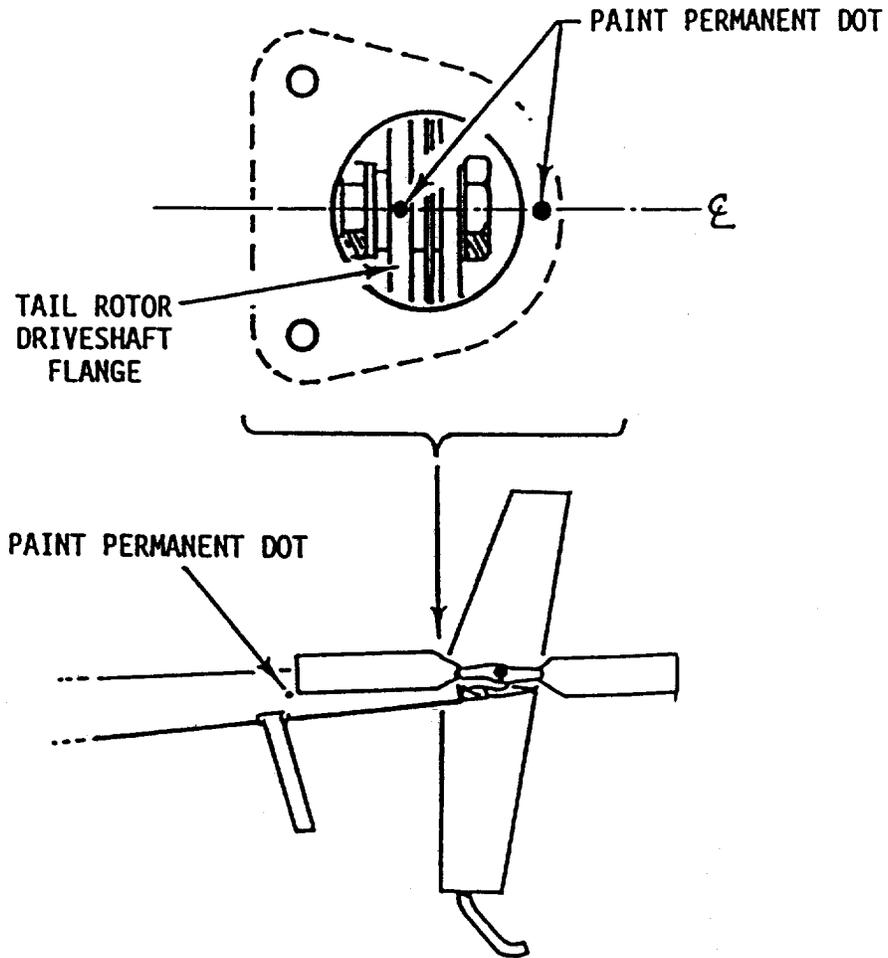


Figure 4

(v) Look through the sight gage opening while using a flashlight pointed into the filler vent hole to verify the gears are meshed properly. Gears are properly meshed when the "X" marked on the pinion gear of the output cartridge is between the two "X's" marked on the gear of the input cartridge (see figure 3). Do not torque the MS20074-04-06 bolts until both cartridges are installed on the case and the gears are properly meshed. Torque the output cartridge bolts to 60 in.-lbs. first, then torque the input cartridge bolts to 60 in.-lbs. Safety wire with 0.032-inch stainless steel safety wire.

(vi) Reinstall sight gage with MS35769-11 or AN900-10 gasket. Oil threads to prevent threads from locking up. Torque to 200 in.-lbs.

(vii) Reinstall the chip detector with a MS35769-8 or AN900-9 gasket after lubricating the threads with oil. Torque the chip detector to 150 in.-lbs. Safety wire the sight gage to the chip detector using 0.032-inch stainless steel safety wire.

(viii) Fill the T/R gearbox with oil to the level indicated on the T/R sight glass decal. Reinstall the filler vent plug, P/N A610-1, with a MS35769-9 or AN900-8 gasket, after lubricating the threads with oil.

(ix) Inspect the T/R gearbox assembly to ensure that the shafts and gears rotate freely.

(7) Reinstall the T/R gearbox onto the helicopter in accordance with the applicable maintenance manual. Verify that the oil level of the T/R gearbox is at the recommended mark on the sight glass.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

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

(f) This amendment becomes effective on December 27, 1995.

Issued in Fort Worth, Texas, on November 2, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.

[FR Doc. 95-28537 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 520 and 522

#### New Animal Drugs; Change of Sponsor

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for three new animal drug applications (NADA's) from Vet-A-Mix, Inc., to Lloyd, Inc.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1646.

**SUPPLEMENTARY INFORMATION:** Vet-A-Mix, Inc., 604 West Thomas Ave., P.O. Box A, Shenandoah, IA 51601, has informed FDA of a change of sponsor name for approved NADA's 92-836 (diethylcarbamazine citrate), 140-866 (yohimbine hydrochloride injectable), and 140-921 (prednisolone tablets) to Lloyd, Inc., 604 West Thomas Ave., Shenandoah, IA 51601. Accordingly, FDA is amending the regulations in 21 CFR 520.622c, 520.1880, and 522.2670 to reflect the change of sponsor name.

List of Subjects in 21 CFR Parts 520 and 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 522 are amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

##### § 520.622c [Amended]

2. Section 520.622c *Diethylcarbamazine citrate chewable tablets* is amended in paragraph (b)(3) by removing "011789" and adding in its place "061690".

##### § 520.1880 [Amended]

3. Section 520.1880 *Prednisolone tablets* is amended in paragraph (b) by

removing "011789" and adding in its place "061690".

#### PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

4. The authority citation of 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

##### § 522.2670 [Amended]

5. Section 522.2670 *Yohimbine injectable* is amended in paragraph (b) by removing "032998" and adding in its place "061690".

Dated: November 13, 1995.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 95-28542 Filed 11-21-95; 8:45 am]

BILLING CODE 4160-01-F

#### 21 CFR Part 522

#### Implantation or Injectable Dosage Form New Animal Drugs; Selenium/Vitamin E Injection

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Fort Dodge Laboratories. The ANADA provides for subcutaneous or intramuscular use of a selenium/vitamin E injection for prevention and treatment of selenium/tocopherol deficiency syndrome in weanling calves and breeding beef cattle.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1643.

**SUPPLEMENTARY INFORMATION:** Fort Dodge Laboratories, 800 Fifth St. NW., P.O. Box 518, Fort Dodge, IA 50501, filed ANADA 200-109, which provides for subcutaneous or intramuscular use of Velenium™ (selenium, vitamin E) Injection for prevention and treatment of selenium/tocopherol deficiency syndrome in weanling calves and breeding beef cattle. The drug is limited to use by or on the order of a licensed veterinarian.

Approval of ANADA 200-109 for Fort Dodge's selenium/vitamin E injection is as a generic copy of Schering-Plough's Mu-Se® (selenium/vitamin E) Injection

in NADA 30-314. The ANADA is approved as of October 20, 1995, and the regulations are amended in 21 CFR 522.2100(d)(2) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.2100 is amended by revising paragraph (d)(2) to read as follows:

**§ 522.2100 Selenium, vitamin E injection.**

\* \* \* \* \*

(d) \* \* \*

(2) *Sponsors.* See Nos. 000061 and 000856 in § 510.600(c) of this chapter.

\* \* \* \* \*

Dated: November 13, 1995.

Stephen F. Sundlof,  
 Director, Center for Veterinary Medicine.  
 [FR Doc. 95-28543 Filed 11-21-95; 8:45 am]  
 BILLING CODE 4160-01-F

**21 CFR Part 522**

**Implantation or Injectable Dosage Form New Animal Drugs; Sarafloxacin Hydrochloride**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Abbott Laboratories. The NADA provides for use of sarafloxacin hydrochloride solution for injection in day-old broiler chickens for control of early mortality associated with *Escherichia coli* organisms susceptible to sarafloxacin.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** George K. Haibel, Center For Veterinary Medicine (HFV-133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1644.

**SUPPLEMENTARY INFORMATION:** Abbott Laboratories, 1401 Sheridan Rd., North Chicago, IL 60064-4000, filed NADA 141-018, which provides for use of SaraFlox® Injection (sarafloxacin hydrochloride solution for injection) to be used in day-old broiler chickens for control of early mortality associated with *E. coli* organisms susceptible to sarafloxacin. The NADA is approved as of October 12, 1995, and the regulations are amended in part 522 (21 CFR part 522) by adding new § 522.2095 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning October 12, 1995, because the NADA contains reports of new clinical or field investigations and new human food safety studies essential to the approval and conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of

this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 522.2095 is added to read as follows:

**§ 522.2095 Sarafloxacin solution for injection.**

(a) *Specifications.* Each milliliter contains sarafloxacin hydrochloride equivalent to 50 milligrams of sarafloxacin in a 20 percent propylene glycol solution.

(b) *Sponsor.* See No. 000074 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.594 of this chapter.

(d) *Conditions of use.* Day-old broiler chickens:

(1) *Amount.* 0.1 milligram sarafloxacin per 0.2 milliliter dose.

(2) *Indications for use.* For control of early mortality in day-old broiler chickens associated with *Escherichia coli* organisms susceptible to sarafloxacin.

(3) *Limitations.* A single subcutaneous 0.2 milliliter injection in the neck. Dilute 1 milliliter of SaraFlox® with 100 milliliters of sterile water or physiologic saline to provide 0.1 milligram sarafloxacin in a 0.2 milliliter dose. Use entire contents of diluted solution within 24 hours. No preslaughter drug withdrawal period is required when the product is used as directed. Use in a manner other than that indicated or with dosages in excess of that recommended may result in illegal drug residues in edible tissues. Do not use in laying hens producing eggs for human consumption. Do not use in replacement layers or fowl intended for breeding

purposes. The effects of sarafloxacin on the reproductive function of treated fowl have not been determined. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: November 13, 1995.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 95-28544 Filed 11-21-95; 8:45 am]

BILLING CODE 4160-01-F

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[IL135-1-7205(a); FRL-5332-7]

#### Approval of Section 112(l) Program of Delegation; Illinois

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving, through "direct final" procedure, a request for delegation of the Federal air toxic program pursuant to section 112(l) of the Clean Air Act of 1990. The State's mechanism of delegation involves the straight delegation of all existing and future section 112 standards unchanged from the Federal standards. The actual delegation of authority will occur automatically upon EPA's promulgation of the standards. This request for approval of a mechanism of delegation encompasses all sources not covered by the part 70 program.

**DATES:** This action is effective January 22, 1996, unless adverse or critical comments not previously addressed by the State or EPA are received by December 22, 1995, in which case this rulemaking action will be taken as the proposed rule published in the proposed rules section of this Federal Register. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois 60604. Please contact Jennifer Buzecky at (312) 886-3194 to arrange a time if inspection of the submittal is desired.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Buzecky, AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3194.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve state air toxic programs or rules to operate in place of the Federal air toxic program. The Federal air toxic program implements the requirements found in section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an air toxic program is granted by the EPA if the Agency finds that the State program: (1) Is "no less stringent" than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxic program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On August 17, 1995, Illinois submitted to EPA a request for delegation of authority to implement and enforce the air toxic program under section 112 of the CAA. On September 8, 1995, EPA found the State's submittal complete. In this document EPA is taking final action to approve the program of delegation for Illinois.

##### II. Review of State Submittal

###### A. Program Summary

Requirements for approval, specified in section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under part 70 (40 CFR 70.4). On March 7, 1995, EPA promulgated a final interim approval under part 70 of the State of Illinois' Operating Permit Program. 60 FR 12478. Included in that notice was the approval of a mechanism for delegation of all section 112 standards for sources subject to the part 70 program. Sources subject to the part 70 program are those sources that are operating pursuant to a part 70 permit issued by the State, local agency or EPA. Sources not subject to the part 70 program are those sources that are not required to obtain a part 70 permit from either the State, local agency or EPA. Because Illinois' August 17, 1995, request for delegation encompasses all existing and future standards as they apply to sources NOT subject to part 70, this action

supplements the earlier part 70 rulemaking in that Illinois can now implement and enforce the section 112 air toxic program regardless of a source's part 70 applicability.

The Illinois program of delegation for sources not subject to part 70 will not include delegation of section 112(r) authority. The program will, however, include the delegation of the 40 CFR part 63 general provisions to the extent that they are not reserved to the EPA and are delegable to the State. Furthermore, Illinois' request for delegation includes the delegation of all existing National Emission Standards for Hazardous Air Pollutants (NESHAP) standards, 40 CFR part 61, with the exception of radionuclides.

An example of an existing NESHAP is the asbestos standard, 40 CFR part 61, subpart M. Implementation of this standard includes the primary responsibility for accepting asbestos notifications. Sources in Illinois subject to the asbestos standard should henceforth submit their notification forms to the Illinois Environmental Protection Agency (IEPA).

As stated above, this document constitutes EPA's approval of Illinois' program of straight delegation of all existing and future air toxic standards, except for section 112(r) standards as they pertain to non-part 70 sources. Straight delegation means that the State will not promulgate individual State rules for each section 112 standard promulgated by EPA, but will implement and enforce without changes the section 112 standards promulgated by EPA. The Illinois program of straight delegation will operate as follows: Upon promulgation of a section 112 standard, the State of Illinois automatically receives the authority and assumes responsibility for the timely implementation and enforcement required by the standard, as well as any further activities agreed to by IEPA and EPA. Some activities necessary for effective implementation of the standard include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to the standard are aware of its existence. When deemed appropriate, IEPA will utilize the resources of its Small Business Assistance Program to assist in general program implementation. The details of this delegation mechanism are set forth in a series of letters between EPA and IEPA, copies of which are located in the docket associated with this rulemaking.

###### B. Criteria for Approval

On November 26, 1993, EPA promulgated regulations to provide

guidance relating to the approval of State programs under Section 112(l) of the CAA. 40 FR 62262. That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval of a program to implement and enforce Federal section 112 rules as promulgated without changes are found at 40 CFR 63.91. The specific elements required for approval in § 63.91 were promulgated to address the procedures required for approval pursuant to section 112(l)(5) of the CAA. Any request for approval must meet all section 112(l) approval criteria, as well as all approval criteria of § 63.91. A more detailed analysis of the State's submittal pursuant to § 63.91 is contained in the Technical Support Document included in the docket of this rulemaking.

Under section 112(l) of the CAA, approval of a State program is granted by the EPA if the Agency finds that it: (1) Is "no less stringent" than the corresponding Federal program, (2) that the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance.

### C. Analysis

EPA is approving Illinois' mechanism of delegation because the State's submittal meets all requirements necessary for approval under section 112(l). The first requirement is that the program be no less stringent than the Federal program. The Illinois program is no less stringent than the corresponding Federal program or rule because the State has requested straight delegation of all standards unchanged from the Federal standards.

Second, the State has shown that it has adequate authority and resources to implement the program. The Illinois Environmental Protection Act authorizes IEPA to issue operating permits to part 70 and non-part 70 sources of regulated pollutants. 415 ILCS 5/1 et seq. The authority to issue permits includes the authority to incorporate permit conditions that implement Federal section 112 standards. Furthermore, Illinois has the authority to implement and enforce each section 112 regulation, emission standard or requirement (regardless of part 70 applicability), perform inspections, request compliance information, incorporate requirements into permits and to bring civil and criminal enforcement actions to recover penalties and fines. Adequate resources will be obtained through section 105

grant monies awarded to States by EPA and through any monies from the State's Title V program that can be used to fund acceptable Title V activities with respect to these non-part 70 sources.

Third, upon promulgation of a standard, Illinois will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirement and notifying these sources of the applicable requirement. Such schedule is sufficiently expeditious for approval.

Fourth, nothing in the Illinois program for straight delegation is contrary to Federal guidance.

### D. Determinations

In approving this delegation, EPA expects that the State will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the Clean Air Act or 40 CFR parts 61 and 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

### III. Final Action

The EPA is promulgating final approval of the August 17, 1995, request by the State of Illinois for straight delegation of section 112 standards unchanged from Federal standards because the request meets all requirements of 40 CFR 63.91 and section 112(l) of the CAA. Upon the effective date of this document, the following Federal standards are automatically delegated to the State of Illinois: (1) All existing NESHAPs, with the exception of radionuclides; (2) existing section 112 standards, excluding section 112(r), and (3) the part 63 general provisions to the extent that they are not reserved to the EPA and are delegable to the State. Future delegation of the section 112 standards to the State will occur automatically upon EPA's promulgation of the standard.

Effective immediately, all notifications, reports and other correspondence required under section 112 standards and existing NESHAPs should be sent to the State of Illinois rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Illinois Environmental Protection Agency, Bureau of Air, Permit Section, 2200 Churchill Road, P.O. Box 19506, Springfield, Illinois 62794-9506.

EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision

and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical comments are filed. The "direct final" approval shall be effective on January 22, 1996, unless EPA receives such adverse or critical comments by December 22, 1995. EPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this Federal Register, EPA is publishing a separate document which constitutes a "proposed approval" of the requested delegation. If EPA receives timely comments adverse to or critical of the approval discussed above, which have not been addressed by the State or EPA, EPA will publish a Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document based on the proposed approval. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Copies of the State's submittal and other information relied upon for the final approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

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

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603

and 604.) Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Straight delegation of the section 112 standards unchanged from the Federal standard does not create any new requirements, but simply allows the state to administer requirements that have been or will be separately promulgated. Therefore, because this delegation approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that the approval action promulgated today does not constitute a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The state voluntarily requested this delegation under section 112(l) for the purpose of implementing and enforcing the air toxics program with respect to sources not covered by part 70. The delegation imposes no new Federal requirements. Since the State was not required by law to seek delegation, this Federal action does not impose a mandate on the state.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401, et seq.

Dated: November 2, 1995.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 95-28387 Filed 11-21-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 70

[GA-95-01; FRL-5333-7]

#### Clean Air Act Final Interim Approval of Operating Permits Program; Georgia

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

**ACTION:** Final interim approval.

**SUMMARY:** The EPA is promulgating interim approval of the Operating Permits Program submitted by the Georgia Department of Natural Resources, Environmental Protection Division for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** December 22, 1995.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE., Atlanta, Georgia 30365, on the 3rd floor of the Tower Building. Interested persons wanting to examine these documents, contained in EPA docket number GA-95-01, should make an appointment at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Yolanda Adams, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-3555, Ext. 4149.

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Purpose

##### A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs

pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal program.

On September 26, 1995, EPA proposed interim approval of the operating permits program for the State of Georgia. See 60 FR 49533. The September 26, 1995 notice also proposed approval of Georgia's interim mechanism for implementing section 112(g) and for delegation of section 112 standards as promulgated. EPA did not receive any comments on the proposal. In this action, EPA is promulgating interim approval of Georgia's operating permits program, and approving the section 112(g) and section 112(l) mechanisms noted above.

##### II. Final Action and Implications

##### A. Title V Operating Permits Program

The EPA is promulgating interim approval of the operating permits program submitted by the State of Georgia on November 12, 1993, and supplemented on June 24, 1994; November 14, 1994; and June 5, 1995. Georgia's program substantially, but not fully, meets the requirements of part 70 and meets the interim approval requirements under 40 CFR 70.4. The State must make the following changes to receive full approval: (1) Revise Rule 391-3-1(10)(d)1.(ii) to provide for the notification requirements and permit shield extension found in § 70.4(b)(12)(iii); and (2) correct all deficiencies in its insignificant activities regulation.

The scope of the State's part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of Georgia, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

This interim approval, which may not be renewed, extends until December 22, 1997. During this interim approval period, the State of Georgia is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If the State fails to submit a complete corrective program for full approval by June 23, 1997, EPA will start an 18-month clock for mandatory sanctions. If Georgia then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Georgia has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that Georgia had come into compliance. In any case, if, six months after application of the first sanction, Georgia still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Georgia's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that Georgia has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction will be required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if Georgia has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program.

Moreover, if EPA has not granted full approval to Georgia's program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the State upon interim approval expiration.

*B. Preconstruction Permit Program Implementing Section 112(g)*

EPA is approving the use of Georgia's preconstruction review program found in Rule 391-3-1-.03 as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and Georgia's adoption of rules specifically designed to implement section 112(g). This approval is limited to the implementation of the 112(g) rule and is effective only during any transition time between the effective date of the 112(g) rule and the adoption of specific rules by Georgia to implement 112(g). The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide the State with adequate time to adopt regulations consistent with Federal requirements.

*C. Program for Delegation of Section 112 Standards as Promulgated*

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of Georgia's program for receiving delegation of section 112 standards and programs that are unchanged from Federal rules as promulgated. In addition, EPA is approving the delegation of all existing standards and programs under 40 CFR parts 61 and 63. This program for delegation applies to both part 70 sources and non-part 70 sources.

III. Administrative Requirements

*A. Docket*

Copies of the State's submittal and other information relied upon for the final interim approval are contained in docket number GA-95-01 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development

of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

*B. Executive Order 12866*

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

*C. Regulatory Flexibility Act*

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: November 2, 1995.  
Patrick M. Tobin,  
Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

**PART 70—[AMENDED]**

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for Georgia in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

*Georgia*

(a) The Georgia Department of Natural Resources submitted on November 12, 1993, and supplemented on June 24, 1994; November 14, 1994; and June 5, 1995; interim approval effective on December 22, 1995; interim approval expires December 22, 1997.

(b) (Reserved)

\* \* \* \* \*

[FR Doc. 95-28385 Filed 11-21-95; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Parts 571 and 586**

[Docket No. 95-92, Notice 01]

RIN 2127-AF84

**Federal Motor Vehicle Safety Standards; Side Impact Protection**

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

**ACTION:** Technical amendment.

**SUMMARY:** This document deletes several obsolete sections of Standard 214, "Side Impact Protection." They relate to (1) the phase-in of dynamic side impact protection requirements for passenger cars, (2) the phase-in of quasi-static side door strength requirements for trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less (these vehicles are referred to as "LTVs"), and (3) the one-year delay of the quasi-static requirements for double opening cargo doors, doors with no windows, and certain contoured doors on LTVs. These sections are obsolete because the time periods and events to which they relate are all in the past. This document also removes from Part 586, "Side Impact Phase-In Reporting Requirements," the reporting requirements associated with the LTV phase-in. These amendments improve the clarity and conciseness of Standard 214 and Part 586.

**DATES:** Effective Date: This rule is effective December 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** For nonlegal issues: Dr. William Fan, Office of Vehicle Safety Standards, NPS-14, telephone (202) 366-4922. For legal issues: Ms. Deirdre Fujita, Office of Chief Counsel, NCC-20, (202) 366-2992. Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

**SUPPLEMENTARY INFORMATION:** Pursuant to the President's March 4, 1995 directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission. In reviewing Standard 214, the agency identified several obsolete sections relating to (1) the phase-in of dynamic side impact protection requirements for passenger cars, (2) the phase-in of quasi-

static side door strength requirements for trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less (these vehicles are referred to as "LTVs"), and (3) a one year delay of the quasi-static requirements for double opening cargo doors, doors with no windows, and certain contoured doors on LTVs. These sections are obsolete because the time periods and events to which they relate are all in the past. To improve the clarity and conciseness of Standard 214, the agency is deleting these sections from the standard.

The obsolete sections of the standard relating to the phase-in of dynamic side impact protection requirements for passenger cars are in S8.1 and S8.2. S8.1 sets forth the phase-in requirements for passenger cars manufactured on or after September 1, 1993 and before September 1, 1994. (Roughly speaking, under S8.1, manufacturers had to ensure that not less than 10 percent of their annual production of passenger cars met the dynamic side impact standard.) S8.2 sets forth the requirements for passenger cars manufactured on or after September 1, 1994 and before September 1, 1995. (Under S8.2, manufacturers had to ensure that not less than 25 percent of their annual production met the standard.) Since the parts of the phase-in schedule to which S8.1 and S8.2 relate are over, the agency is deleting those sections.

(S8.3 and S8.4 are retained for now, since they contain current requirements. S8.3 sets forth phase-in requirements for passenger cars manufactured on or after September 1, 1995 and before September 1, 1996. Under S8.3, not less than 40 percent of a manufacturer's annual production of cars have to meet the dynamic test requirements. The phase-in ends September 1, 1996. On and after that date, all passenger cars must meet the requirements. S8.4 has provisions for calculating the average annual production of passenger cars for cars produced by more than one manufacturer.)

The obsolete sections of Standard 214 that relate to the phase-in of quasi-static side door strength requirements for LTVs are in S3(a)(3), S9, and S9.1 through S9.2.3. Since the phase-in is over, those sections need not be retained.

The one-year delay of the effective date of the LTV quasi-static requirements, until September 1, 1994, is in S3(e)(5), S3(e)(6) and S3(e)(7) for double opening cargo doors, doors with no windows, and certain contoured doors, respectively. These sections are obsolete since that date has passed and

the quasi-static requirements are now in effect for these doors.

This rule also deletes reporting requirements in 49 CFR Part 586 that related to the phase-in of the quasi-static side door strength requirements for LTVs. The reporting requirements were needed for the agency to enforce the phase-in. The reporting requirements directed manufacturers to report certain information to NHTSA within 60 days after the end of the production year ending August 31, 1994. Since the deadline for the reports has passed, NHTSA is removing the requirement from the CFR. There remains, however, a recordkeeping requirement relating to the LTV phase-in. 49 CFR section 586.8 requires manufacturers to maintain records of certain vehicle identification number information until December 31, 1996. This rule does not affect that recordkeeping requirement.

NHTSA finds good cause to make this amendment effective 30 days after publication of this document. This amendment makes minor changes to Standard 214 and to the reporting requirements of Part 586 that clarify the standard and regulation without affecting their requirements.

NHTSA also finds for good cause that notice and an opportunity for comment on this document are unnecessary. This document does not impose any additional responsibilities on any manufacturer. Instead, this document simply removes outdated provisions of the standard and regulation.

**Rulemaking Analyses and Notices***Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." Further, this action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. This rule removes outdated portions of Standard 214 and part 586 without changing any of the requirements in the standard and regulation. Because this rule does not affect any substantive requirement of the side impact standard or recordkeeping regulation, its impacts are so minimal as not to warrant preparation of a full regulatory evaluation.

*Regulatory Flexibility Act*

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As

noted above, this rule simply removes outdated sections of Standard 214 and part 586. It has no effect whatsoever on the manufacture or sale of vehicles.

#### *National Environmental Policy Act*

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

#### *Executive Order 12612 (Federalism)*

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

#### *Civil Justice Reform*

This rule will 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.

#### List of Subjects

##### *49 CFR Part 571*

Imports, Motor vehicle safety, Motor vehicles.

##### *49 CFR Part 586*

Reporting and recordkeeping requirements.

In consideration of the foregoing, parts 571 and 586 of title 49 of the Code

of Federal Regulations are amended as follows:

#### **PART 571—[AMENDED]**

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

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

##### **§ 571.214 [Amended]**

2. Section 571.214 is amended by removing S3(a)(3), S3(e)(5), S3(e)(6) and S3(e)(7), removing and reserving S8.1 and S8.2, and removing S8.1.1, S8.2.1, S9, S9.1, S9.1.1, S9.1.2, S9.2, S9.2.1, S9.2.2 and S9.2.3.

#### **PART 586—[AMENDED]**

3. The authority citation for part 586 is revised to read as follows:

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

4. 49 CFR part 586 is amended by revising § 586.1, § 586.3, § 586.4(a), removing and reserving § 586.7, and revising § 586.8, to read as follows:

##### **§ 586.1 Scope.**

This part establishes requirements for passenger car manufacturers to submit a report, and maintain records related to the report, concerning the number of passenger cars manufactured that meet the dynamic test procedures and performance requirements of Standard No. 214, *Side Impact Protection* (49 CFR 571.214), and it establishes requirements for manufacturers of trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less to maintain records related to the number of such vehicles that meet the side door strength requirements of Standard No. 214.

##### **§ 586.3 Applicability.**

This part applies to manufacturers of passenger cars and to manufacturers of trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less manufactured

before September 1, 1994. However, this part does not apply to any manufacturers of trucks, buses and multipurpose passenger vehicles whose production consists exclusively of walk-in vans, vehicles which do not have any side doors that can be used for occupant egress, vehicles which exclusively have doors of the types specified in S3(e) of 49 CFR 571.214 or double cargo doors, doors without one or more windows, or doors for which the ratio of the width of the lowest portion of the door to the width of the door at its widest point is not greater than 0.5. (The width of the door is measured in a horizontal plane and on the outside surface of the door. The lowest portion of the door is that portion of the lower edge of the door which is lowest to the ground and which is essentially horizontal.) In addition, this section does not apply to vehicles manufactured in two or more stages, and vehicles that are altered after previously having been certified in accordance with part 567 of this chapter.

##### **§ 586.4 Definitions.**

(a) All terms defined in section 30102 of Title 49, U.S.C., Chapter 301 are used in their statutory meaning.

\* \* \* \* \*

##### **§ 586.8 Records—manufacturers of trucks, buses and multipurpose passenger vehicles.**

Until December 31, 1996, each manufacturer shall maintain records of the vehicle identification number for each truck, bus and multipurpose passenger vehicle with a GVWR of 10,000 pounds or less produced in the production year ending August 31, 1994, that meets the side door strength requirements (S3.1 or S3.2) of Standard No. 214.

Issued on: November 13, 1995.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-28350 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-59-P

# Proposed Rules

Federal Register

Vol. 60, No. 225

Wednesday, November 22, 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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-155-AD]

#### **Airworthiness Directives; Boeing Model 737-200 and -200C Airplanes Equipped With dB Partners Hush Kits Installed in Accordance With Supplemental Type Certificate (STC) SA5730NM**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 737-200 and -200C airplanes, that currently requires installation of fail-safe straps onto the engine inlet attach ring of the nose cowl. This action would require repetitive inspections to detect cracking of the attach ring of the nose cowl, and replacement of cracked attach rings. Replacement with a certain attach ring, if accomplished, would terminate the requirement to inspect the attach ring repetitively. This proposal is prompted by the development of an improved attach ring. The actions specified by the proposed AD are intended to prevent cracking of the attach ring of the nose cowl, which could result in separation of the nose cowl from the engine following failure of a turbine blade.

**DATES:** Comments must be received by December 22, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-155-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Nordam Group, 624 East 4th Street, Tulsa, Oklahoma 74120. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

#### **FOR FURTHER INFORMATION CONTACT:**

Thomas Rodriguez, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227-2779; fax (206) 227-1181.

#### **SUPPLEMENTARY INFORMATION:**

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-155-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-155-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

#### **Discussion**

On April 5, 1995, the FAA issued AD 95-08-08, amendment 39-9197 (60 FR 19157, April 17, 1995), applicable to certain Boeing 737-200 and -200C airplanes, to require installation of fail-safe straps onto the attach ring of the nose cowl. The part number of the subject attach ring on the affected airplanes is part number (P/N) 65ND-54301-1. That AD action was prompted by reports of failure of reworked turbine blades, and subsequent failure of the engine inlet attach ring. The requirements of that AD are intended to prevent separation of the nose cowl from the engine following turbine blade failure.

In the preamble to AD 95-08-08, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

#### **Explanation of New Data**

Nordam, the manufacturer of these nose cowls, has recently developed an attach ring having P/N 65ND-54301-5, which is made of forging material that is stronger and more impact resistant than the attach ring having P/N 65ND-54301-1. Installation of this improved attach ring eliminates the need for the installation of fail-safe straps (as is required by AD 95-08-08).

While the FAA considers that the improved attached ring will positively address the unsafe condition addressed by the existing AD, the FAA has a high degree of assurance that cracking of the attach ring having P/N 65ND-54301-1 will be detected prior to the nose cowl separating from the engine, provided visual inspections of the attach ring are performed following each incident of turbine blade failure. Operators using repetitive detailed visual inspection techniques should be able to detect cracking easily on that attach ring, which is easily accessible.

#### **Explanation of Service Information**

The FAA has reviewed and approved Nordham Service Bulletin 71-04, Revision 1, dated June 16, 1995, which describes procedures for replacing the attach ring, P/N 65ND-54301-1, of the

nose cowl with the improved attach ring, P/N 65ND-54301-5.

The FAA also has reviewed and approved Nordam Service Bulletin 71-03, Revision 1, dated June 16, 1995, which describes procedures for installing fail-safe straps onto the attach ring, part number (P/N) 65ND-54301-1, of the nose cowl. The originally issued version of this service bulletin was referenced in AD 95-08-08 as the appropriate source of service information. Revision 1 is essentially identical to the originally issued version, but includes references to optional part-numbered items.

#### Explanation of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 95-08-08.

Paragraph (a) of the proposal would continue to require installation of eight fail-safe straps onto the attach ring, P/N 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03. This is the same requirement that was contained in AD 95-08-08. Revision 1 of the service bulletin is included as an additional source of appropriate service information.

Paragraph (b) of the proposal would require operators to perform a detailed visual inspection to detect cracking of the attach ring of the nose cowl, prior to further flight after each incident of turbine blade failure. If any cracked attached ring is detected, it would be required to be replaced with an attach ring having either P/N 65ND-54301-1 or 65ND-54301-5. Should an operator elect to replace a cracked attached ring with an attach ring having P/N 65ND-54301-1, that replacement would be required to be accomplished in accordance with Supplemental Type Certification (STC) SA5730NM. Should an operator elect to replace the cracked attached ring with an attach ring having P/N 65ND-54301-5, that replacement would be required to be accomplished in accordance with Nordam Service Bulletin SB 71-03.

Paragraph (c) of the proposal provides operators the opportunity to terminate the repetitive inspections by installing an attach ring having P/N 65ND-54301-5. For the reason discussed previously, the FAA is not proposing to mandate this installation, but provides it an optional terminating action for the proposed inspection requirements of the AD.

#### Economic Impact

There are approximately 46 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1 airplane of U.S. registry would be affected by this proposed AD.

The replacement action that is currently required by AD 95-08-08 takes approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided at no cost to the operator. Based on these figures, the cost impact of the currently required actions on the sole U.S. operator is estimated to be \$480 per airplane.

The inspection that is proposed in this AD action would take approximately 10 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on the sole U.S. operator is estimated to be \$600 per airplane per inspection cycle.

The cost impact figures discussed above are based on assumptions that no affected operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 removing amendment 39-9197 (60 FR 19157, April 17, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 95-NM-155-AD. Supersedes AD 95-08-08, Amendment 39-9197.

*Applicability:* Model 737-200 and -200C airplanes equipped with dB Partners Hush Kit having attach ring, part number 65ND-54301-1, installed in accordance with Supplemental Type Certificate (STC) SA5730NM, 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 (e) 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 separation of the nose cowl from the engine following turbine blade failure, accomplish the following:

(a) Within 30 days after May 2, 1995 (the effective date of AD 95-08-08, amendment 39-9197), install fail-safe straps onto the attach ring, part number (P/N) 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995.

(b) As of the effective date of this AD: Prior to further flight following each incident of turbine blade failure, perform a detailed visual inspection to detect cracking of the

attach ring of the nose cowl. Fail-safe straps must be removed to perform this inspection.

(1) If no cracking is detected, prior to further flight, reinstall the fail-safe straps in accordance with Nordam Service Bulletin 71-03, dated March 17, 1995, or Revision 1 dated June 16, 1995.

(2) If any cracking is detected, prior to further flight, accomplish the requirements of either paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) Replace the cracked attach ring with an attach ring having P/N 65ND-54301-1 in accordance with STC SA5730NM, and reinstall the fail-safe strap in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995. Repeat the visual inspection of the attach ring prior to further flight following each incident of turbine blade failure. Or

(ii) Replace the cracked attach ring with an attach ring having P/N 65ND-54301-5 in accordance with Nordam Service Bulletin 71-04, Revision 1, dated June 16, 1995. After this replacement is accomplished, the inspections required by this paragraph may be terminated.

(c) Installation of an attach ring having P/N 65ND-54301-5 constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

(d) As of May 2, 1995 (the effective date of AD 95-08-08), fail-safe straps must be installed onto the attach ring, P/N 65ND-54301-1, of the nose cowl in accordance with Nordam Service Bulletin SB 71-03, dated March 17, 1995, or Revision 1, dated June 16, 1995, prior to installation of STC SA5730NM on any airplane.

(e) 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, Seattle Aircraft Certification Office (ACO), 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, 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.

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

Issued in Renton, Washington, on November 16, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-28546 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 71

[Airspace Docket No. 95-ASW-28]

#### Proposed Revision of Class E Airspace; Hobbs, NM

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise the Class E airspace extending upward from 700 feet above ground level (AGL) of Hobbs, NM. A new Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 30 at Lea County Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS SIAP to RWY 30 at Lea County Airport, Hobbs, NM.

**DATES:** Comments must be received on or before December 20, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to Manger, System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 95-ASW-28, Fort Worth, TX 76193-0530. The official docket may be examined in the Office of the Assistant Chief Counsel Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours of the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, System Management Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530; telephone: (817) 222-5593.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, view, 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 under the caption **ADDRESSES**. Commenter wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 95-ASW-28." The postcard will be date and 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 the light of comments received. All comments submitted will be available for examination in the Office of Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, 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 this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193-0530.

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 that 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 revise the Class E airspace, controlled airspace extending upward from 700 feet AGL, at Lea County Airport, Hobbs, NM. A new GPS SIAP to RWY 30 has made this proposal to amend the controlled airspace necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to RWY 30 Hobbs, NM.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level 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 that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant 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

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

**PART 71—[AMENDED]**

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

Authority: 49 U.S.C. 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.*

\* \* \* \* \*

ASW NM E5 Hobbs, NM [Revised]

Hobbs, Lea County Airport, NM  
(Lat. 32°41'15" N., long. 103°13'02" W.)  
Hobbs VORTAC  
(Lat. 32°38'18" N., long. 103°16'10" W.)  
Lea County ILS Localizer  
(Lat. 32°41'39" N., long. 103°12'27" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Lea County Airport, and within 1.5 miles each side of the 043° radial of the Hobbs VORTAC extending from the 6.7-mile radius to 9.7 miles northeast of the airport, and within 1.6 miles each side of the Lea County ILS Localizer northeast course

extending from the 6.7-mile radius to 9.7 miles northeast of the airport, and within 1.6 miles each side of the ILS Localizer southwest course extending from the 6.7-mile radius to 10.6 miles southwest of the airport, and within 1.5 miles each side of the 222° radial of the Hobbs VORTAC extending from the 6.7-mile radius to 10.6 miles southwest of the airport, and 1.8-miles each side of the 125° bearing from the airport extending from the 6.7-mile radius 9.1 miles south east of the airport.

\* \* \* \* \*

Issued in Fort Worth, TX on October 27, 1995.

Albert L. Viselli,  
*Manager, Air Traffic Division, Southwest Region.*  
[FR Doc. 95–28477 Filed 11–21–95; 8:45 am]  
**BILLING CODE 4910–13–M**

**14 CFR Part 71**

[Airspace Docket No. 95–ASW–27]

**Proposed Revision of Class E Airspace; Deming, NM**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise the Class E airspace extending upward from 700 feet above ground level (AGL) at Deming, NM. A new Global Positioning system (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 04 at Deming Municipal Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS SIAP to RWY 04 at Deming Municipal Airport, Deming, NM.

**DATES:** Comments must be received on or before December 20, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 95–ASW–27, Fort Worth, TX 76193–0530. The official docket may be examined in the Office of the Assistant Chief counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System management Branch, Air Traffic division, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, System Management Branch, Federal Aviation

Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone: (817) 222–5593.

**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 under the caption **ADDRESSES**. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: “Comments to airspace Docket No. 95–ASW–27.” The postcard will be date and 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 this proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Fort Worth, TX, 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 this Notice of Proposed Rulemaking (NPRM) by submitting a request to the System Management Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530. 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 that 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 revise the Class E airspace, controlled airspace extending upward from 700 feet AGL, at Deming Municipal Airport, Deming, NM. A new GPS SIAP to RWY 04 has made this proposal to amend the controlled airspace necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS SIAP to RWY 04 at Deming, NM.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level 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 that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant 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

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

#### **PART 71—[AMENDED]**

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

Authority: 49 U.S.C. 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.*

\* \* \* \* \*

ASW NM E5 Deming, NM [Revised]

Deming Municipal Airport, NM  
(Lat. 32°16'44" N., long. 107°43'14" W.)  
Deming VORTAC  
(Lat. 32°16'33" N., long. 107°36'20" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Deming Municipal Airport, and within 1.6 miles each side of the 081° radial of the Deming VORTAC extending from the 6.8-mile radius to 12.3 miles east of the airport, and within 1.8 miles each side of the 232° bearing from the airport extending from the 6.8-mile radius to 8.2 miles southwest of the airport.

\* \* \* \* \*

Issued in Fort Worth, TX on October 27, 1995.

Albert L. Viselli,

*Manager, Air Traffic Division, Southwest Region.*

[FR Doc. 95–28478 Filed 11–21–95; 8:45 am]

**BILLING CODE 4910–13–M**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **18 CFR Part 35**

**[Docket No. RM95–8–000]**

#### **Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Agenda for Technical Conference and Potential Broadcast of Technical Conference**

November 9, 1995.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Proposed rule; agenda for technical conference and notification of potential broadcast of technical conference.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is announcing the agenda and times for the Commission technical conference on comparability for power tools. The Commission also is notifying persons interested in this technical conference of the opportunity, for a fee, to receive the broadcast of the conference via satellite. This notice provides interested persons with the necessary information by which they may seek to receive the

broadcast of the conference. The proposed rule in this proceeding was published April 7, 1995 (60 FR 17662).

**DATES:** Persons interested in the national broadcast of the conference must notify Shirley Al-Jarani or Julia Morelli at the Capitol Connection (703–993–3100) by November 16, 1995. The technical conference will be held on December 5 and 6, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Lawrence Anderson, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0575, facsimile (202) 208–0180.

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

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

The Commission previously announced that the Commission would be sponsoring a technical conference on comparability for power pools to be held on December 5 and 6, 1995. The conference will be held at the Commission, 888 First Street, NE., Washington, DC 20426.

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

In addition, please take notice that, for a fee, the Capitol Connection may

broadcast via satellite the technical conference on December 5 and 6, 1995, to interested persons. The Capitol Connection does not intend to carry the technical conference on the Capitol Connection system in the Washington, DC area. Persons interested in receiving the national broadcast should contact Shirley Al-Jarani or Julia Morelli at the Capitol Connection (703-993-3100) no later than November 16, 1995.

Lois D. Cashell,  
*Secretary.*

#### Power Pool Conference Agenda

December 5, 1995 1:30 pm-5:00 pm;

December 6, 1995 10:00 am-4:30 pm

December 5, 1995

1:30-1:45 Introduction—Elizabeth Moler,

Chair

1:45-3:15 Power Pool Comparability

Panelists will address general power pool policy issues, including the benefits of pooling, the role of pools in a competitive market, how to provide comparable access for pool members and nonmembers, and whether the Commission should adopt a comparability policy for all pools or allow flexibility for each pool to offer comparability in its own way. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

David K. Owens, Edison Electric Institute  
Steven J. Kean, Coalition for a Competitive  
Electric Market

Lisa Crutchfield, Pennsylvania Public Utility  
Commission

Kurt J. Conger, American Public Power  
Association

Robert A. O'Neil, TDU Systems

3:15-3:30 Break

3:30-5:00 Designing Comparability for  
Tight Pools

Panelists will address recent developments in the three tight pools, how to provide comparable transmission services in a tight pool, and how nonmembers could share the costs as well as the benefits of tight pool facilities and operations. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Leon A. Allen, Jr., Member Systems of the  
New York Power Pool

Robert F. Wolff, Jr., NEPOOL Executive  
Committee

Pierre R.H. Landrieu, PJM Pool Members

Robert A. Levin, New York Mercantile  
Exchange

John B. Howe, Competitive Power Coalition  
of New England, Incorporated

December 6, 1995

10:00-11:15 Implementing Comparability  
for Tight Pools

Panelists will address issues of implementing comparability for tight pools, including the provision of pooled ancillary services and a real-time information network on a pool or member-by-member basis, the design of pro forma tariffs for tight pools, and poolwide pricing for members and nonmembers. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Frederic Lee Klein, Northeast Utilities

System Companies

James A. Lahtinen, Duquesne Light Company

Brian E. Forshaw, New England Public Power  
NEPOOL Review Committee

Harvey Happ, New York Public Service  
Commission

John F. Sipics, PJM Pool Members

11:15-11:30 Break

11:30-12:45 Loose Pools

Panelists will address issues related to comparability for loose pools, including what constitutes a power pool for purposes of the open access rule, membership criteria, comparable services and prices, provision of ancillary services, and the relation of loose pools to emerging RTGs. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

James W. Van Epps, Mid-Continent Area

Power Pool

Carroll Waggoner, Sunflower Electric Power  
Corporation

Maude Grantham-Richards, Inland Power  
Pool

Ward Uggerud, Otter Tail Power Company

Nicholas A. Brown, Southwest Power Pool

12:45-2:00 Lunch Break

2:00-3:15 Holding Company Pools

Panelists will address how comparability policy for a holding company pool should be similar to or different from the policy for other power pools. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

William K. Newman, Southern Company  
Services, Incorporated

Paula G. Rosput, Associated Power Services,  
Incorporated

Don A. Ouchley, Public Utilities Board of the  
City of Brownsville, Texas

James Kenney, Entergy Services,  
Incorporated

Marvin Carraway, Transmission Access  
Policy Study Group

3:15-4:30 Other Entities that Pool  
Resources

Panelists will address issues related to comparability for other entities that pool their generating or transmission resources, such as an independent grid operator, gridco, or power exchange. Panelists will have 5 minutes each to make a presentation, followed by a discussion period.

Mike Apprill, Utilicorp United, Incorporated

Harvey L. Reiter, Vermont Department of  
Public Service

Richard C. Viinikainen, Michigan Electric  
Coordinated Systems

Christopher T. Ellison, Independent Energy  
Producers Association

Alan Oneal, Enerex, Incorporated

[FR Doc. 95-28470 Filed 11-21-95; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### 29 CFR Part 2510

#### Proposed Regulation for Plans Established or Maintained Pursuant to Collective Bargaining Agreements Under Section 3(40)(A)

**AGENCY:** Pension and Welfare Benefits  
Administration, Department of Labor.

**ACTION:** Notice of extension of comment  
period.

**SUMMARY:** This document further extends the comment period for the proposed rule under Title I of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. 1001-1461 (the Act), relating to plans established or maintained pursuant to collective bargaining agreements for purposes of section 3(40) of the Act, 29 U.S.C. 1002(40). The proposed rule was set forth in a notice of proposed rulemaking published in the Federal Register at 60 FR 39208 (August 1, 1995). The first notice of an extension of the comment period for the proposed rule was published in the Federal Register at 60 FR 50508 (September 29, 1995).

**DATES:** The comment period for this proposed rule is extended through December 18, 1995.

**ADDRESSES:** Written comments (preferably three copies) concerning the proposed rule should be submitted to: Pension and Welfare Benefits Administration, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Attention: Proposed Regulation Under Section 3(40). All submissions will be open to public inspection at the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5638, 200 Constitution Avenue NW, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Mark Connor, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor, Rm N-5669, 200 Constitution Avenue NW, Washington, DC 20210 (telephone (202) 219-8671) or Cynthia Caldwell Weglicki, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Rm N-4611, 200 Constitution Avenue NW, Washington, DC 20210 (telephone (202) 219-4592). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** On August 1, 1995, the Department of Labor (the

Department) published a notice of proposed rulemaking in the Federal Register (60 FR 39208) regarding plans established or maintained pursuant to collective bargaining agreements for purposes of section 3(40) of the Act. In that notice the Department invited all interested persons to submit written comments concerning the proposed rule on or before October 2, 1995.

On September 29, 1995, the Department published a notice in the Federal Register (60 FR 50508) extending the comment period for the proposed rule through November 16, 1995. The Department has received requests from some members of the public for additional time to prepare comments due to the complexity of the issues involved in the proposed rule, and the Department believes that it is appropriate to grant such additional time. Accordingly, this notice extends the comment period during which comments on the proposed rule may be submitted through December 18, 1995.

#### Notice of Extension of Comment Period

Notice is hereby given that the comment period for the proposed rule relating to plans established or maintained pursuant to collective bargaining agreements for purposes of section 3(40) of the Act (proposed at 60 FR 39208, August 1, 1995, and extended at 60 FR 50508, September 29, 1995) is hereby further extended through Monday, December 18, 1995.

Signed at Washington, DC this 14th day of November 1995.

Olena Berg,

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 95-28462 Filed 11-21-95; 8:45 am]

BILLING CODE 4510-29-M

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[IL135-1-7205(b); AD-FRL-5332-8]

#### Approval of Section 112(l) Program of Delegation; Illinois

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve Illinois' request for delegation of the Federal air toxic program pursuant to section 112(l) of the Clean Air Act of 1990. In the Final Rules section of this Federal Register, EPA is fully approving the State's request for delegation as a

direct final rule without prior proposal, because the EPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule. If EPA receives timely comments adverse to or critical to the approval, which have not been addressed by the State or EPA, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received on or before December 22, 1995.

**ADDRESSES:** Copies of the State submittal and EPA's analysis of it are available for inspection at: United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Buzucky, AR-18J, United States Environmental Protection Agency, Chicago, Illinois 60604, (312) 886-3194.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the rules section of this Federal Register.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401, et seq.

Dated: November 2, 1995.

Valdas V. Adamkus,  
*Regional Administrator.*

[FR Doc. 95-28386 Filed 11-21-95; 8:45 am]

BILLING CODE 6560-50-P

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

#### Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

**ACTION:** Denial of Petition for Rulemaking.

**SUMMARY:** This notice denies Mr. Dennis G. Moore's petition for reducing the lens

area requirement of amber turn signal lamps for large motor vehicles (motor vehicles whose overall width is 2032 mm or more). NHTSA's analysis of the petition concludes that this action could reduce safety.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jere Medlin, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Medlin's telephone number is: (202) 366-5276. His facsimile number is (202) 366-4329.

**SUPPLEMENTARY INFORMATION:** By letter dated July 31, 1995, Mr. Dennis G. Moore of Livermore, California wrote the NHTSA Chief Counsel asking that a situation in Federal Motor Vehicle Safety Standard No. 108 be corrected in order to promote a better international trade policy. He claimed that Europeans require significantly less area for lenses on rear amber turn signals and requested that the 12 square inch minimum lens area requirement of FMVSS No. 108 be reduced to 8 or 6 square inches. This, he stated, would give more practical rules for U. S. exports at no expense to safety. Mr. Moore stated that companies such as his, when asked to help balance the Nation's trade deficit are at a price disadvantage simply because of size of the lamp. The Acting Chief Counsel notified Mr. Moore in a letter dated September 20, 1995, that his request would be considered as a petition for rulemaking and it was so considered.

NHTSA adopted a requirement in 1990 that increased the minimum lens area for turn signal and stop lamps to 75 mm. (12 square inches) on vehicles 2032 mm. (80 inches) and wider. This was done in response to a petition from the Truck Safety Equipment Institute. The petition argued that the Society of Automotive Engineers (SAE) had determined that it was desirable to adopt separate standards for certain devices when used on wider vehicles, which because of their size should be more conspicuous and better delineated with larger lighting devices than small vehicles. Also of importance was SAE's rationale that the increased lens area for wider vehicles is necessary because of buildup of grime on signal lamps. The increase in lens area is necessary to offset the dimming effect of dirt. The agency concurred that the increase in lens area would enhance vehicle conspicuity and contribute to safety.

The area requirement was a part of SAE Standard J1395 APR85—*Turn Signal Lamps for Use on Motor Vehicles 2032 mm or More in Overall Width*, and thus, already a consensus industry standard. NHTSA incorporated SAE

J1395 by reference through a normal rulemaking proceeding with little opposition by vehicle or lighting manufacturers.

Mr. Moore did not present any justification, test results, or data to substantiate his assertion that no reduction in safety would occur if the lens area on turn signals for large motor vehicles were to be reduced. NHTSA has no basis for deciding that safety would remain unchanged with Mr.

Moore's proposal. Harmonization of standards, as requested by Mr. Moore, at the possible expense of safety, is not an alternative available to NHTSA.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking

proceeding. Accordingly, it denies Mr. Moore's petition.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: November 14, 1995.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-28463 Filed 11-21-95; 8:45 am]

**BILLING CODE 4910-59-P**

# Notices

Federal Register

Vol. 60, No. 225

Wednesday, November 22, 1995

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

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research, Education, and Extension Service

#### Committee of Nine Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776), the Cooperative State Research, Education, and Extension Service announces the following meeting:

*Name:* Committee of Nine.

*Date:* December 5, 1995.

*Time:* 1:00 p.m., EST.

*Place:* USDA, CSREES, 14th &

Independence Avenue, SW, Room 3851 South Building, Washington, D.C. 20250.

*Type of Meeting:* Conference Call. Open to the public. Persons may participate in the meeting as time and space permit.

*Comments:* The public may file written comments before or after the meeting with the contact person listed below.

*Purpose:* To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State Agriculture Experiment Stations.

*Contact person for Agenda and more information:* Dr. George E. Cooper, Executive Secretary, U.S. Department of Agriculture, Cooperative State Research, Education, and Extension Service, 14th and Independence Avenue, SW., Room 3851, South Building, Washington, D.C. 20250, Telephone: 202-720-4088.

Done at Washington, D.C. this 31st day of October 1995.

Colien Hefferan,

*Acting Administrator, Cooperative State Research, Education, and Extension Service.*  
[FR Doc. 95-28511 Filed 11-21-95; 8:45 am]

BILLING CODE 3410-22-M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 72-95]

#### Foreign-Trade Zone 21, Charleston, South Carolina Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina State Ports Authority (SCSPA), grantee of Foreign-Trade Zone 21, Charleston South Carolina, requesting authority to expand its zone in the Charleston, South Carolina area, within the Charleston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 7, 1995.

FTZ 21 was approved on June 12, 1975 (Board Order 106, 40 FR 25613, 6/17/75) and expanded on February 28, 1995 (Board Order 734, 60 FR 12735, 3/8/95). The zone project includes 6 general-purpose sites in the Charleston, South Carolina area: *Site 1* (134 acres)—Tri-County Industrial Park, Summerville; *Site 2* (57 acres)—Cainhoy Industrial Park, Wando; *Site 3* (160 acres)—Crowfield Corporate Center, Goose Creek; *Site 4* (998 acres)—Low Country Regional Industrial Park, Early Branch; *Site 5* (2,017 acres)—SCSPA's terminal complex, Charleston; *Site 6* (19 acres)—Meadow Street Business Park, Loris; and, *Temporary Site* (Site 8) (23 acres; expires 12/31/97)—Wando Park, Mount Pleasant. An application is currently pending with the Board for an additional site (proposed Site 7) in Myrtle Beach, South Carolina (Docket No. 44-95, filed 8/15/95).

The applicant is now requesting authority to further expand the general-purpose zone to include an additional site (proposed *Site 9*—548 acres) at the 993-acre Charleston Business Park on Clements Ferry Road, Charleston. The property is owned by Jack Primus Partners, L.P.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to

investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 22, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to February 5, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 81 Mary Street, Charleston, South Carolina 29402  
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: November 8, 1995.

Dennis Puccinelli,

*Acting Executive Secretary.*

[FR Doc. 95-28458 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DS-P

## International Trade Administration

[A-823-803]

### Titanium Sponge From Ukraine; Preliminary Result of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** In response to a request from petitioners, Oregon Metallurgical Corporation (OREMET) and Titanium Metals Corporation (TIMET), the Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on titanium sponge from Ukraine. This review covers sales of the subject merchandise to the United States from Ukraine during the period from August 1, 1992, through July 31, 1993. The review indicates that no shipments of the subject merchandise entered the commerce of the United States for

consumption during the period of review. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:**

David Genovese or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5254.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 28, 1968, the Department of the Treasury published an antidumping finding on titanium sponge from the Union of Soviet Socialist Republics (USSR) (33 FR 12138). In December 1991, the USSR divided into 15 independent states. To conform to these changes, the Department changed the original antidumping finding into 15 findings applicable to the Baltic states and the former Republics of the Soviet Union (57 FR 36070, August 12, 1992).

On August 3, 1993, the Department published a notice of "Opportunity to Request an Administrative Review" (58 FR 41239) of the antidumping finding on titanium sponge from Ukraine. Both OREMET and TIMET requested that an administrative review be conducted. The Department initiated the review on September 30, 1993 (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Review**

The merchandise covered by this review is all imports of titanium sponge from Ukraine. Titanium sponge is chiefly used for aerospace vehicles, specifically in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS) item number 8108.10.50.10. The HTS item number is provided for convenience and Customs purposes; our written description of the scope of this finding is dispositive.

This review covers sales and entries by Ukrainian exporters, producers, sellers, and resellers of the subject merchandise during the period August 1, 1992, through July 31, 1993.

**Preliminary Results of Review**

Information maintained by the U.S. Customs Service established that titanium sponge from Ukraine for the period of review was only entered under temporary importation bond (TIB) procedures. See U.S. Note 1 of subchapter XIII, Chapter 98, Harmonized Tariff Schedule of the United States (HTSUS) (1994). Merchandise entered under TIB is not entered for consumption, and the AD/CVD laws restrict the assessment of duties and the collection of cash deposits to merchandise that is "entered, or withdrawn from warehouse, for consumption." *Titanium Metals Corp. v. United States*, Slip Op. 95-153 (CIT, Aug. 30, 1995).

Because TIB entries are not entries for consumption, they cannot be considered merchandise subject to the antidumping duty order and included within a determination resulting from a 751(a) administrative review. The statute provides that a determination in an administrative review must be based on the "United States price of each entry of merchandise subject to the antidumping duty order and included within that determination." Section 751(a)(2)(A). TIB entries do not satisfy this standard for inclusion in a review. Moreover, a review of TIB entries cannot serve as the "basis for the assessment of antidumping duties on entries of the merchandise included within the determination and for deposits of estimated duties," which is the purpose of an administrative review. Section 751(a)(2) of the Act. For these reasons, we have determined that there is no basis for conducting an administrative review of the Ukrainian respondent's TIB entries.

Accordingly, we have preliminarily determined to maintain the cash deposit rate at 83.96 percent, which is the rate established in the final results of the last review of the antidumping finding on titanium sponge from the USSR (52 FR 9323, March 24, 1987).

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will

publish the final results of this administrative review, including the results of its analysis of any such written comments or hearing.

Furthermore, the cash deposit rate for entries of titanium sponge from Ukraine will be that rate established in the final results of this administrative review. This rate will be effective for all shipments of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

Dated: November 8, 1995.

Susan G. Esserman,  
Assistant Secretary, for Import  
Administration.

[FR Doc. 95-28456 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DS-P

**[C-549-804]**

**Carbon Steel Butt-Weld Pipe Fittings From Thailand; Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Countervailing Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. We preliminarily determine the net subsidy to be 0.22 percent *ad valorem* for all companies for the period January 1, 1992 through December 31, 1992. In accordance with 19 CFR 355.7, any net subsidy less than 0.5 percent *ad valorem* is *de minimis*. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 19, 1990, the Department published in the Federal Register (55 FR 1695) the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. On January 13, 1993, the Department published a notice of "Opportunity to Request an Administrative Review" (58 FR 4148) of this countervailing duty order. We received a timely request for review from the petitioner, the U.S. Fittings Group.

We initiated the review, covering the period January 1, 1992 through December 31, 1992, on March 8, 1993 (58 FR 12931). We conducted a verification of the questionnaire responses on July 20 through 27, 1995. The review covers two producers/exporters of the subject merchandise, Awaji Sangyo (Thailand) Co. (AST), and TTU Industrial Corp. (TTU), which account for virtually all exports of the subject merchandise from Thailand, and 15 programs.

**Applicable Statute and Regulations**

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366 (May 31, 1989) (Proposed Regulations), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. See 60 FR 80 (Jan. 3, 1995).

**Scope of the Review**

The merchandise subject to this review (hereinafter subject merchandise) is certain carbon steel butt-weld pipe fittings, having an inside diameter of less than 360 millimeters (fourteen inches), imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings), as currently classifiable under the Harmonized Tariff Schedule (HTS). The products covered in this review are provided for under item number 7307.93.30 of the HTS. The HTS subheadings are provided for convenience and Customs purposes; our written description of the scope of this proceeding is dispositive.

**Calculation Methodology for Assessment and Cash Deposit Purposes**

We calculated the net subsidy on a country-wide basis by first calculating the subsidy rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total Thai exports to the United States of subject merchandise, including all companies, even those with *de minimis* and zero rates. We then summed the individual companies' weight-averaged rates to determine the subsidy rate from all programs benefitting exports of subject merchandise to the United States.

Since the country-wide rate calculated using this methodology was *de minimis*, as defined by 19 CFR 355.7(1994), no further calculations were necessary.

**Analysis of Programs**

**I. Program Preliminarily Found To Confer Subsidies**

**Tax Exemptions Under Section 31 of the 1977 Investment Promotions Act (IPA)**

In the investigation (55 FR 1695, January 18, 1990) and the first review of this order (57 FR 5248, February 13, 1992), section 31 of the IPA was found not to have been used. In its questionnaire response for this review, AST indicated that it claimed an exemption under this program on its tax return filed during the review period. TTU did not claim a section 31 exemption on its tax return filed during the review period.

The Thai Board of Investment (BOI) provides certain investment incentives to companies through the IPA in order

to promote economic development in Thailand. Under section 31 of the IPA, companies can apply to receive a three to eight-year exemption from payment of corporate income tax on profits derived from promoted activities, as well as deductions from net profits for losses incurred during the tax exempt period. AST was approved for a five-year exemption, from 1987-1991, on income earned from all export sales of butt-weld pipe fittings, including both subject and non-subject merchandise.

On its tax return filed during the review period, AST claimed a tax exemption under section 31. Because benefits under this program are contingent upon export performance, we preliminarily determine that such benefits are countervailable. See § 355.43(a)(1), Proposed Regulations and Final Negative Countervailing Duty Determination; Disposable Pocket Lighters from Thailand, 60 FR 13961 (March 15, 1995).

To calculate the benefit received under section 31, we used as a numerator the value of the tax exemption claimed by AST during the review period. AST did not provide the Department with the value of total exports sales of pipe fittings during the review period. Therefore, to calculate the subsidy rate, we used as a denominator the value of AST's total export sales of subject merchandise during the same period. We then weight-averaged AST's and TTU's rates for this program, using as the weights each company's share of total Thai exports to the United States of subject merchandise, and summed the individual companies' weight-averaged rates to determine the subsidy rate for this program. On this basis, we preliminarily determine the subsidy from this program to be 0.22 percent *ad valorem* for the period January 1, 1992 through December 31, 1992.

**II. Program Preliminarily Found Not To Confer Subsidies**

**Duty Drawback**

The Thai duty drawback program was established by Section 19 bis of the Thai Customs Act. Under Section 19 bis, companies that import raw materials used in the production, mixing, assembling, or packaging of an exported product are eligible to receive a drawback of import duties and taxes on those materials. Upon importation of the materials, companies either pay a cash deposit or post a bank guarantee to cover the import duties and taxes. If the company subsequently provides documentation showing that the imported materials were used in the

production, mixing, assembling, or packaging of a finished good that was exported within one year of the date of importation of the raw materials, the company's cash deposit is refunded or its bank guarantee released.

During the antidumping duty investigation of butt-weld pipe fittings from Thailand, petitioners alleged in their comments on the Department's preliminary determination that AST received excess duty drawbacks on imports of steel pipe that is physically incorporated into the subject merchandise, and that this constituted a countervailable subsidy. See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand (Pipe Fittings AD Final), 57 FR 21065, 21069 (May 18, 1992). Based on petitioners' allegation, the Department examined the duty drawback program in this review, the first administrative review of the countervailing duty order since Pipe Fittings AD Final, to determine whether producers of the subject merchandise received a countervailable benefit during the review period. (For a more detailed explanation of the Department's decision to examine the duty drawback program, see the January 19, 1995 Memorandum to Barbara E. Tillman Regarding 1992 CVD Administrative Review—Subsidy Allegation, on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce.)

During the antidumping investigation, AST acknowledged that the average yield ratio for its production of pipe fittings from imported pipe, calculated by the Thai Government to determine the amount of drawback on imported pipe, overstated the actual yield ratio in AST's favor. In this review, we examined the issue of the average yield calculated by the Thai Government. We verified that, during the review period, separate production formulas approved by Thai Customs were in effect for each type of pipe fittings sold by AST and TTU. Utilizing these production formulas, AST and TTU did not receive drawback of import duties and taxes in excess of the amount due on imported raw materials. Moreover, we confirmed that no drawback was received on materials incorporated into finished goods that were not exported within one year. (See October 3, 1995 Memorandum to Barbara E. Tillman Regarding Verification of Questionnaire Responses—1992 Administrative Review of the Countervailing Duty Order on Carbon Steel Butt-Weld Pipe Fittings from Thailand (Public Version) for Government of Thailand, AST, and TTU, which are on file in the public file

of the Central Records Unit, Room B-099 of the Department of Commerce). In accordance with Annex A (Illustrative List) to the 1979 Agreement of Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade, the remission or drawback of import charges is a countervailable subsidy only to the extent that such remission or drawback is in excess of the import charges that are levied on imported goods that are physically incorporated in the exported product. See also 19 U.S.C. 1677(5)(A) and section 355.44 of the *Proposed Regulations*. Because producers of butt-weld pipe fittings did not receive excess drawback of import duties and taxes, we preliminarily determine that the duty drawback program did not confer countervailable benefits on exports of the subject merchandise to the United States during the review period.

### III. Programs Preliminarily Found Not To Be Used

- A. Tax Certificates for Exporters
- B. Export Packing Credits
- C. Tax and Duty Exemptions Under Section 28 of the (IPA)
- D. Electricity Discounts for Exporters
- E. Rediscout of Industrial Bills
- F. International Trade Promotion Fund
- G. Export Processing Zones
- H. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
- I. Additional Incentives under the IPA
  1. Goodwill and Royalties Tax Exemption
  2. Tax Deduction of Foreign Marketing Expenses and Foreign Taxes
  3. Exemption of Sales Taxes for Promoted Industries
  4. Exemption on Export Duties and Business Taxes on Products Produced or Assembled by Promoted Firms
  5. Deduction from Assessable Income of an Amount Equal to Five Percent of the Increase over the Previous Year of Income Derived from Exports

### Preliminary Results of Review

For the period January 1, 1992 through December 31, 1992, we preliminarily determine the net subsidy to be 0.22 percent *ad valorem* for all companies. In accordance with 19 CFR 355.7, any net subsidy less than 0.5 percent *ad valorem* is *de minimis*.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to

countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992.

This countervailing duty order was determined to be subject to section 753 of the Act (as amended by the Uruguay Round Agreements Act of 1994). Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation, 60 FR 27,963 (May 26, 1995). Because no domestic interested parties exercised their right under section 753(a) of the Act to request an injury investigation, the International Trade Commission made a negative injury determination with respect to this order, pursuant to section 753(b)(4) of the Act. As a result, the Department has revoked this countervailing duty order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act. Revocation of Countervailing Duty Orders, 60 FR 40,568 (August 9, 1995). Accordingly, the Department intends to order Customs to liquidate shipments exported during the period of review in accordance with the final results of this review and does not intend to issue further cash deposit instructions.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under § 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1)

of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: November 6, 1995.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-28457 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DS-P

**COMMITTEE FOR THE  
IMPLEMENTATION OF TEXTILE  
AGREEMENTS**

**Adjustment of Import Limits for Certain  
Wool and Man-Made Fiber Textile  
Products Produced or Manufactured in  
Colombia**

November 13, 1995.

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

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

**EFFECTIVE DATE:** November 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Jennifer Aldrich, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-4212. For information on the  
quota status of these limits, refer to the  
Quota Status Reports posted on the  
bulletin boards of each Customs port or  
call (202) 927-5850. For information on  
embargoes and quota re-openings, call  
(202) 482-3715.

**SUPPLEMENTARY INFORMATION:**

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

The current limit for Category 443 is  
being increased by application of swing,  
reducing the limit for Category 315.

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 17319, published on April 5,  
1995; and 60 FR 45145, published on  
August 30, 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 13, 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, as  
amended, by the Chairman, Committee for  
the Implementation of Textile Agreements.  
That directive concerns imports of certain  
cotton, wool and man-made fiber textile  
products, produced or manufactured in  
Colombia and exported during the twelve-  
month period which began on January 1,  
1995 and extends through December 31,  
1995.

Effective on November 14, 1995, you are  
directed to adjust the limits for the following  
categories, as provided for under the Uruguay  
Round Agreements Act and the Uruguay  
Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit <sup>1</sup>
315 .....	18,689,687 square meters.
443 .....	131,305 numbers.

<sup>1</sup>The limits have not been adjusted to ac-  
count for any imports exported after December  
31, 1994.

The Committee for the Implementation of  
Textile Agreements has determined that  
these actions fall within the foreign affairs  
exception to the rulemaking provisions of 5  
U.S.C. 553(a)(1).

Sincerely,  
D. Michael Hutchinson,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

[FR Doc. 95-28454 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DR-F

**Adjustment of Import Limits and  
Guaranteed Access Levels for Certain  
Cotton, Wool and Man-Made Fiber  
Textile Products Produced or  
Manufactured in the Dominican  
Republic**

November 13, 1995.

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

**ACTION:** Issuing a directive to the  
Commissioner of Customs adjusting  
import limits and guaranteed access  
levels.

**EFFECTIVE DATE:** November 14, 1995.

**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) 927-5850. 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).

On the request of the Government of  
the Dominican Republic, the U.S.  
Government agreed to increase the 1995  
Guaranteed Access Levels for Categories  
338/638 and 339/639. Also, the current  
limits for certain categories are being  
adjusted for swing.

A description of the textile and  
apparel categories in terms of HTS  
numbers is available in the  
CORRELATION: Textile and Apparel  
Categories with the Harmonized Tariff  
Schedule of the United States (see  
Federal Register notice 59 FR 65531,  
published on December 20, 1994). Also  
see 60 FR 17321, 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 13, 1995.

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

Dear Commissioner: This directive  
amends, but does not cancel, the directive  
issued to you on March 30, 1995, by the  
Chairman, Committee for the Implementation  
of Textile Agreements. That directive  
concerns imports of certain cotton, wool and  
man-made fiber textile products, produced or  
manufactured in the Dominican Republic  
and exported during the twelve-month  
period which began on January 1, 1995 and  
extends through December 31, 1995.

Effective on November 14, 1995, you are  
directed to adjust the limits for the following  
categories, as provided for under the Uruguay  
Round Agreements Act and the Uruguay  
Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit <sup>1</sup>
338/638 .....	802,864 dozen.
339/639 .....	802,938 dozen.

Category	Adjusted twelve-month limit <sup>1</sup>
342/642 .....	160,660 dozen.
347/348/647/648 .....	1,798,758 dozen of which not more than 991,636 dozen shall be in Categories 647/648.
351/651 .....	979,544 dozen.
433 .....	24,249 dozen.
443 .....	138,743 numbers.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1994.

The 1995 Guaranteed Access Levels (GALs) for Categories 342/642, 347/348/647/648, 351/651, 433 and 443 remain unchanged. The GALs for textile products in the following categories shall be increased:

Category	Guaranteed Access Level
338/638 .....	1,550,000 dozen.
339/639 .....	1,650,000 dozen.

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. 95-28455 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DR-F

### Establishment of an Import Limit for Certain Wool Products Produced or Manufactured in the Former Yugoslav Republic of Macedonia

November 13, 1995.

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

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

**EFFECTIVE DATE:** November 21, 1995.

**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 this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715. For information on categories on which consultations have been requested, call (202) 482-3740.

#### 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).

A notice published in the Federal Register on June 13, 1995 (60 FR 31146) announces that if no solution is agreed upon in consultations between the Governments of the United States and the Former Yugoslav Republic of Macedonia on Category 434 the Committee for the Implementation of Textile Agreements may establish a limit at a level of not less than 8,226 dozen for the twelve-month period beginning on May 26, 1995 and extending through May 25, 1996.

Inasmuch as no agreement was reached in recent consultations between the United States and the Former Yugoslav Republic of Macedonia, the United States Government is taking action under Section 204 of the Agricultural Act of 1956, as amended, to establish a limit for textile products in Category 434 for the period beginning on May 26, 1995 and extending through May 25, 1996 at a level of 8,226 dozen.

The United States remains committed to finding a solution concerning Category 434. Should such a solution be reached in consultations with the Government of the Former Yugoslav Republic of Macedonia, further notice will be published in the Federal Register.

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.

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

November 13, 1995.

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

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 30, 1972, as amended, you are directed to prohibit, effective on November 21, 1995, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 434, produced or manufactured in Macedonia and exported during the period beginning on May 26, 1995

and extending through May 25, 1996, in excess of 8,226 dozen<sup>1</sup>.

Textile products in Category 434 which have been exported to the United States prior to May 26, 1995 shall not be subject to the limit established in this directive.

Import charges will be provided at a later date.

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 this action falls 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. 95-28453 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DR-F

### COMMODITY FUTURES TRADING COMMISSION

#### Chicago Board of Trade Options on the 30-Day Fed Fund Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of a proposed commodity option contract.

**SUMMARY:** The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in options on its 30-day fed funds futures contract. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before December 22, 1995.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, DC 20581. Reference should be made to the CBT 30-day fed fund futures option contract.

**FOR FURTHER INFORMATION CONTACT:** Please contact Stephen Sherrord of the Division of Economic Analysis,

<sup>1</sup> The limit has not been adjusted to account for any imports exported after May 25, 1995.

Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, telephone 202-418-5277.

**SUPPLEMENTARY INFORMATION:** Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418-5097.

Other materials submitted by the CBT may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on November 13, 1995.

Blake Imel,

*Acting Director.*

[FR Doc. 95-28507 Filed 11-21-95; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF ENERGY

[FE Docket No. EA-97-A]

### Application To Amend Electricity Export Authorization, Portland General Electric Company

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Portland General Electric Company (PGE) has applied for renewal of its authority to transmit electric energy from the United States to Canada.

**DATES:** Comments, protests or requests to intervene must be submitted on or before December 22, 1995.

**ADDRESSES:** Comments, protests or requests to intervene should be

addressed as follows: Office of Coal & Electricity (FE-52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0350.

**FOR FURTHER INFORMATION CONTACT:** Xavier Puslowski (Program Office) 202-586-4708 or Mike Skinker (Program Attorney) 202-586-6667.

**SUPPLEMENTARY INFORMATION:** Exports of electric energy from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act.

On April 29, 1994, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized PGE to transmit electric energy from the United States to the British Columbia Hydro and Power Authority on a non-firm basis at a maximum rate of transmission of 400 megawatts (FE Order No. EA-97). The term of the authorization was for a period of two years. On November 1, 1995, PGE filed an application with FE for renewal of this authority which expires on April 29, 1996. The exported energy would be delivered to Canada over transmission facilities owned by the Bonneville Power Administration.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA-97. Consequently, DOE proposes to use the electric reliability review prepared in FE Docket EA-97 in satisfaction of the statutory requirements of section 202(e) of the Federal Power Act. Similarly, DOE believes that it has adequately satisfied its responsibility under the National Environment Policy Act of 1969 through the documentation of a categorical exclusion in the FE-Docket EA-97 proceeding.

#### Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214). Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies are to be filed directly with: Melinda J. Horgan, Portland General Electric Company Legal Department, 121 SW., Salmon Street, 1 WTC-13, Portland, Oregon 97204.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC on November 9, 1995.

Anthony J. Como,

*Director, Office of Coal and Electricity, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28492 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

## Office of Energy Efficiency and Renewable Energy

### Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Consolidated Industries From the DOE Furnace Test Procedure (Case No. F-082)

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Today's notice grants an Interim Waiver to Consolidated Industries (Consolidated) from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's USA and UCA series furnaces.

Today's notice also publishes a "Petition for Waiver" from Consolidated. Consolidated Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Consolidated seeks to test using a blower delay time of 30 seconds for its USA and UCA series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

**DATES:** DOE will accept comments, data, and information not later than December 22, 1995.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. F-082, Mail Stop EE-43, Room 1J-108, Forestall Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7140.

**FOR FURTHER INFORMATION CONTACT:** Cyrus H. Nasser, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forestall Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9138

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forestall Building, 1000 Independence Avenue

SW., Washington, DC 20585, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, as amended, (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The test procedure rules provide for a waiver process and allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 10 CFR Part 430, § 430.27. The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

An Interim Waiver may be granted when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. 10 CFR Part 430, § 430.27(e). An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On April 26, 1995, Consolidated filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. Consolidated Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the

burner and starting of the circulating air blower. Instead, Consolidated requests the allowance to test using a 30-second blower time delay when testing its USA and UCA series furnaces. Consolidated states that the 30-second delay is indicative of how these furnaces actually operate. Such a delay results in an average furnace AFUE improvement of 1.0 percent. Since current DOE test procedures do not address this variable blower time delay, Consolidated asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993 (58 FR 44583), to amend the furnace test procedure, which addresses the above issue.

Previous Petitions for Waiver for this type of time blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992 and 59 FR 12586, March 17, 1994; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992;

Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995.

Thus, it appears likely that this Petition for Waiver for blower time delay will be granted. In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Consolidated an Interim Waiver for its USA and UCA series furnaces. Consolidated shall be permitted to test its USA and UCA series furnaces on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(I) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103-82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-) unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t-) using a

stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within  $\pm 0.01$  inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Consolidated's Petition for Waiver requested DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Consolidated seeks to test using a blower delay time of 30 seconds for its USA and UCA series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The Petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC, November 13, 1995.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

April 26, 1995.

Assistant Secretary of Conservation and Renewable Energy,

*U.S. Department of Energy, 1000*

*Independence Avenue SW., Washington, D.C. 20585.*

Gentlemen: This Petition for Waiver and Application for Interim Waiver is submitted in compliance with Title 10 CFR 430.27. This request is for modification to the Test Procedures for Measuring the Energy Consumption of Furnaces found in Appendix N to Subpart B of Part 430.

The current test procedure uses a 1.5 minute time delay between the burner start-up and the blower start-up. Consolidated Industries' USA series and UCA series furnaces utilize a 30 second nonadjustable fixed time delay between the burner ignition and blower start-up. For the USA series and UCA series furnaces, Consolidated Industries is requesting that the fixed time delay be substituted for the current test procedures' 1.5 minute time delay.

We submit that the test procedure using 1.5 minute blower start-up time delay requires a bypass of the furnace safety limit switch and does not represent the true product performance and efficiency. The USA and UCA series furnaces have lightweight, compact heat exchangers that were designed

to heat up very quickly with an ensuing blower start-up time optimized at 30 seconds. The advanced heat exchanger design along with improved operating controls has improved the efficiency of this furnace in such a way that the current standard does not credit Consolidated Industries for the true efficiency improvements to this furnace. The product performance will be more accurately depicted using the proposed ASHRAE Standard 103-1993 that accounts for the design flexibility and improvement without the penalty incurred by using the current test procedure. The test results show an average of 1.0% improvement in AFUE using the 30 second fixed time delay.

Other manufacturers have been granted similar waivers for similar reasons.

Data and documentation can be supplied at your request.

This waiver request letter has been sent to GAMA and gas furnace manufacturers that market similar products.

Sincerely,  
Gerald K. Gable,

*Vice President of Engineering.*

[FR Doc. 95-28552 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

#### Office of Fossil Energy

[FE Docket No. 95-85-NG]

#### Altresco Pittsfield, L.P.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Altresco Pittsfield, L.P. authorization to import up to 25.5 Bcf of natural gas and export up to 25.5 Bcf of natural gas from and to Canada over a two-year term beginning the date of first import or export delivery after October 31, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., October 31, 1995.

Clifford P. Tomaszewski,

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28495 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket Nos. 95-76-NG, 93-64-NG; ERA Docket No. 87-49-NG]

#### Associated Gas Services, Inc. and Associated Natural Gas, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas, Including Liquefied Natural Gas, From and to Canada and Mexico, and Vacating Authorizations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that it has issued an order in FE Docket No. 95-76-NG granting blanket authorization to Associated Gas Services, Inc. (AGSI) to import and export natural gas, including liquefied natural gas (LNG), from and to Canada and Mexico. The volume imported would not exceed a combined total of 311 Bcf and the volume exported would not exceed a combined total of 400 Bcf. The term of the authorization is for a period of two years beginning on the date of the initial import or export delivery, whichever occurs first.

In addition, FE vacated an import and an export authorization which were held by an affiliate of AGSI, Associated Natural Gas, Inc. (ANGI). As a result of a corporate reorganization and acquisition of AGSI's parent company, Associated Natural Gas Corporation, by Panhandle Eastern Corporation, this import and export authority was no longer needed by ANGI. The two vacated orders are DOE/ERA Opinion and Order No. 210 (ERA Docket No. 87-49-NG), issued December 11, 1987 (1 ERA ¶ 70,741) and DOE/FE Opinion and Order No. 842 (FE Docket No. 93-64-NG), issued September 24, 1993 (1 FE ¶ 70,844).

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on October 31, 1995.

Clifford P. Tomaszewski,

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28502 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

**[FE Docket No. 95-83-NG]****Big Sky Gas Marketing L.L.C.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Big Sky Gas Marketing L.L.C. authorization to import up to 44 Bcf of natural gas and export up to 44 Bcf of natural gas from and to Canada over a two-year term beginning the date of first import or export delivery.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.  
Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*  
[FR Doc. 95-28493 Filed 11-21-95; 8:45 am]  
**BILLING CODE 6450-01-P**

**[FE Docket No 95-100-LNG]****Distrigas Corporation; Order Granting Long-Term Authorization To Import Liquefied Natural Gas**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Distrigas Corporation long-term authorization to import from Trinidad and other countries, up to 100 Bcf per year of liquefied natural gas beginning on delivery of the first shipment of LNG.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 9, 1995.  
Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy*  
[FR Doc. 95-28553 Filed 11-21-95; 8:45 am]  
**BILLING CODE 6450-01-P**

**[FE Docket No. 95-84-NG]****Inverness Petroleum Ltd., Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Inverness Petroleum Ltd. blanket authorization to import up to 3.65 Bcf of natural gas from Canada. This authorization to import natural gas is for a period of two years beginning on the date of the initial delivery. The gas would be sold on the spot market to customers in the State of California.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on October 31, 1995.  
Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*  
[FR Doc. 95-28494 Filed 11-21-95; 8:45 am]  
**BILLING CODE 6450-01-P**

**[FE Docket No. 95-86-NG]****Kimball Energy Corporation; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Kimball Energy Corporation blanket authorization to import up to 75 Bcf of natural gas from Canada over a period of two years beginning on the date of first delivery after March 31, 1996. This order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on October 31, 1995.  
Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*  
[FR Doc. 95-28496 Filed 11-21-95; 8:45 am]  
**BILLING CODE 6450-01-P**

**[FE Docket No. 95-75-NG]****Maple View Energy Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Maple View Energy Inc. blanket authorization to import up to 42 Bcf of natural gas from Canada over a period of two years beginning on the date of first delivery. This order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on October 31, 1995.  
Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*  
[FR Doc. 95-28501 Filed 11-21-95; 8:45 am]  
**BILLING CODE 6450-01-P**

**[FE Docket No. 95-81-NG]****Morgan Stanley Capital Group Inc., Order Granting Blanket Authorization To Import and Export Natural Gas, Including Liquefied Natural Gas, From and to Canada and Mexico**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that it has issued an order granting blanket authorization to Morgan Stanley Capital Group Inc. (Morgan Stanley) to import and export natural gas, including liquefied natural gas (LNG), from and to Canada and Mexico. The volume imported and exported would not exceed a combined total of 150 Bcf. The term of the authorization is for a period of two years beginning on the date of the initial import or export delivery, whichever occurs first.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on October 31, 1995.

Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28505 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-58-NG]

**National Steel Corporation; Order Granting Authorization To Import and Export Natural Gas From and to Canada and Vacating Authorization**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting National Steel Corporation (National Steel) authorization to import up to 500 Bcf of natural gas each year from Canada, and to export up to 280 Bcf of natural gas each year to Canada. This import/export authorization shall extend for a period of ten years beginning on the date of the initial import or export delivery, whichever occurs first. In conjunction with this authorization, the import/export authorization previously granted to National Steel in DOE/FE Order No. 1017 (see 1 FE ¶ 70,071, issued October 30, 1994) has been terminated.

National Steel's order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.

Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28500 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-94-NG]

**Natural Gas Clearinghouse; Order Granting Blanket Authorization To Import Natural Gas From Canada and Mexico and To Export Natural Gas to Canada and Mexico**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Natural Gas Clearinghouse authorization to import up to a combined total of 600 Bcf of natural gas from Canada and Mexico and to export up to a combined total of 330 Bcf of natural gas to Canada and Mexico. The term of this authorization is for a period of two years beginning on the date of the initial import or export delivery after October 31, 1995, whichever occurs first.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.

Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28499 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No 95-90-NG]

**Pacific Gas and Electric Company Gas Supply Business Unit; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pacific Gas and Electric Company, Gas Supply Business Unit, authorization to import up to 600 Bcf of natural gas from Canada over a two-year term beginning on the date of the first delivery after October 31, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.

Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28498 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-82-NG]

**Sierra Pacific Power Company; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Sierra Pacific Power Company blanket authorization to import up to 70 Bcf of natural gas from Canada over a period of two years beginning on the date of first delivery after December 31, 1995. This order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on October 31, 1995.

Clifford P. Tomaszewski,  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28506 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-77-NG]

**Suncor Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Suncor Inc. (Suncor) authorization to import a total of up to 127.66 Bcf of natural gas from Canada. This import authorization shall extend for a period of two years beginning on the date of the first import delivery after December 31, 1995.

Suncor's order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and

4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.

Clifford P. Tomaszewski,

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28503 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-88-NG]

**Vermont Gas Systems, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada**

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Vermont Gas Systems, Inc.

authorization to import up to 20 Bcf of natural gas and export up to 20 Bcf of natural gas from and to Canada over a two-year term beginning the date of first import or export delivery after December 22, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 2, 1995.

Clifford P. Tomaszewski,

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-28497 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 95-80-NG]

**Williams Energy Systems Company; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada**

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Williams Energy Systems Company authorization to import up to 730 Bcf of natural gas from Canada and export up to 730 Bcf of natural gas to Canada over a two-year term beginning on the date of the first delivery.

This order is available for inspection and copying in the Office of Fuels

Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 31, 1995.

Clifford P. Tomaszewski,

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy*

[FR Doc. 95-28504 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

**Western Area Power Administration**

**Boulder Canyon Project—Notice of Rate Order**

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order.

**SUMMARY:** This notice announces the confirmation and approval by the Deputy Secretary of the Department of Energy (DOE) of Rate Order No. WAPA-70 and Rate Schedule BCP-F5 placing into effect the rate methodology for determining the Annual Revenue Requirement, Base Charge, Forecast Capacity Rate and Forecast Energy Rate, and Calculated Energy Rate for the Boulder Canyon Project (BCP) of the Western Area Power Administration (Western) on an interim basis. The rate methodology and the charges/rates will remain in effect on an interim basis until the Federal Energy Regulatory Commission (FERC) confirms, approves, and places them into effect on a final basis or until superseded.

**DATES:** Rate Schedule BCP-F5 will be placed into effect on an interim basis on the first day of the first full billing period beginning on or after November 1, 1995, and will be in effect until FERC confirms, approves, and places the rate schedule in effect on a final basis for a 5-year period, or until superseded.

**FOR FURTHER INFORMATION CONTACT:**

Mr. J. Tyler Carlson, Area Manager, Phoenix Area Office, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457 and (602) 352-2453 and

Mr. Joel K. Bladow, Assistant Administrator for Washington Liaison, Western Area Power Administration, Room 8G-027, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0001, (202) 586-5581.

**SUPPLEMENTARY INFORMATION:** The proposed rate methodology is the result

of Western, the Bureau of Reclamation (Reclamation), and the BCP Contractors<sup>1</sup> successfully concluding negotiations on the BCP Implementation Agreement which became effective February 17, 1995. The BCP Implementation Agreement resolved eleven issues (1) Replacements; (2) Visitor Facilities; (3) Amendment to Regulations; (4) Multi-Project Benefits and Costs; (5) Engineering & Operation Committee (E&OC) and Coordinating Committee; (6) Billing and Payment; (7) Operation Amount and Working Capital; (8) Audits; (9) Principal Payments; (10) Annual Rate Adjustments; and (11) Uprating Credits.

Four major changes are affecting the power rates for the BCP. The first change concerns the ratesetting methodology. Under the Implementation Agreement of February 17, 1995, the new rate methodology provides that the BCP Contractors will pay each year for the Annual Revenue Requirement. From the Annual Revenue Requirement, a Base Charge for both capacity and energy is calculated. The Base Charge is calculated by dividing the Annual Revenue Requirement equally between energy (Energy Dollar) and capacity (Capacity Dollar), with an adjustment (Capacity Credit) to resolve the historic revenue imbalance between energy and capacity. The Contractor's energy Base Charge each month will be the Rate Year's Energy Dollar multiplied by the Contractor's Firm Energy percentage multiplied by the Contractor's Monthly Energy Ratio. The Contractor's capacity Base Charge each month will be the Rate Year's Capacity Dollar divided by 12 multiplied by the Contractor's Contingent Capacity percentage.

For each Rate Year, Western will calculate a Forecast Capacity Rate and a Forecast Energy Rate. These rates will be applied to services such as: excess energy, unauthorized overruns, and water pump energy. Within 90 days after the end of the Rate Year, a Calculated Energy Rate shall be calculated.

The second change concerns reducing the Annual Uprating Payments. The Uprating payments are payments due the BCP Schedule B Contractors for advancing funds to upgrade the BCP system. The Colorado River Commission

<sup>1</sup> The BCP Contractors include the Arizona Power Authority; Colorado River Commission of Nevada; City of Boulder City, Nevada; Department of Water and Power of the City of Los Angeles; The Metropolitan Water District of Southern California; Southern California Edison Company; and the Cities of Anaheim, Azusa, Banning, Burbank, Colton, Glendale, Pasadena, Riverside, and Vernon, California.

of Nevada requested and obtained approval from the BCP Engineering & Maintenance Committee to reduce their Uprating Credit Carryforward balance.

The third change concerns the projection of a large carryover balance in the Colorado River Dam Fund, which is proposed to be applied against FY 1996 expenses, reducing the need for FY 1996 revenue. In previous rate studies, no carryover balance was assumed available in the ratesetting year. However, implementing a provision of the BCP Implementation Agreement

requires projecting *actual* FY 1996. This rate order assumes the full amount of the carryover is applied against FY 1996 expenses, offsetting the need for an equal amount of power revenue in FY 1996.

The fourth change affecting the BCP power rate is the assumed completion of the Hoover Dam Visitor Facilities in FY 1996. This increases the annual interest payment due in FY 1996 and subsequent years by nearly \$10 million annually. Partially offsetting this increased expenses is an increase in

revenue from visitors' fees assumed to begin in FY 1996. The "Other revenue" category is assumed to increase from \$2.4 million in FY 1995 to \$6.0 million in FY 1996.

The net effect of all these changes is to decrease the revenues that need to be collected through power bills in FY 1996 from \$49.3 million to \$45.2 million on an 8.4 percent decrease.

The existing rate, proposed Base Charge, Forecast Energy Rate, and Forecast Capacity Rate for the 5-year period are as follows:

	Existing rates (FY 1995)		Proposed <sup>2</sup> charges/rates (FY 1996)
Rate Schedule .....	BCP-F4/2		BCP-F5
		Base Charge <sup>3</sup> (\$1,000):	
		Energy Dollar .....	\$23,460
		Capacity Dollar .....	\$21,737
Firm Energy Rate (mills per kilowatthour) .....	6.31	Forecast Energy Rate (mills per kilowatthour) .....	6.12
Firm Capacity Rate (\$ per kilowatt-month) .....	1.07	Forecast Capacity Rate (\$ per kilowatt-month) .....	\$0.93
Composite Rate (mills per kilowatthour) .....	12.62	Composite Rate (mills per kilowatthour) .....	11.79

<sup>2</sup>New rates will be determined each year, based upon the proposed new rate setting methodology. These charges and rates represent FY 1996 only.

<sup>3</sup>The monthly charge for each Contractor is calculated as follows: (1) Energy Base Charge=Rate Year Energy Dollar multiplied by the Contractor's Firm Energy percentage multiplied by its Monthly Energy Ratio and (2) Capacity Base Charge=Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's contingent Capacity percentage. For FY 1996, upon the determination of the actual October 1995 energy and capacity charges, the monthly Energy Charge and Capacity Charge for the remaining months will be adjusted so the BCP Contractors will not pay more than the FY 1996 Annual Revenue Requirement.

Upon completion of the written procedures for the Uprating Credit Program and receipt of revised Uprating Credit Schedules, the FY 1996 Energy Dollar and Capacity Dollar will be adjusted by the difference over the remaining months of FY 1996 so the BCP Contractors will not pay more than the FY 1996 Annual Revenue Requirement.

Statement of Annual Base Charge

The annual Base Charge for both capacity and energy for the BCP will be based upon the estimated Annual Revenue Requirement contained in the annual power repayment spreadsheet study (PRSS). The Base Charge is comprised of the Energy Dollar (50-percent of the Annual Revenue Requirement plus the Capacity Credit) and Capacity Dollar (50-percent of the Annual Revenue Requirement minus the Capacity Credit). Differences between the estimated and the actual Annual Revenue Requirement for the Rate Year will be calculated at the end of each FY when final financial data becomes available and will be used in adjusting the next years' Annual Revenue Requirement.

By Amendment No. 3 to Delegation Order No. 0204-108, published November 10, 1993 (58 FR 59716), the Secretary of Energy (Secretary) delegated (1) the authority to develop

long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

These power rates are established pursuant to section 302(a) of the DOE Organization Act, 42 U.S.C. § 7152(a), through which the power marketing functions of the Secretary of the Interior and Reclamation under the Reclamation Act of 1902, 43 U.S.C. § 371 *et seq.*, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. § 485h(c), and other acts specifically applicable to the project system involved, were transferred to and vested in the Secretary.

During the 109-day comment period, Western received eight written comments. In addition, five speakers commented during the July 13, 1995, public comment forum. All comments and responses are addressed in the rate order.

Rate Order No. WAPA-70, confirming, approving, and placing the proposed rate methodology for determining the Annual Revenue Requirement, Base Charge, Forecast Capacity Rate, Forecast Energy Rate, and Calculated Energy Rate for the BCP into effect on an interim basis, is issued, and the Rate Schedule BCP-F5 will be submitted promptly to FERC for confirmation and approval on a final basis.

Issued in Washington, DC, October 31, 1995.

Charles B. Curtis,  
Deputy Secretary,  
Department of Energy, Deputy Secretary Order Confirming, Approving, and Placing the Boulder Canyon Project Firm Power Service Rate Into Effect on an Interim Basis

In the matter of: Western Area Power Administration Rate Adjustment for Boulder Canyon Project

[Rate Order No. WAPA-70]

November 1, 1995.

The rate methodology is established pursuant to section 302(a) of the Department of Energy (DOE) Organization Act, 42 U.S.C. § 7152(a), through which the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation

Act of 1902, 43 U.S.C. § 371 *et seq.*, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. § 485h(c), and other acts specifically applicable to the project system involved were transferred to and vested in the Secretary of Energy (Secretary).

By Amendment No. 3 to Delegation Order No. 0204-108, published November 10, 1993 (58 FR 59716), the Secretary delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission. Existing DOE procedures for public participation in power rate adjustments (10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

#### Acronyms and Definitions

As used in this rate order, the following acronyms and definitions apply:

**1941 General Regulations:** General regulations for generation and sale of power in accordance with the Boulder Canyon Project Adjustment Act.

**1984 Act:** Hoover Power Plant Act of 1984, August 17, 1984 (43 U.S.C. 619 *et seq.*).

**Adjustment Act:** Boulder Canyon Project Adjustment Act, July 19, 1940 (43 U.S.C. 618 *et seq.*).

**Annual Capacity Credit:** The dollar amount used to adjust the Energy Dollar and Capacity Dollar in order to resolve the historic revenue imbalance between energy and capacity.

**Annual Rate:** A rate revision recommended to and approved by the Deputy Secretary of Energy for approval on an annual basis for the interim years of the 5-year period.

**Annual Revenue Requirement:** An amount used to calculate the Capacity Dollar and Energy Dollar equal to the estimated actual expenses for the Rate Year less the sum of (1) multi-project benefits; (2) carryover of funds from the prior FY; (3) estimated BCP water revenue; (4) estimated User Fees; and (5) funds from other sources, except revenue from the sale of capacity and energy.

**Base Charge:** The total charge paid by a Contractor for capacity and energy based on the Annual Revenue Requirement, pursuant to Section 13 of

the BCP Implementation Agreement effective February 17, 1995. The Base Charge shall be composed of a capacity component and an energy component.

**BCP:** Boulder Canyon Project.

**BCP Contractors:** The BCP Contractors include the Arizona Power Authority; Colorado River Commission of Nevada; City of Boulder City, Nevada; Department of Water and Power of the City of Los Angeles, California; the Metropolitan Water District of Southern California; Southern California Edison Company; and the Cities of Anaheim, Azusa, Banning, Burbank, Colton, Glendale, Pasadena, Riverside, and Vernon, California.

**BCP Implementation Agreement:** An agreement which became effective February 17, 1995. The agreement resolved eleven issues (1) Replacements; (2) Visitor Facilities; (3) Amendment to Regulations; (4) Multi-Project Benefits and Costs; (5) Engineering & Operating Committee (E&OC) and Coordinating Committee; (6) Billing and Payment; (7) Operating Amount and Working Capital; (8) Audits; (9) Principal Payments; (10) Annual Rate Adjustments; and (11) Uprating Credits.

**Calculated Energy Rate:** This rate equals fifty percent (50%) of the Annual Revenue Requirement for each FY divided by the Energy Deemed Delivered in such FY.

**Capacity Dollar:** The amount of revenue to be billed for Project capacity sales for each Fiscal Year. Such amount shall be fifty percent (50%) of the Annual Revenue Requirement, adjusted for the Annual Capacity Credit in accordance with Section 13.9 of the BCP Implementation Agreement.

**Colorado River Basin Project Act:** The Colorado River Basin Project Act, September 30, 1968 (43 U.S.C. 1501 *et seq.*).

**Contribution Charge:** LCRBDF surcharge is part of the rate schedule and is expressed in mills per kWh; required by law to be included in the BCP rates.

**Conformed Criteria:** Conformed general consolidated power marketing criteria or regulations for Boulder City Area Projects (49 FR 50582, December 28, 1984) beginning on June 1, 1987.

**CRDF:** Colorado River Dam Fund. A fund established by Section 2 of the Project Act which is to be used only for the purposes specified in the Adjustment Act, Colorado River Basin Project Act of 1968, and the 1984 Act.

**DOE:** Department of Energy.

**DOE Order RA 6120.2:** An order related to power marketing administration financial reporting.

**\$/kW-month:** Dollars per kilowatt-month.

**E&OC:** Engineering and Operating Committee, consisting of members from BCP Contractors, Western, and Reclamation. Its function is to establish a regular review process of Western's and Reclamation's planned O&M, additions, and replacements.

**Energy Deemed Delivered:** The amount of energy scheduled, delivered, metered and calculated to be delivered to each Contractor, including M<sub>L</sub> and S<sub>L</sub>.

**Energy Dollar:** The amount of revenue to be billed for BCP energy sales for each FY. Such amount shall be fifty percent (50%) of the Annual Revenue Requirement, adjusted for the Annual Capacity Credit in accordance with Section 13.9 of the BCP Implementation Agreement.

**FERC:** Federal Energy Regulatory Commission.

**Forecast Capacity Rate:** This rate equals the Capacity Dollar divided by 1,951,000 kW.

**Forecast Energy Rate:** This rate equals the Energy Dollar divided by the lesser of the Total Master Schedule or 4,501.001 MWh.

**FY:** Fiscal Year.

**Hoover Dam:** The dam on the Colorado River which forms Lake Mead.

**kW:** Kilowatt.

**kWh:** Kilowatthour.

**LCRBDF:** Lower Colorado River Basin Development Fund—a fund established by the Colorado River Basin Project Act of 1968.

**M<sub>L</sub> and S<sub>L</sub>:** Motoring losses and system losses.

**Master Schedule:** This is an 18-month schedule of projected BCP hydrology.

**mills/kWh:** Mills per kWh.

**Monthly Energy Ratio:** The estimated amount of energy each Contractor is to receive each month in accordance with the final Master Schedule divided by the total energy that Contractor is to receive in that FY under the final Master Schedule.

**NEPA:** National Environmental Policy Act of 1969.

**OMB:** Office of Management and Budget.

**O&M:** Operation and maintenance.

**Project Act:** The Boulder Canyon Project Act authorizing the construction of Boulder Canyon Project dated December 21, 1928 (43 U.S.C. 617 *et seq.*).

**PRSS:** Power Repayment Spreadsheet Study.

**Rate Year:** The FY in which the Base Charge, Forecast Capacity Rate, and Forecast Energy Rate are determined and effective.

**Reclamation:** Bureau of Reclamation, U.S. Department of the Interior.

**Replacements:** A unit of property constructed or acquired as a substitute

for a existing unit of property for the purpose of maintaining the power features of a project or the joint features properly allocated to power.

**Schedule B Contractors:** The BCP Contractors that advanced funds to upgrade the BCP System.

**Secretary:** Secretary of Energy.

**Treasury:** Secretary of the Department of the Treasury.

**Upgrading Program:** A program nonfederally financed by eleven (11) of the BCP Contractors. The purpose was to increase the capacity of the existing generating and associated electrical equipment at the BCP.

**Western:** Western Area Power Administration, U.S. Department of Energy.

**Western's 1986 General Regulations:** General Regulations for the Regulations: Charges for the Sale of Power from the Boulder Canyon Project, 10 CFR Part 904.

**Working Capital Fund:** Reserve of funds contributed by the Contractors to be used when the Colorado River Dam Fund has no money available.

#### Effective Date

The proposed rate methodology for determining the Annual Revenue Requirement, Base Charge, Forecast Capacity Rate, Forecast Energy Rate, and Calculated Energy Rate, will become effective on an interim basis beginning November 1, 1995, and remain in effect pending FERC's approval on a final basis for a 5-year period, or until superseded.

#### Public Notice and Comment

The Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR Part 903, have been followed by Western in developing the method of determining the Annual Revenue Requirement, Base Charge, Forecast Capacity Rate, Forecast Energy Rate, and the Calculated Energy Rate.

The following summarizes the steps Western took to ensure involvement of interested parties in the rate process:

1. Discussion of the proposed rate methodology was initiated at an informal BCP Contractor meeting held on April 13, 1995, in Phoenix, Arizona. At this informal meeting, Western and Reclamation representatives explained the need for a change in the Annual Revenue Requirements, Forecast Capacity Rate, Forecast Energy Rate, and answered questions from those persons attending.

2. A Federal Register notice was published on May 8, 1995 (60 FR 22575), officially announcing the proposed firm power rate adjustment

process, initiating the public consultation and comment period, announcing the public information and public comment forums, and presenting procedures for public participation.

3. On May 18, 1995 a letter was mailed from Western's Phoenix Area Office to all Boulder Canyon Project customers and other interested parties providing a copy of the Boulder Canyon Project Rate Brochure, dated May 1995, which included a copy of the Federal Register notice of May 8, 1995.

4. At the public information forum held on June 15, 1995, Western and Reclamation representatives explained the proposed rate methodology, a change in the proposed billing procedure, and outlined the reasoning for the overall decrease in the Annual Revenue Requirement for Rate Year 1996 in greater detail and answered questions.

5. On August 4, 1995, a letter was mailed from Western's Phoenix Area Office to all Boulder Canyon Project customers and other interested parties announcing the extension of the consultation and comment period through August 25, 1995.

6. A public comment forum was held on July 13, 1995, to give the public an opportunity to comment for the record. Five persons representing customers and customer groups made oral comments.

7. A Federal Register notice was published on August 21, 1995, announcing the extension of the consultation and comment period through August 25, 1995.

8. Eight comment letters were received during the 109-day consultation and comment period. The consultation and comment period ended August 25, 1995. All formally submitted comments have been considered in the preparation of this rate order.

#### Project History

The BCP was authorized for construction by the Project Act. The Project Act provided for a dam to be built in the Black Canyon located on the Colorado River adjacent to the Arizona-Nevada border. The dam was built for the expressed purposes of (1) controlling the flooding in the lower regions of the Colorado River drainage system; (2) improving navigation of the Colorado River and its tributaries; (3) regulating the Colorado River, while providing storage and delivery of the stored water for the reclamation of public lands; and (4) generating electrical energy as a means of making the BCP a self-supporting and financially solvent undertaking. Congress authorized the Treasury to

advance up to \$165 million to the Secretary of the Interior to provide for the construction of the dam, powerplant, and related features; \$25 million of the \$165 million was allocated to flood control.

Construction of the Hoover Dam, formerly known as Boulder Dam, began in 1930, and the first generating unit of the powerplant went into service in 1937. Upon completion of the project facilities, power sales commenced, in accordance with the provisions of the Project Act, to contractors in the states of Arizona, California, and Nevada.

The Project Act was modified in 1940 by the Adjustment Act. The Adjustment Act, among other things, authorized the Secretary of the Interior to promulgate and to put into effect power rates based upon a repayment period from June 1, 1937, to May 31, 1987; to reduce the interest rate from 4 percent to 3 percent per annum on unpaid Treasury advances; to require annual payments to the states of Arizona and Nevada in lieu of taxes levied; and to defer without interest until June 1, 1987, the repayment of the \$25 million allocated to flood control.

Subsequent and pursuant to the Adjustment Act, the Secretary of the Interior published and implemented the 1941 General Regulations for the period ending May 31, 1987.

As the end of the 50-year term of the original contracts approached, controversy developed among the BCP contractors over renewal rights to the BCP power, and litigation resulted. Compromises were reached and embodied in the 1984 Act.

The 1984 Act authorized an increase in the capacity of the existing generating and associated electrical equipment at the BCP. The work to accomplish this increase, referred to as the Upgrading Program, was funded initially by advances from certain BCP Contractors to Reclamation. Funds advanced would be returned to these contractors through credits on their monthly power bills. The 1984 Act provided for advances from the Treasury for the improvement of visitor facilities at the BCP. The 1984 Act also required that an additional charge of 4.5 mills/kWh be assessed on energy sales to Arizona and an additional charge of 2.5 mills/kWh be assessed on energy sales to California and Nevada; all revenue resulting from the Contribution Charge is to be transferred to the LCRBDF.

Under the 1984 Act, the BCP's power was sold to 15 contractors located in the states of Arizona, California, and

Nevada, in accordance with the Conformed Criteria.

Due to the numerous requirements set out in the 1984 Act and the earlier separation of the Federal responsibilities relating to Hoover Dam between Reclamation and Western, both agencies published new regulations governing their respective responsibilities at the BCP after June 1, 1987. These regulations are cited herein as Reclamation's 1986 General Regulations and Western's 1986 General Regulations, and they supersede the 1941 General Regulations, which terminated on May 31, 1987.

**Power Repayment Spreadsheet Studies**

A PRSS is prepared each FY to determine the power revenues required to pay, within the prescribed time periods, all costs assigned to the power function. Repayment criteria are based on law, policies, and authorizing legislation. DOE Order RA 6120.2, section 12b, requires that:

In addition to the recovery of the above costs (operation and maintenance and interest expenses) on a year-by-year basis, the expected revenues are at least sufficient to recover (1) each dollar of power investment at Federal hydroelectric generating plants within 50 years after they become revenue producing, except as otherwise provided by law; plus, (2) each annual increment of Federal transmission investment within the average service life of such transmission

facilities or within a maximum of 50 years, whichever is less; plus, (3) the cost of each replacement of a unit of property of a Federal power system within its expected service life up to a maximum of 50 years; plus, (4) each dollar of assisted irrigation investment within the period established for the irrigation water users to repay their share of construction costs; plus, (5) other costs such as payments to basin funds, participating projects, or States.

The BCP PRSS has been used to determine the Annual Revenue Requirement, which includes the net of expenses (OM&R, payment to states, uprating credit payments, interest and principal payments, working capital) minus other revenue (prior year carryover balance, water revenue, and other revenue).

**Existing and Provisional Rates**

A comparison of the existing and provisional charges and rates follows:

	Existing charges/rates (FY 1995)		Proposed <sup>5</sup> charges/rates (FY 1996)
Rate Schedule .....	BCP-F4/2		BCP-F5
		Base Charge <sup>6</sup> (\$1,000):	
		Energy Dollar .....	\$23,460
		Capacity Dollar .....	\$21,737
Firm Energy Rate (mills per kilowatthour) .....	6.31	Forecast Energy Rate (mills per kilowatthour) .....	6.12
Firm Capacity Rate (\$ per kilowatt-month) .....	1.07	Forecast Capacity Rate (\$ per kilowatt-month) .....	\$0.93
Composite Rate (mills per kilowatthour) .....	12.62	Composite Rate (mills per kilowatthour) .....	11.79

<sup>5</sup>New rates will be determined each year, based upon the proposed new rate setting methodology. These charges and rates represent FY 1996 only.

<sup>6</sup>The monthly charge for each Contractor is calculated as follows: (1) Energy Base Charge = Rate Year Energy Dollar multiplied by the Contractor's Firm Energy percentage multiplied by its Monthly Energy Ratio and (2) Capacity Base Charge = Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's contingent Capacity percentage. For FY 1996, upon the determination of the actual October 1996 energy and capacity charges, the monthly Energy Charge and Capacity Charge for the remaining months will be adjusted so the BCP Contractors will not pay more than the FY 1996 Annual Revenue Requirement.

**Certification of Rate**

Western's Administrator has certified that the rate methodology for determining the BCP Annual Revenue Requirement, Base Charge, Forecast Energy Rate, Forecast Capacity Rate, and Calculated Energy Rate placed into effect on an interim basis herein are the lowest possible, consistent with sound business principles. The rate methodology has been developed in accordance with administrative policies and applicable laws.

**Discussion**

Western is requesting approval to place into effect a new rate methodology. Each year the contractors will pay the BCP the total estimated Annual Revenue Requirement in return for up to 1,951,000 kW of capacity and 4,501.001 MWh of energy at the BCP. The capacity and energy, produced up to the above limits at the BCP, have been allocated to the contractors on a

percentage basis. Western will prepare an annual PRSS which will identify the estimated annual revenue requirements for the next FY. The annual operation, maintenance, and replacement budgets will be presented to and approved by the BCP E&OC.

Upon completion of the Uprating Credit Procedures and receipt of revised Uprating Credit Schedules, the FY 1996 Energy Dollar and Capacity Dollar will be adjusted by the difference between the originally projected Annual Uprating Credit Payments and the revised Annual Uprating Credit Payments and spread over the remaining months of FY 1996 so the BCP Contractors will not pay more than the revised FY 1996 Annual Revenue Requirement.

**Revenue Requirements**

The existing and proposed Annual Revenue Requirements for the BCP are as follows:

	Estimated existing	FY 1996 proposed
Annual Revenue Requirements (rounded to nearest \$1,000) .....	\$57,720	\$45,197

The methodology for determining the Annual Revenue Requirement will satisfy the cost-recovery criteria set forth in DOE Order RA 6120.2.

**Statement of Revenue and Related Expenses**

The Annual Revenue Requirement for the BCP is based upon Ratebase PRSS estimates of the Rate Year's annual costs less other revenues. Each FY's estimated Annual Revenue Requirement will be adjusted when actual financial data becomes available. The following table provides a summary of the revenue and related expenses through the 5-year provisional rate approval period.

## BOULDER CANYON PROJECT PROJECTIONS OF 5-YEAR PERIOD REVENUES AND EXPENSES

[In thousands of dollars]

	Provisional annual revenue requirement PRSS 1996-2000	Existing annual revenue requirement PRSS 1996-2000	Difference
Total Revenues .....	\$276,261	\$269,702	\$6,559
Revenue Distribution:			
O&M .....	131,051	110,664	20,387
Payment to States .....	3,000	3,000	0
Other Expenses .....	23,201	18,950	4,251
Annual Upgrading Payments .....	74,699	76,888	-2,189
Annual Replacements .....	20,402	10,577	9,825
Working Capital Fund .....	653	0	653
Interest .....	62,577	53,996	8,581
Principal Payments .....	13,255	12,887	368
CRDF Carry-Over Balance .....	(13,317)	0	-13,317
Water Sales .....	(2,650)	(2,250)	-400
Other Revenue .....	(36,610)	(15,010)	-21,600
Annual Revenue Requirement (rounded to the nearest \$1,000) .....	276,261	269,702	6,559

NOTE: The difference between the Annual Revenue Requirements for the existing rates and the provisional rates is because the existing rates are based upon the FY 1993 budget and the provisional rates are based upon the FY 1996 budget.

#### Basis for Rate Methodology—Boulder Canyon Project

The proposed rate methodology is the result of Western, Reclamation, and the BCP Contractors successfully concluding negotiations on the BCP Implementation Agreement which became effective February 17, 1995.

The FY 1996 Energy Dollar and Capacity Dollar are designed to maintain a 50/50 split between revenue earned from energy and revenue earned from capacity. The Capacity Credit revenue adjustment resolves the historic imbalance between revenues collected from capacity and energy. The cost to individual BCP Contractor will vary because of the differences in each BCP Contractor's entitlement.

Each Contractor shall be billed monthly a Base Charge comprised of (1) an energy charge equal to the Rate Year Energy Dollar multiplied by the Contractor's Firm Energy percentage multiplied by their Monthly Energy Ratio and (2) a capacity charge equal to the Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's Contingent Capacity percentage. The FY 1996 Rate Year's Energy Dollar and Capacity Dollar will be adjusted over the remaining 11 months of FY 1996, so that the BCP Contractors will not pay more than the estimated Annual Revenue Requirement for FY 1996. The monthly energy and capacity charge will be due and payable regardless of the amount of power and energy produced by the BCP.

In addition to the Contractor's monthly base charge, a Forecast Energy Rate and a Forecast Capacity Rate shall

be calculated and will be applied, for (1) excess energy, (2) unauthorized overruns, and (3) water pump energy.

Within 90 days after the end of the FY and the Energy Deemed Delivered has been determined, Western shall determine the Calculated Energy Rate. If the Energy Deemed Delivered is greater than 4,501.001 MWh, Western shall then apply the Calculated Energy Rate to each Contractor's Energy Deemed Delivered to determine the Contractor's actual energy charge. Western shall then establish a credit or debit for each Contractor based on the difference between the Contractor's Energy Dollar and the Contractor actual energy charge. Such credit or debit shall be issued by Western against the Contractor in the month following the calculation or as soon as possible thereafter.

The preparation of each FY's PRSS shall include adjustments from estimates to actuals in the previous year's PRSS. Any adjustments required, whether resulting in an increase or decrease of the annual revenue requirement, will be carried forward and included in the estimated revenue requirement for the calculation of the next Rate Year.

#### Comments

During the 109-day comment period, Western received eight written comments either requesting information or commenting on the rate adjustment. In addition, five persons commented during the July 13, 1995, public comment forum. All comments were reviewed and considered in the preparation of this rate order.

Written comments were received from the following sources:

Colorado River Commission of Nevada (Nevada)

Irrigation & Electrical Districts Association of Arizona (Arizona)

Mr. Northcutt Ely for Los Angeles, City of, Department of Water and Power and Southern California Edison Company (California) (2)

Metropolitan Water District of Southern California (California)

Overton Power District No. 5 and Valley Electric Association (Nevada)

R.W. Beck for the Arizona Power Authority (Arizona)

Vernon, City of (California)

Representatives of the following organizations made oral comments:

Arizona Power Authority (Arizona) (3 speakers)

Overton Power District No. 5 and Valley Electric Association (Nevada)

Los Angeles, City of, Department of Water and Power and Southern California Edison Company (California)

Most of the comments received at the public meetings and in correspondence dealt with the proposed rates, hydrology, cost containment, and working capital fund. All comments were considered in developing the proposed BCP rates.

The comments and responses, paraphrased for brevity, are discussed below. Direct quotes from comment letters are used for clarification where necessary.

## Boulder Canyon Comments

*Rates*

*Issue:* Some customers are requesting a delay in the BCP rate process in order to allow the customers, Western, and Reclamation sufficient time to complete their current efforts; in particular, efforts of the uprating credits committee.

*Response:* Western and Reclamation believe a 30-day delay in the implementation of the proposed rate methodology until November 1, 1995, would be in the best interest of the BCP Contractors. The 30-day delay allowed the Colorado River Commission of Nevada (CRC) to obtain the August 16, 1995, approval by the BCP E&OC of a request concerning CRC's uprating credit carryforward balance and allow Western to incorporate the resulting changes from CRC's request into the PRSS. Also, in addition, the delay is taken in response to public comments for additional review and comment time and the delay in the enactment of the BCP Implementation Agreement. Upon completion of the current efforts on the uprating credit committee, Western believes that further changes to the uprating credit schedules can be incorporated into the PRSS and the FY 1996 Rate Year Annual Revenue Requirement can be adjusted accordingly at that time.

*Issue:* A customer suggested that if sufficient revenue reductions are achieved through the efforts of the current committees to potentially warrant a rate reduction for FY 96, Western should, instead, consider carrying these revenues over into FY 1997 in order to mitigate the effect of the Hoover Visitor Facilities on that year's rates.

*Response:* As under the existing rate methodology, the proposed rate methodology provides that any revenue over or under the Annual Revenue Requirement is carried forward into the next year and increases or decreases that year's Annual Revenue Requirement. The revenue carried forward in any given year lowers the total Annual Revenue Requirement for the next year, and does not act as a credit for any one specific item, such as the visitor facilities. Western cannot deviate from the methodology as agreed to by all the BCP Contractors in the BCP Implementation Agreement.

*Issue:* A customer does not agree that the savings which may come about as a result of an increase in generation of energy or a reduction in costs should be carried over into FY 1997.

*Response:* Western agrees. As indicated previously, any savings in 1 year, which result in excess revenue

being collected, is automatically carried forward to the next year.

*Issue:* Some customers believe there is no need for a rate increase; instead, there should be a reduction for FY 1996. It is believed that Reclamation and Western can safely operate and maintain the BCP for FY 1996 using the rates currently in effect.

*Response:* Western agrees that a rate increase is not justified for FY 1996. Under the proposed rate methodology, Base Charge and forecasted rates will be a reduction to the existing rates. The FY 1995 Ratebase PRSS projects the FY 1996 Rate Year Base Charge to be less than the total energy and capacity revenues to be collected in FY 1995.

*Issue:* A customer asks the question whether it is necessary to calculate or display rates in view of the requirement introduced by the BCP Implementation Agreement that the amount collected for energy shall equal one-half of revenue requirements with adjustments to offset past imbalances irrespective of the quantities of energy produced. It believes that the calculation and promulgation of rates continues to be necessary as a consequence of provision of the regulations and contracts as well as for practical reasons.

*Response:* Western agrees that the calculation of rates should continue. The proposed rate methodology requires Western to calculate the Annual Revenue Requirement, Base Charge, Forecast Energy Rate, Forecast Capacity Rate, and Calculated Energy Rate. The forecasted or calculated rates would be applied to services such as unauthorized overruns, M<sub>L</sub> and S<sub>L</sub>, and excess energy.

*Issue:* Some customers support the proposal to adjust the rate upon the completion of the Uprating credit discussions.

*Response:* Western anticipates that the Uprating credits for FY 1996 will decrease upon completion of the Uprating credits discussions. The reductions are a result of the Uprating Program being declared complete, which releases excess bond funds and a revision to the calculation of the weighted average interest rate, used to determine the non-bonding contractors' Uprating credits. Western believes that the FY 1996 Base Charge can be adjusted upon completion of the Uprating credit discussions and receipt of the revised Uprating schedules.

*Issue:* Some customers request that the proposed rates be implemented as soon as possible.

*Response:* Western agrees that the new rate methodology needs to be implemented as soon as possible. It is Western's intention to proceed with the

rate process and have the proposed rate methodology effective November 1, 1995, on an interim basis.

*Issue:* Some customers support the option where the Uprating credit carryforward balances are paid over a 3-year period.

*Response:* Western has incorporated this request into the FY 95 Rate Base PRSS. The process to request the FY 1995 payments has been initiated. It is to be noted that the payments incorporated in the PRSS do not address the issue of interest on the Uprating carryforward balance.

*Issue:* One customer believes that the proposed charges and rates should provide for repayment of all overdue Uprating credits payments with accrued interest.

*Response:* The Uprating credit procedures have not been completed. Western believes upon completion of the procedures and receipt of revised Uprating credit schedules this issue will be resolved.

*Issue:* One customer has offered to provide Western with expertise and assistance in the light of Western's reorganization, changes in budgets, and turnover.

*Response:* Western appreciates the offer for assistance. Western recognizes there are opportunities for developing partnerships with our customers and will be looking for opportunities through the transformation process.

*Issue:* A customer comments that existing legal requirements, if followed strictly, would result in an over collection of revenue as a result of increased energy generation, requiring a mid-year adjustment.

*Response:* The BCP Implementation Agreement provides that Western bill the BCP Contractors a monthly Base Charge, collecting no more than the Total Annual Revenue Requirement. Under the new methodology, revenue actually collected is not dependent upon the amount of energy generated or the rate charged. Western is reviewing the regulations to determine whether the customer's interpretation of the regulations is valid. Upon completion of the review, Western will followup with the Bureau of Reclamation and the BCP Contractors for further discussions on this issue.

*Hydrology*

*Issue:* A customer believes the Master Schedule distributed on June 15, 1995, should be corrected since it has no operative effect until October 1, 1995, as the power contracts provide in Section 5.58 for the revision of the Master Schedule.

*Response:* The BCP Implementation Agreement provides that Western will use the final Master Schedule, dated June of each year, to calculate the Forecast Energy Rate and provide each contractor's Monthly Energy Ratio used in calculating its monthly energy charge. Western believes that any deviation from the June final Master Schedule would have to be agreed to by all BCP Contractors, Western, and Reclamation. The agreement would require an amendment to the BCP Implementation Agreement.

#### *Cost Containment*

*Issue:* Reclamation's operation and maintenance, other expenses, and replacements costs have been steadily increasing. The BCP Implementation Agreement now ensures complete recovery of these costs. What is Reclamation doing to reduce these costs and to improve its efficiency?

*Response:* Reclamation is committed to improving its efficiency and minimizing the costs associated with operation and maintenance, other expenses, and replacements. To achieve this goal Reclamation is working closely with the Budget Review Subcommittee of the E&OC.

*Issue:* There are an inordinate number of supervisors and administrative employees in relation to the number of actual workers. What is Reclamation doing to reduce these administrative and overhead costs?

*Response:* Since the beginning of FY 1994, Reclamation has reduced layering from as many as five layers in some areas of the organization, to no more than two layers between any employee and the Regional Director in the Regional office, and no more than three layers between any employee and the Regional Director in the Area Offices. Supervisory-to-employee positions have been reduced from one supervisor to every 8 employees to one supervisor for every 15 employees. Several positions and functions have been eliminated. The Lower Colorado Region has reduced its FTE by 307 as of July 7, 1995, which represents an overall 22-percent reduction.

*Issue:* One customer requests that Western and Reclamation agree to not increase the total Annual Revenue Requirements for FY 1997 and FY 1998 above FY 1996 levels and set the goal to stabilize the charges over the next 3-years.

*Response:* The BCP Implementation Agreement provides for a collaborative budgetary review process through the E&OC. Western and Reclamation believe that this is the appropriate forum to address budgetary review by the BCP

Contractors. When comparing the Annual Revenue Requirement for FY 1996 with FY 1997 and FY 1998, note that a \$13 million carryover balance from FY 1995 is figured in the FY 1996 estimate. If the FY 1996 Annual Revenue Requirement (without adjustment for the carryover balance) was used as the ceiling for FY 1997 and FY 1998, Western and Reclamation would have to postpone replacements that are critical to operation of the project.

#### *Working Capital*

*Issue:* A customer believes there is no justification to have the working capital fund and should be eliminated from the PRSS.

*Response:* The BCP Implementation Agreement provides for the Working Capital to be adjusted to \$3 million for the FY 1996 Rate Year. Under Section 14.7 of the BCP Implementation Agreement, the Coordinating Committee shall have the authority, pursuant to Section 11.4.3, to increase or decrease the Working Capital.

#### *Environmental Evaluation*

In compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.; Council on Environmental Quality Regulations (40 CFR Parts 1500-1508); and DOE NEPA Regulations (10 CFR Part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

#### *Executive Order 12866*

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by OMB is required.

#### *Availability of Information*

Information regarding this rate adjustment, including PRSSs, comments, letters, memorandums, and other supporting material made or kept by Western for the purpose of developing the power rates, is available for public review in the Phoenix Area Office, Western Area Power Administration, Office of the Assistant Area Manager for Power Marketing, 615 South 43rd Avenue, Phoenix, Arizona 85009-5313; Western Area Power Administration, Division of Power Marketing, 1627 Cole Boulevard, Golden, Colorado 80401; and Western Area Power Administration, Office of

the Assistant Administrator for Washington Liaison, Room 8G-027, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

#### *Submission to Federal Energy Regulatory Commission*

The charges and rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and approval on a final basis.

#### *Order*

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I confirm and approve on an interim basis, effective November 1, 1995, Rate Schedule BCP-F5 for the Boulder Canyon Project. The rate schedule shall remain in effect on an interim basis, pending Federal Energy Regulatory Commission confirmation and approval of it or a substitute rate on a final basis, through September 30, 2000.

Issued in Washington, DC, October 31, 1995.

Charles B. Curtis,  
Deputy Secretary.

#### *Boulder Canyon Project Schedule of Rates for Firm Power Service*

*Effective:* The first day of the first full billing period beginning on or after November 1, 1995, and remaining in effect through September 30, 2000, or until superseded.

*Available:* In the marketing area serviced by the Boulder Canyon Project (BCP).

*Applicable:* To power customers served by the BCP supplied through one meter at one point of delivery, unless otherwise provided by contract.

*Character and Condition of Service:* Alternating current at 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

*Base Charge:* Energy Charge: Each Contractor shall be billed monthly an energy charge equal to the Rate Year Energy Dollar multiplied by the Contractor's Firm Energy percentage multiplied by the Contractor's Monthly Energy Ratio as provided by contract.

*Capacity Charge:* Each Contractor shall be billed monthly a capacity charge equal to the Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's Contingent Capacity percentage as provided by contract.

*Forecast Rates: Energy:* Shall be equal to the Rate Year Energy Dollar divided by the lesser of the Total Master Schedule Energy or 4,501.001 megawatthours. This rate is to be

applied for use of excess energy, unauthorized overruns, and water pump energy.

**Capacity:** Shall be equal to the Rate Year Capacity Dollar divided by 1,951,000 kilowatts, to be applied for use of unauthorized overruns.

**Calculated Energy Rate:** Within 90 days after the end of each Rate Year, a Calculated Energy Rate shall be calculated. If the Energy Deemed Delivered is greater than 4,501.001 megawatthours, then the Calculated Energy Rate shall be applied the each Contractor's Energy Deemed Delivered. A credit or debit shall be established based on the difference between the Contractor's Energy Dollar and the Contractor's Actual Energy Charge, to be applied the following month calculated or as soon as possible thereafter.

**Lower Basin Development Fund Contribution Charge:** The Contribution Charge is 4.5 mills/kWh for each kWh measured or scheduled to an Arizona purchaser and 2.5 mills/kWh for each kWh measured or scheduled to a California or Nevada purchaser, except for purchased power.

**Billing for Unauthorized Overruns:** For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual power obligations, such overruns shall be billed at 10 times the Forecast Energy Rate and Forecast Capacity Rate. The Contribution Charge shall be applied also to each kWh of overrun.

**Adjustments:** None.

[FR Doc. 95-28534 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

### Notice of an Extension

**AGENCY:** Western Area Power Administration, DOE.

**SUMMARY:** The Western Area Power Administration (Western) is announcing an extension of the consultation and comment period for the proposed rate adjustment for the Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie). The date for the consultation and comment period was originally announced in the Federal Register on July 31, 1995, at 60 FR 38995-38996.

This action is taken in response to public comments requesting additional time to review and comment on requested changes to the Power Repayment Studies.

**PROCEDURES:** Concurrently with publication of this notice, a letter announcing the comment period extension will be distributed to the AC Intertie customers and other interested parties.

Customers and interested parties are invited to comment on the proposed rates and the methodology used to develop the rates. Comments already submitted will be given full consideration in this extended comment period and do not need to be resubmitted.

Following the close of the consultation and comment period, Western will prepare additional PRSs which will include any changes due to consideration of public comments. Western will recommend the results of those studies as the final proposed rates to the Deputy Secretary to be placed in effect on an interim basis prior to submission to the Federal Energy Regulatory Commission (FERC) for approval on a final basis.

**EFFECTIVE DATE:** The consultation and comment period will be extended through close of business November 27, 1995. Written comments should be received by the end of the consultation and comment period to be assured consideration. Comments may be sent to: Mr. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, PO Box 6457, Phoenix, AZ 85005-6457, (602) 352-2523.

**SUPPLEMENTARY INFORMATION:** Transmission rates for the AC Intertie are established pursuant to the Department of Energy Organization Act (42 U.S.C. 7152(a)) through which the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (43 U.S.C. 371 *et seq.*) as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts specifically applicable to the project system involved were transferred to and vested in the Secretary of Energy.

By Amendment No. 3 to Delegation Order No. 0204-108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

**AVAILABILITY OF INFORMATION:** All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rates for transmission service are and will be available for inspection and copying at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona 85005.

Issued at Golden, Colorado, November 9, 1995.

J.M. Shafer,

*Administrator.*

[FR Doc. 95-28551 Filed 11-21-95; 8:45 am]

BILLING CODE 6450-01-P

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-5334-4]

#### Risk Assessment and Risk Management Commission; Revision of Earlier Notice of Public Meetings—1995; Cancellation of December 14 Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Risk Assessment and Risk Management Commission, established as an Advisory Committee under section 303 of the Clean Air Act Amendments of 1990, will not meet on December 14 at the Breakers Hotel in Florida. Unexpected budget problems prevent the Commission from meeting during the month of December.

This amends an earlier notice in the Federal Register.

Dated: November 9, 1995.

Gail Charnley,

*Executive Director, Commission on Risk Assessment and Risk Management.*

[FR Doc. 95-28490 Filed 11-21-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5334-5]

#### Gray PCB Site: Proposed Settlement

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

**ACTION:** Notice of Proposed Settlement.

**SUMMARY:** Under section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended 42 U.S.C. 9601 *et seq.*, the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Gray PCB Site, Hopkinsville, Christian County, Kentucky, with the city of Providence, Kentucky. EPA will

consider public comments on the proposed settlements for thirty (30) days. EPA may withdraw from or modify the proposed settlements should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the settlements are available from:

Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Waste Management Division, Waste Programs Branch, Cost Recovery Section, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404-347-5059, vmx. 6169.

Written comments must be submitted to Mr. Ray Strickland at the above address within thirty (30) days from the date of publication.

Dated: November 3, 1995.

Joseph R. Franzmathes,

Director, Waste Management Division.

[FR Doc. 95-28491 Filed 11-21-95; 8:45 am]

BILLING CODE 6560-50-M

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collections Being Reviewed by the Federal Communications Commission; Comments Requested

November 10, 1995.

**SUMMARY:** The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before [insert date 60 days after date of publication in the Federal Register]. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESS:** Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to [dconway@fcc.gov](mailto:dconway@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* None.

*Title:* Telecommunications Relay Services (TRS), CC Docket No. 90-571, MO&O (Coin Sent-Paid Order).

*Form No.:* N/A.

*Type of Review:* New Collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 3060.

*Estimated Time Per Response:* 2.6 hours (avg.).

*Total Annual Burden:* 7980 hours.

*Needs and Uses:* In the Memorandum Opinion and Order issued in CC Docket No. 90-571 the Commission suspends enforcement of coin sent-paid requirement until August 26, 1997. The Commission requires that payphones be made accessible to TRS users during the suspension pursuant to the alternative plan. The Commission also requires, among other things, that Petitioners work with any other interested parties that wish to participate to prepare and file a joint status report with the Commission on August 26, 1996 and February 26, 1997. The status reports will help the Commission monitor technical developments, assess the effectiveness of the alternative plan in meeting the needs of TRS users, and determine the appropriate action to take regarding TRS coin sent-paid service.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-28469 Filed 11-21-95; 8:45 am]

BILLING CODE 6712-01-F

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### Public Information Collection Requirement Submitted to OMB for Review

November 13, 1995.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1980, (44 U.S.C. 3507). Comments concerning the Commission's need for this information, the accuracy of the provided burden

estimates, and any suggested methods for minimizing respondent burden, including the use of automated information techniques, are requested. The Commission has requested an emergency OMB review of the Form 1240 with an approval by December 8, 1995.

**DATES:** Persons wishing to comment on this information collection should submit comments on or before December 8, 1995.

**ADDRESS:** Direct all comments to Timothy Fain, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395-3561 or via internet at [t@1.eop.gov](mailto:t@1.eop.gov), and Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to [dconway@fcc.gov](mailto:dconway@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at [dconway@fcc.gov](mailto:dconway@fcc.gov). Copies may also be obtained via fax by contacting the Commission's Fax on Demand System. To obtain fax copies call 202-418-0177 from the handset on your fax machine, and enter the document retrieval number indicated below, when prompted.

**SUPPLEMENTARY INFORMATION:** On September 22, 1995, the Commission released a Thirteenth Order on Reconsideration ("Benchmark Cleanup Order"), FCC 95-397, MM Docket No. 92-266, Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992. In the "Benchmark Cleanup Order", the Commission adopts a new optional rate adjustment methodology where cable operators will be permitted to make annual rate changes to their BSTs and CPSTs. Operators that elect to use this new methodology will adjust their rates once per year to reflect reasonably certain and reasonably quantifiable changes in external costs, inflation, and the number of regulated channels that are projected for the 12 months following the rate change. Because operators will be permitted to estimate cost changes that will occur in the 12 months following the rate filing, we expect that this methodology will limit delays in recovering costs that operators may experience under the current system. Any incurred cost that is underestimated or overestimated may be accrued with interest and added to rates at a later time. If actual and projected costs are different during the rate year, a "true up" mechanism is available to correct estimated costs with actual cost changes. The "true up" requires

operators to decrease their rates or alternatively, permits them to increase their rates to make adjustments for over- or under- estimations of these cost changes. Operators would not lose the right to make a rate increase at a later date if they choose not to implement a rate adjustment at the beginning of the next rate year. Finally, in order that operators not feel compelled to make rate filings or increase rates when they otherwise would not, we will eliminate the "use or lose" requirement for operators that elect this methodology.

#### Filing Instructions for the Form 1240

If this is your first time filing Form 1240 (assuming your franchise area is already subject to regulation), and if your most recent Form 1210 does not incorporate changes through June 30, 1995, there are two circumstances under which you must file a Form 1210 which records the changes in your system's costs which have occurred between the last Form 1210 and June 30, 1995. The first is if you moved any channels between regulated tiers in this time period. The second is if you have added channels to your regulated tier(s) during this time period and you wish to claim Caps Method or Markup Method adjustments for these channels. Any Form 1210 you file to meet these two conditions should not be treated as a separate filing, but rather as an attachment to your Form 1240. If your most recent Form 1210 does incorporate changes through June 30, 1995, you do not have to perform this first step.

If this is your first time filing Form 1240 and you have never been subject to CPST regulation, in order to meet your burden of showing that your CPST rate is not unreasonable, you may have to provide details about your previous increases.

If your local franchising authority becomes certified to regulate the basic service tier ("BST", see the General Instructions section for a full definition), you are required to follow the Commission's existing rules and file a Form 1200, a Form 1205, and a Form 1210. Once those have been filed, you may switch to the annual filing system.

The Commission's rules recognize seven categories of external costs: retransmission consent fees, copyright fees, programming costs, certain cable specific taxes, franchise-related costs, franchise fees and Commission regulatory fees. You may adjust your maximum permitted rate for changes in these categories of costs except for franchise fees, which are not included in your permitted rates but rather are simply added to them.

Form 1240 must be filed with your local franchising authority at least 90 days before you plan to implement a change in your basic rates if your local franchising authority is certified to regulate basic rates. You must notify your local franchising authority of the annual filing date prior to filing Form 1240.

If the Commission found your cable programming service rates to be unreasonable less than one year ago, or if a complaint about a CPST rate is pending before the Commission, and you now wish to increase your CPST rates, you must submit FCC Form 1240 to the Commission at least 30 days before raising your rates.

The Commission's mailing address for Form 1240 filings is: Federal Communications Commission, Form 1240, P.O. Box 18658, Washington, DC 20036.

*OMB Approval Number:* New Collection.

*Title:* Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

*Form No.:* FCC Form 1240.

*Type of Review:* New Collection.

*Respondents:* Business or other for-profit; State, Local or Tribal Governments.

*Number of Respondents:* 5,850.

*Estimated Time Per Response:* 15 hours.

*Total Annual Burden:* 116,438 hours.

*Needs and Uses:* The Commission has created the FCC Form 1240 Annual Updating of Maximum Permitted Rates for Regulated Cable Services as a filing alternative to the FCC Form 1210, which is filed quarterly. The Form 1240, like the Form 1210, is filed by cable operators seeking to adjust maximum permitted rates for regulated services to reflect changes in external costs. Cable operators will submit the Form 1240 to their respective local franchising authorities upon certification to regulate basic service tier rates and associated equipment; or with the Commission (in situations where the Commission has assumed jurisdiction). The Form 1240 will also be filed with the Commission when responding to a complaint filed with the Commission about cable programming service rates and associated equipment. The data will be used by the Commission and local franchising authorities to adjudicate permitted rates for regulated cable services and equipment, for the addition of new programming tiers and to account for the addition and deletion of channels and the allowance for pass throughs of external costs and costs due to inflation.

*Fax Document Retrieval Number:* 601240.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 95-28468 Filed 11-21-95; 8:45 am]

BILLING CODE 6712-01-F

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Determination of Insufficiency of Assets To Satisfy All Claims of Certain Financial Institutions in Receivership

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice.

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**SUMMARY:** In accordance with the authorities contained in 12 U.S.C. 1821(c), the Federal Deposit Insurance Corporation (FDIC) was duly appointed receiver for the financial institution specified in **SUPPLEMENTARY INFORMATION**.

The FDIC has determined that the proceeds which can be realized from the liquidation of the assets of the below listed receivership estate are insufficient to wholly satisfy the priority claims of depositors against the receivership estates. Therefore, upon satisfaction of secured claims, depositor claims and claims which have priority over depositors under applicable law, no amount will remain or will be recovered sufficient to allow a dividend, distribution or payment to any creditor of lessor priority, including but not limited to, claims of general creditors. Any such claims are hereby determined to be worthless.

**FOR FURTHER INFORMATION CONTACT:** Tina A. Lamoreaux, Counsel, Legal Division, FDIC, 550 17th Street NW., Room H-11027, Washington, DC 20429. Telephone: (202) 736-3134.

**SUPPLEMENTARY INFORMATION:** Financial Institution in Receivership Determined to Have Insufficient Assets to Satisfy All Claims, Lakeland State Bank, #4235, Austin, Texas.

Dated: November 13, 1995.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

*Executive Secretary.*

[FR Doc. 95-28460 Filed 11-21-95; 8:45 am]

BILLING CODE 6714-01-M

**FEDERAL MARITIME COMMISSION****Ocean Freight Forwarder License; Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 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.

Perform Air International, Inc., 2111 Welch Street, #B222, Houston, TX 77019, Officers: Jean-Jacques Gouelle, President; Shlomit Shimrat, Secretary/Branch Manager  
AFS, Inc., dba Denali International, 80 Yesler Way, Seattle, WA 98104, Officers: James L. Dodson, President; Pamela Held, Vice President

Summit Trade Specialists (U.S.), Inc., 4621 Grumman Drive, Medford, OR 97504, Officers: Dennis E. Schrank, President; Sidney Gould, Secretary.

Dated: November 13, 1995.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95-28441 Filed 11-21-95; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL TRADE COMMISSION**

[File No. 931-0097]

**Dell Computer Corp.; Consent Agreement With Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require Dell not to enforce patent rights against computer manufacturers using the VL-bus, a mechanism to transfer instructions between a computer's central processing unit and peripherals such as a video monitor, which had been accepted by the Video Electronics Standards Association (VESA) as the industry standard. The Commission had alleged that Dell, as a member of the VESA, did not disclose to other VESA members that it held patent rights to the VL-bus technology at the time the VESA standard for such technology was adopted and then later attempted to

enforce those patent rights against certain VESA members, in an effort to unilaterally impose costs on its rivals.

**DATES:** Comments must be received on or before January 22, 1996.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** William J. Baer, Bureau of Competition, Federal Trade Commission, H-374, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. (202) 326-2932.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

**Agreement Containing Consent Order To Cease and Desist**

The Federal Trade Commission ("Commission") having initiated an investigation of certain acts and practices of the Dell Computer Corporation ("Dell"), and it now appearing that Dell Computer Corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from engaging in the acts and practices being investigated, and providing for other relief,

*It is hereby agreed* by and between the proposed respondent, by its duly authorized officer and its attorney and counsel for the Commission that:

1. Proposed respondent Dell is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its offices and principal place of business located at 2214 West Braker Lane, Austin, Texas 78758.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. Proposed respondent shall submit with this agreement an initial report signed by the proposed respondent setting forth in precise detail the manner in which the proposed respondent will comply with Paragraph IV of the order when and if entered. Such report will not become part of the public record unless and until the accompanying agreement and order are accepted by the Commission. At the time such report is submitted, proposed respondent may request confidentiality for any portion thereof with a precise showing of justification therefor.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint, or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules of practice, the Commission may, without further notice to the proposed respondent, (1) issue its complaint corresponding in form and substance with the draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S.

Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

*It is ordered* that, as used in this order, the following definitions shall apply:

A. "Respondent" or "Dell" means Dell Computer Corporation, its predecessors, subsidiaries, divisions, groups, and affiliates controlled by Dell Computer Corporation, their successors and assigns, and their directors, officers, employees, agents and representatives.

B. "Designated representative" means the person appointed by Dell to the standard-setting organization who communicates respondent's position regarding respondent's patent rights related to any standard under consideration by the standard-setting organization.

C. "VESA" means the Video Electronics Standards Association, located at 2150 North First Street, Suite 440, San Jose, California, 95131.

D. "VL-bus" means the computer local bus design standard VESA established in August 1992 for the transmission of computer information between a computer's central processing unit and certain computer peripheral devices.

E. "'481 patent" means United States patent number 5,036,481.

F. "Commission" means the Federal Trade Commission.

II

*It is further ordered* that, within thirty (30) days after the date of this order becomes final, and until July 31, 2008, respondent shall cease and desist all

efforts it has undertaken by any means, including without limitation the threat, prosecution or defense of any suits or other actions, whether legal, equitable, or administrative, as well as any arbitrations, mediations, or any other form of private dispute resolution, through or in which respondent has asserted that any person or entity, by using or applying VL-bus in its manufacture of computer equipment, has infringed the '481 patent.

III

*It is further ordered* that, until July 31, 2008, respondent shall not undertake any new efforts to enforce the '481 patent by threatening, prosecuting or defending any suit or other action, whether legal, equitable, or administrative, as well as any arbitration, mediation, or other form of private dispute resolution, through or in which respondent claims that any person or entity, by using or applying VL-bus in its manufacture of computer equipment, has infringed the '481 patent.

IV

*It is further ordered* that, for a period of ten (10) years after the date this order becomes final, respondent shall cease and desist from enforcing or threatening to enforce any patent rights by asserting or alleging that any person's or entity's use or implementation of an industry design standard infringes such patent rights, if, in response to a written inquiry from the standard-setting organization to respondent's designated representative, respondent intentionally failed to disclose such patent rights while such industry standard was under consideration.

V

*It is further ordered* that, for a period of ten (10) years after this order becomes final, respondent shall maintain the procedure for assuring compliance with Paragraph IV of this order, as accepted by the Commission pursuant to Paragraph 4 of the Agreement Containing Consent Order to Cease and Desist.

VI

*It is further ordered* that respondent shall:

A. Within thirty (30) days after the date this order becomes final, distribute a copy of this order, complaint and the announcement shown in Appendix A to this order to VESA, to those members of VESA that Dell contacted regarding possible infringement of the '481 patent, and to any other person or entity to whom respondent has sent notice

regarding its claim that the implementation of the VL-bus standard conflicts with or infringes the '481 patent.

B. Within thirty (30) days after the date this order becomes final, distribute a copy of this order, complaint and the announcement shown in Appendix A to this order to every officer and director of respondent, and to every employee of respondent whose responsibilities include acting as respondent's designated representative to any standard-setting organization, group or similar body of which respondent is a member.

C. For a period of five (5) years after the date this order becomes final, furnish a copy of this order and complaint to each new officer and director of respondent and to every new employee of respondent whose responsibilities will or do include acting as respondent's designated representative to any standard-setting organization, group or similar body of which respondent is a member. Such copies must be furnished within thirty (30) days after any such persons assume their position as an officer, director or employee. For purposes of this paragraph VI.C., "new employee" shall include without limitation any of respondent's employees whose duties change during their employment to include acting as respondent's designated representative to any standards-setting organization, group or similar body of which respondent is a member.

D. For a period of ten (10) years after the date this order becomes final, respondent shall furnish each standard-setting organization of which it is a member and which it joins a copy of the order and respondent shall identify to each such organization the name of the person who will serve as respondent's designated representative to the standard-setting organization.

VII

*It is further ordered* that respondent shall:

A. Within ninety (90) days after the date this order becomes final, and annually thereafter for five (5) years on the anniversary of the date this order becomes final, and at such other times as the Commission may, by written notice to the respondent, require, file a verified written report with the Commission setting forth in detail the manner and form in which the respondent has complied and is complying with this order.

B. For a period of ten (10) years after the date this order becomes final, maintain and make available to

Commission staff, for inspection and copying upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by Paragraphs V and VI of this order.

C. Notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in respondent that may affect compliance obligations arising out of this order.

#### Appendix A

##### Announcement

Dell Computer Corporation has entered into a consent agreement with the Federal Trade Commission. Pursuant to this consent agreement, the Commission issued an order on [Date] that prohibits Dell from enforcing its United States patent number 5,036,481 against any company for such company's use of the Video Electronics Standards Association's VL-bus standard.

For more specific information, please refer to the FTC order itself, a copy of which is attached for your information.

General Counsel,

*Dell Computer Corporation.*

##### Dell Computer Corporation, Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Dell Computer Corporation ("Dell"), which is located in Austin, Texas. The agreement would settle charges by the Commission that the proposed respondent violated Section 5 of the Federal Trade Commission Act by engaging in practices that restricted competition related to VL-bus design standards for personal computing systems.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

##### The Complaint

The complaint prepared for issuance by the Commission along with the proposed order alleged that Dell has engaged in acts and practices that have unreasonably restrained competition to use the VL-bus design for personal computers. The complaint alleges that in February 1992 Dell became a member of the Video Electronics Standards Association ("VESA"), a non-profit standards-setting association composed of virtually all major U.S. computer hardware and software manufacturers. At or about the same time, VESA began the process of setting a design standard for a computer bus design, later to be known as the VESA Local Bus or

"VL-bus". Like all computer buses, the VL-bus carries information or instructions between the computer's central processing unit and the computer's peripheral devices such as a hard disk drive, a video display terminal, or a modem.

According to the complaint, by June 1992 VESA's Local Bus Committee, with Dell representatives sitting as members, approved the VL-bus design standard, which improved upon then-existing technology by more quickly and efficiently meeting the transmission needs of new, video-intensive software. One year earlier, in July 1991, Dell had received United States patent number 5,036,481 (the "'481 patent"), which, according to Dell, gives it "exclusive rights to the mechanical slot configuration used on the motherboard to receive the VL-bus card."

The complaint states that on July 20, 1992, Dell voted to approve the preliminary proposal for the VL-bus standard. As part of this approval, a Dell representative certified in writing that, to the best of his knowledge, "this proposal does not infringe on any trademarks, copyrights, or patents" that Dell possessed. After committee approval of the VL-bus design standard, VESA sought the approval of the VL-bus design standard by all of its voting members. On August 6, 1992, Dell's representative approved the final VL-bus design standard. As part of its approval, a Dell representative again certified in writing that, to the best of his knowledge, "this proposal does not infringe on any trademarks, copyrights, or patents" that Dell possessed. At no time during the standard-setting process did Dell disclose to VESA's Local Bus Committee the existence of the '481 patent.

The complaint alleges that after VESA's VL-bus design standard became very successful, having been included in over 1.4 million computers sold in the eight months immediately following its adoption, Dell informed certain VESA members who were manufacturing computers using the new design standard that their "implementation of the VL-bus is a violation of Dell's exclusive rights." Dell demanded that these companies meet with its representatives to "determine \* \* \* the manner in which Dell's exclusive rights will be recognized \* \* \*". Dell followed up its initial demands by meeting with several companies, and it has never renounced the claimed infringement.

The complaint also alleges that the purpose or effects of the challenged acts or practices have been to restrain competition unreasonably in the following ways:

(a) Industry acceptance of the VL-bus design standard was hindered because some computer manufacturers delayed their use of the design standard until the patent issue was clarified.

(b) Systems utilizing the VL-bus design standard were avoided due to concerns that patent issues would affect the VL-bus' success as an industry design standard.

(c) The uncertainty concerning the acceptance of the VL-bus design standard raised the costs of implementing the VL-bus design as well as the costs of developing competing bus designs.

(d) Willingness to participate in industry standard-setting efforts have been chilled.

If a company misrepresents its patent rights to a standard-setting-organization, thereby leading the organization to adopt a particular standard that may infringe on the company's patent rights, the company's later efforts to take advantage of market power resulting from the standard, rather than from some inherent value of the patent, constitutes a violation of Section 5. *Cf. Potter Instrument Co. v. Storage Technology Corp.*, 641 F.2d 190 (4th Cir.) (court would estop enforcement of patent where patent holder participated in a standard-setting process, intentionally failed to disclose the existence of its patent, and waited six years until the standard was widely adopted before seeking to enforce the patent), *cert. denied* 454 U.S. 832 (1981); III P. Areeda, *Antitrust Law* ¶ 707h at 141-42 (1978) (negligent misrepresentation to patent office can constitute exclusionary act for equitable antitrust purposes).

##### The Proposed Consent Order

Part I of the order covers definitions. These definitions make clear that the consent order applies to the directors, officers, employees, agents and representatives of Dell. The order also defines the terms VL-bus, VESA, and "designated representative," which means the person appointed by Dell to the standard-setting organization who communicates Dell's position regarding its patent rights related to any standard under consideration by the standard-setting organization.

Part II of the order requires Dell to cease and desist from all enforcement efforts where it has asserted that any person or entity, by using or applying VL-bus in its manufacture of computer equipment, has infringed Dell's '481 patent.

Part III of the order prohibits Dell from undertaking any new efforts to enforce the '481 patent in which Dell would claim that any person or entity, by using or applying VL-bus in its manufacture of computer equipment, has infringed the '481 patent.

Part IV of the order requires that for a period of ten (10) years after the date the order becomes final, Dell shall cease and desist from enforcing or threatening to enforce any patent rights by asserting or alleging that any person's or entity's use or implementation of an industry design standard infringes such patent rights if, in response to a written inquiry from the standard-setting organization to respondent's designated representative, Dell intentionally failed to disclose such patent rights while such industry standard was under consideration.

Part V of the order requires that for a period of ten (10) years after this order becomes final, Dell shall maintain the procedure for assuring compliance with Paragraph IV of the order consistent with a compliance procedure Dell has submitted to the Commission.

Part VI of the order requires Dell to distribute a copy of this order, complaint and an announcement to VESA, to those members of VESA that Dell contacted regarding possible infringement of the '481 patent, and to other persons respondent has sent notice regarding the '481 patent claim.

Part VI also requires that Dell distribute a copy of this order, complaint and the

announcement to new officers and directors of Dell; to every employee of Dell whose responsibilities include acting as Dell's designated representative to any standard-setting organization, group or similar body of which respondent is a member; and to each standard-setting organization of which Dell is a member. Dell must also identify to each standard-setting organization it joins the name of the person who will serve as its designated representative to the standard-setting organization.

Part VII requires Dell to file compliance reports for five years.

Donald S. Clark,  
Secretary.

Dissenting Statement of Commissioner Mary L. Azcuenaga in Deli Computer Corp.

[File No. 931-0097]

Today, the Commission accepts for public comment a consent order that prohibits Dell Computer Corp. ("Dell") from attempting to enforce its "'481 patent" against anyone "using or applying VL-bus in its manufacture of computer equipment," because Dell failed to warn the Video Electronics Standards Association ("VESA") of Dell's intellectual property rights when VESA adopted its computer local bus design standard ("VL-bus"). Because the complain does not allege and the evidence does not support a violation of Section 5 of the FTC Act under any established theory of law, and because under any novel theory the competitive implications of the conduct alleged remain unclear, I dissent.

VESA is a private standard-setting association, the members of which include both computer hardware and software manufacturers. In early 1992, a VESA committee developed a proposed standard for a computer bus to carry information between the central processing unit and the peripheral devices of a computer. In August 1992, VESA members, including Dell, voted to approve the proposed standard. The trade association's ballot required each member's authorized representative to VESA to sign a statement that "to the best of my knowledge," the proposal did not infringe the member company's intellectual property rights. Dell subsequently asserted that implementation of the VL-bus by others infringed Dell's patent rights.

One antitrust theory might be that Dell intentionally mislead VESA regarding the scope of its patent rights; that VESA, relying on Dell's misrepresentations, adopted a standard that conflicted with Dell's rights; and that as a result of the standard, Dell acquired market power. No evidence supports a finding of such intentional conduct, and the allegations in the complaint do not seem sufficient to support a finding of liability on the basis of this theory. I welcome comment on the factual showing that would be necessary and appropriate under this theory.

Another Section 5 theory might be that by participating in a private trade association's standard-setting activities, a firm assumes an affirmative duty to identify the boundaries of its intellectual property rights and to warn the association of any potential conflicts. Alternatively, the Commission might impose

such a duty only if a firm returns a ballot with a certification like VESA's, so that a firm could escape antitrust exposure by simply not voting.

Adoption of this novel theory of liability may affect a range of standard-setting organizations. In creating a new antitrust-based duty of care for participants in the voluntary standard setting process, a host of questions need to be resolved. I welcome public comment on the appropriate nature and scope of any such duty, and I look forward to reassessing the case at the end of the comment period.

[FR Doc. 95-28459 Filed 11-21-95; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Advisory Committees; Notice of Meetings

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1-800-741-8138 or 301-443-0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

**MEETINGS:** The following advisory committee meetings are announced:

#### Vaccines and Related Biological Products Advisory Committee

*Date, time, and place.* December 5, 1995, 1:30 p.m., Food and Drug Administration, Bldg. 29, conference

room 121, 8800 Rockville Pike, Bethesda, MD.

*Type of meeting and contact person.* This meeting will be held by a telephone conference call. A speaker telephone will be provided in the conference room to allow public participation in the meeting. Closed committee deliberations, 1:30 p.m. to 4 p.m.; open public hearing, 4 p.m. to 5 p.m., unless public participation does not last that long; Nancy Cherry or Sandy Salins, Center for Biologics Evaluation and Research (HFM-21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Vaccines and Related Biological Products Advisory Committee, code 12388.

*General function of the committee.* The committee reviews and evaluates data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person.

*Closed committee deliberations.* The committee will review trade secret and/or confidential commercial information relevant to current and pending products. This portion of the meeting will be closed to permit discussion of this information (5 USC 552b(c)(4)).

#### Radiological Devices Panel of the Medical Devices Advisory Committee

*Date, time, and place.* December 11, 1995, 8:30 a.m., Holiday Inn—Gaithersburg, Goshen Room, Two Montgomery Village Ave., Gaithersburg, MD. A limited number of overnight accommodations have been reserved at the hotel. Attendees requiring overnight accommodations may contact the hotel at 301-948-8900 and reference the FDA panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Gloria Williams, Sociometrics, Inc., 301-608-2151. The availability of appropriate accommodations cannot be assured unless prior written notification is received.

*Type of meeting and contact person.* Open public hearing, 8:30 a.m. to 9:45 a.m., unless public participation does not last that long; open committee

discussion, 9:45 a.m. to 12:30 p.m.; closed committee deliberations, 12:30 p.m. to 1:30 p.m.; open committee discussion, 1:30 p.m. to 4:30 p.m.; John C. Monahan, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-1212, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Radiological Devices Panel, code 12526.

*General function of the committee.* The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 6, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The committee will discuss general issues related to a premarket approval application for an ultrasound imaging device indicated for use on the breast in women with abnormalities based on prior mammography and/or physical examination. This device will be used to further evaluate solid mass characteristics in order to reduce the number of biopsies.

*Closed committee deliberations.* FDA staff will present to the committee trade secret and/or confidential commercial information regarding present and future FDA issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### **Anesthetic and Life Support Drugs Advisory Committee**

*Date, time, and place.* December 11 and 12, 1995, 8:30 a.m., Holiday Inn, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

*Type of meeting and contact person.* Open public hearing, December 11, 1995, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, December 12, 1995, 8:30 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 1 p.m.; Stephen

P. Pollitt, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Anesthetic and Life Support Drugs Advisory Committee, code 12529.

*General function of the committee.* The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the field of anesthesiology and surgery.

*Agenda—Open public hearing.* Interested persons may present data information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 1, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The committee will discuss the new drug application (NDA) 20-533, Naropin®, Astra Laboratories, for use as a local anesthetic and a report of the postmarket surveillance of NDA 27-428, Oralet®, Anesta.

*Closed committee deliberations.* On December 12, 1995, the committee will review trade secret and/or confidential commercial information. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### **Blood Products Advisory Committee**

*Date, time, and place.* December 14 and 15, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

*Type of meeting and contact person.* Open committee discussion, December 14, 1995, 8 a.m. to 8:40 a.m.; open public hearing, 8:40 a.m. to 9:10 a.m., unless public participation does not last that long; open committee discussion, 9:10 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 3:30 p.m.; open public hearing, 3:30 p.m. to 4 p.m., unless public participation does not last that long; open committee discussion, 4 p.m. to 5 p.m.; open committee discussion, December 15, 1995, 8 a.m. to 10:30 a.m.; open public hearing, 10:30 a.m. to 11 a.m., unless public participation does not last that long; open committee

discussion, 11 a.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM-350), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-594-6700, FAX 301-594-6764, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area) Blood Products Advisory Committee, code 12388.

*General function of the committee.* The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 8, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* On the morning of December 14, 1995, the committee will hear agency updates on Creutzfeldt-Jakob Disease and blood safety, and Human Immune Deficiency Virus, Type 1 (HIV-1) antigen screening of donors; review the report of the FDA/Health Resources Services Administration contract study of the Tissue Procurement and Distribution System in the United States, and hear scientific presentations on testing for Chagas disease (infection with *Trypanosoma cruzi*) in blood donors. In the afternoon, the committee will hear a summary of the Workshop on Cord Blood Derived Hematopoietic Stem Cells and presentation on Peripheral Blood Derived Hematopoietic Stem Cell Products Intended for Transfusion. A draft document for discussion concerning the application of current statutory authorities to peripheral blood hematopoietic stem cell products intended for transfusion will be made available. On the morning of December 15, 1995, the committee will review and make recommendations on issues related to respiratory syncytial virus immune globulin intravenous, MedImmune. In the afternoon, the committee will review and discuss the site visit reports of the Laboratories of Molecular Virology and

Immunochemistry, Division of Transfusion Transmitted Diseases.

*Closed committee deliberations.* The committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the

hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the

agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: November 14, 1995.

David A. Kessler,

*Commissioner of Food and Drugs.*

[FR Doc. 95-28521 Filed 11-21-95; 8:45 am]

BILLING CODE 4160-01-F

## National Institutes of Health

### Meeting of the Advisory Committee to the Director, NIH

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, December 7, 1995, Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:30 a.m. to adjournment. The topics proposed for discussion include (1) Report from the Recombinant DNA Ad Hoc Committee; (2) Report and Recommendations from the Panel to Assess the NIH Investment in Research on Gene Therapy; (3) Report from the Economics Roundtable; (4) Status Report from the Clinical Research Panel; and (5) Preliminary Report on the Study of Options Regarding the Clinical Center. Attendance by the public will be limited to space available.

Ms. Janice Ramsden, Program Assistant, Office of the Deputy Director, National Institutes of Health, 1 Center

Drive MSC 0159, Bethesda, Maryland 20892-0159, telephone (301) 496-0959, fax (301) 496-7451, will furnish the meeting agenda, roster of committee members, and substantive program information upon request. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Ramsden no later than November 28, 1995.

Dated: November 13, 1995.

Margery G. Grubb,

*Senior Committee Management Specialist,  
National Institutes of Health.*

[FR Doc. 95-28442 Filed 11-21-95; 8:45 am]

**BILLING CODE 4140-01-M**

### **National Cancer Institute; Closed Meeting**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Initial Review Group:

*Agenda/Purpose:* To review and evaluate grant applications.

*Committee Name:* Subcommittee A—Cancer Centers.

*Date:* December 8, 1995.

*Time:* 7:30 a.m.

*Place:* Bethesda Ramada Inn, Bethesda, MD 20814.

*Contact Person:* David E. Maslow, Ph.D., 6130 Executive Blvd., Room 643A, Bethesda, MD 20892, Telephone: 301-496-2330.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: November 13, 1995.

Margery G. Grubb,

*Senior Committee Management Specialist,  
National Institutes of Health.*

[FR Doc. 95-28443 Filed 11-21-95; 8:45 am]

**BILLING CODE 4140-01-M**

### **National Institute of Mental Health; Closed Meetings**

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institutes of Mental Health Special Emphasis Panel:

*Agenda/Purpose:* To review and evaluate grant applications.

*Committee Name:* National Institute of Mental Health Special Emphasis Panel.

*Date:* November 29, 1995.

*Time:* 2 p.m.

*Place:* Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

*Contact Person:* Shirley H. Maltz, Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

*Committee Name:* National Institute of Mental Health Special Emphasis Panel.

*Date:* December 7, 1995.

*Time:* 11 a.m.

*Place:* Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

*Contact Person:* Shirley H. Maltz, Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

*Committee Name:* National Institute of Mental Health Special Emphasis Panel.

*Date:* December 12, 1995.

*Time:* 1 p.m.

*Place:* Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857.

*Contact Person:* Shirley H. Maltz, Parklawn Building, Room 9-101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443-3936.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the first meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: November 9, 1995.

Susan K. Feldman,

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 95-28444 Filed 11-21-95; 8:45 am]

**BILLING CODE 4140-01-M**

### **DEPARTMENT OF THE INTERIOR**

#### **National Park Service**

#### **National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 11, 1995. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, PO Box 37127, Washington, DC 20013-7127. Written comments should be submitted by December 7, 1995.

Carol D. Skull,

*Keeper of the National Register.*

#### **ARKANSAS**

##### **Cleburne County**

Olmstead, T. E., & Son Funeral Home, 108 S. Fourth St., Heber Springs, 95001438

##### **Poinsett County**

Bacon Hotel, Homestead Rd. at jct. with RR tracks, SE corner, Whitehall, 95001437

#### **MASSACHUSETTS**

##### **Worcester County**

Brown—Davis—Frost Farm, 17 Whitney St., Town of Holden, Jefferson, 95001444

Hubbard—Dawson House, 925 Main St., Holden, 95001443

Manning—Ball House, 370 Manning St., Town of Holden, Jefferson, 95001442

Stony Farm, 428 Salisbury St., Holden, 95001441

#### **NEW MEXICO**

##### **Lea County**

Pyburn House, 203 Fourth St., Lovington, 95001429

#### **NORTH CAROLINA**

##### **Guilford County**

Deep River Friends Meeting House and Cemetery, 5300 W. Wendover Ave., High Point, 95001448

##### **Wake County**

Haywood, Dr. Hubert Benbury, House, 634 N. Blount St., Raleigh, 95001440

#### **SOUTH DAKOTA**

##### **Bon Homme County**

Scotland Residential Historic District,

Roughly bounded by Chestnut, Fifth, Juniper and third Sts.,  
Scotland, 95001439

Minnehaha County

Springer, R. D. and Mary, House, 201 W. 19th St., Sioux Falls, 95001436

TENNESSEE

Bradley County

Ocoee Street Historic District, 1455—1981 N. Ocoee St., Cleveland, 95001447

Williamson County

L'Overture, Toussaint, County Cemetery, Del Rio Pike at jct. with Hillsboro Rd., Franklin, 95001435

UTAH

Millard County

Deseret Relief Society Hall (Mormon Church Buildings in Utah MPS), 4365 S. 4000 W., Deseret, 95001431

Salt Lake County

University Neighborhood Historic District, Roughly bounded by 500 S., S. Temple, 100 E. and University St., Salt Lake City, 95001430

Tooele County

Grantsville School and Meetinghouse (Mormon Church Buildings in Utah MPS), 90 N. Cooley Ln., Grantsville, 95001432  
Johnson, Alex and Mary Alice, House, 5 W. Main St., Grantsville, 95001433

Utah County

Pleasant Grove Historic District, Roughly bounded by 100 N., 500 S., 300 E. and 100 W., Pleasant Grove, 95001434

VERMONT

Bennington County

Wilson House, Jct. of Village St. and Mad Tom Rd., Town of Dorset, East Dorset, 95001427

Franklin County

Brigham Academy (Educational Resources of Vermont MPS), Jct. of VT 108 and Academy Rd., Bakersfield, 95001428

Rutland County

Pawlet Town Hall (Historic Government Buildings MPS), School St., Pawlet, 95001449

WASHINGTON

King County

Shafer Building, 523 Pine St., Seattle, 95001445

Yakima County

Grandview Road—Yellowstone Trail, Grandview Pavement Rd. between Mabton—Sunnyside Rd. and Apple Way, Grandview, 95001446

[FR Doc. 95-28451 Filed 11-21-95; 8:45 am]

BILLING CODE 4310-70-P

## INTERNATIONAL TRADE COMMISSION

### Organization, Functions, and Authority Delegations; Closure of Commission Offices Due to Furlough

**AGENCY:** International Trade Commission.

**ACTION:** Notice of closure of Commission offices due to furlough.

**SUMMARY:** The Commission is providing notice to the public that its offices will be closed on Friday, November 24, 1995, and Monday, November 27, 1995, because agency personnel will be on furlough. All filings due on those dates will be due on Tuesday, November 28, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Donna R. Koehnke, Secretary, U.S. International Trade Commission, telephone 202-205-2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

By order of the Chairman:

Issued: November 20, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-28677 Filed 11-21-95; 8:45 am]

BILLING CODE 7020-02-P

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Information Robotics and Intelligent Systems; 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 14-15, 1995, 8:30 a.m. to 6 p.m.

**Place:** St. James Hotel, 950 2nd Street, NW., Washington, DC 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 14, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-28473 Filed 11-21-95; 8:45 am]

BILLING CODE 7555-01-M

### Special Emphasis Panel for Social, Behavioral, and Economic Research; Meeting

**Name:** Special Emphasis Panel for Social, Behavioral, and Economic Research (#1766).

**Date and Time:** December 1, 1995.

**Place:** National Science Foundation Arlington, VA Room 320.

**Type of Meeting:** Closed.

**Contact Person:** Bonney Sheahan, Program Manager for Cross Disciplinary Activities in the Division of Social, Behavioral, and Economics Research, National Science Foundation Room 995, 4201 Wilson Boulevard, Arlington VA 22230. Telephone: (703) 306-1757.

**Purpose of Meeting:** To provide advice and recommendations concerning the scope of REU Site proposals submitted to NSF for financial support in the Division of Social, Behavioral, and Economic Research.

**Agenda:** To review and evaluate proposal scope and criteria as part of the selection process for awards.

**Reason for Closing:** The information being reviewed includes information of proprietary or confidential nature. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

**Reason for Late Notice:** Difficulty in arranging for a suitable meeting date for all of the panelists.

Dated: November 14, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-28472 Filed 11-21-95; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

### Public Hearing in New York: Railroad Accident

In connection with its investigation of the Rear End Collision of New York City Transit 0531-J Passenger Train With New York City Transit 0548-M Passenger Train on the Williamsburg Bridge, Between the Boroughs of Manhattan and Brooklyn, in the City of New York, on June 5, 1995, the National Transportation Safety Board will convene a public hearing at 9:00 a.m., (est) on November 29 and 30, 1995, at the Borough of Manhattan Community

College Conference Center, 30 West Broadway at the corner of Park Place, 14th Floor, in New York. For more information, contact Alan Pollock, Office of Public Affairs, Washington, D.C. 20594, telephone (202) 382-0660.

Dated: November 17, 1995.

Bea Hardesty,

*Federal Register Liaison Officer.*

[FR Doc. 95-28548 Filed 11-21-95; 8:45 am]

BILLING CODE 7533-01-P

## POSTAL RATE COMMISSION

[Order No. 1087, Docket No. A96-3]

### Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued November 15, 1995.

Before Commissioners: Edward J. Gleiman, Chairman; W.H. "Trey" LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.

In the Matter of: Weston, Michigan 49289 (Donald Buehrer, Petitioner).

*Docket Number:* A96-3.

*Name of Affected Post Office:* Weston, Michigan 49289.

*Name(s) of Petitioner(s):* Donald Buehrer.

*Type of Determination:* Closing.

*Date of Filing of Appeal Papers:* November 7, 1995.

*Categories of Issues Apparently Raised:* 1. Effect on postal services [39 U.S.C. 404(b)(2)(C)]. 2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

### The Commission Orders

(a) The Postal Service shall file the record in this appeal by November 22, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,  
*Secretary.*

### Appendix

November 7, 1995

Filing of Appeal letter

November 15, 1995

Commission Notice and Order of Filing of Appeal

December 1, 1995

Last day of filing of petitions to intervene [see 39 C.F.R. § 3001.111(b)]

December 12, 1995

Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. § 3001.115(a) and (b)]

January 2, 1996

Postal Service's Answering Brief [see 39 C.F.R. § 3001.115(c)]

January 16, 1996

Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. § 3001.115(d)]

January 23, 1996

Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. § 3001.116]

March 6, 1996

Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95-28519 Filed 11-21-95; 8:45 am]

BILLING CODE 7710-FW-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Intent to Rule on Application to Use the Revenue From a Passenger Facility Charge (PFC) at Baton Rouge Metropolitan Airport, Baton Rouge, Louisiana

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Baton Rouge Metropolitan Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before December 22, 1995.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW-610D, Forth Worth, Texas 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Anthony J. Marino, Director of Aviation, Baton Rouge Metropolitan Airport at the following address: Mr. Anthony J. Marino, Director of Aviation, Baton Rouge Metropolitan Airport, Suite 212, Terminal Building, Baton Rouge, LA 70807.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW-610D, Fort Worth, Texas 76193-0610, (817) 222-5614.

The application may be reviewed in person at the same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Baton Rouge Metropolitan Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 27, 1995, the FAA determined that the application to use the revenue from a PFC submitted by the Baton Rouge Metropolitan Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 17, 1996.

The following is a brief overview of the application.

*Level of the proposed PFC:* \$3.00.

*Charge effective date:* December 1, 1992.

*Proposed charge expiration date:* December 1, 1988.

*Total estimated PFC revenue:* 1,290,899.

*PFC application number:* 95-03-U-00-BTR.

*Brief description of proposed project(s):*

Projects to use PFC's: Terminal Concept Study, Terminal Design,

Acquire Parcels 5 (delete), and Acquire Parcel 6 (delete).

Proposed class or classes of air carriers to be exempted from collecting PFC's:

FAR Part 135 on-demand air taxis, fixed-wing and rotary, and Part 121 supplemental operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW-610D, 2601 Meacham Boulevard, Fort Worth, Texas 76137-4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Baton Rouge Metropolitan Airport.

Issued in Forth Worth, Texas on November 9, 1995.

Edward N. Agnew,

*Acting Manager, Airports Division.*

[FR Doc. 95-28479 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-13-M

**Intent to Rule on Application to Impose Only and Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Phoenix Sky Harbor International Airport, Phoenix, Arizona**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose only, and impose and use PFC revenue from a PFC at Phoenix Sky Harbor International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 as recodified by Title 49 U.S.C. 40117 [C(3)] and 14 CFR, part 158. On October 27, 1995, the FAA determined that the application to use the revenue from a PFC submitted by the City of Phoenix was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 27, 1996.

**DATES:** Comments must be received on or before December 22, 1995.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following

address: Airports Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA., 90009. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Fred Simon, City of Phoenix, 3400 Sky Harbor Boulevard, Phoenix, Arizona, 85034. Comments from air carriers may be in the same form as provided to the City of Phoenix under section 158.23 of FAR part 158.

**FOR FURTHER INFORMATION CONTACT:**

Mr. John P. Milligan, Supervisor Standards Section, Airports Division, P.O. Box 92007, WPC, Los Angeles, CA 90009, Telephone: (310) 725-3621. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose only and impose and use the revenue from a PFC at the Phoenix Sky Harbor International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508 as recodified by Title 49 U.S.C. 40117 [C(3)] and part 158 of the Federal Aviation Regulations (14 CFR part 158). On October 27, 1995, the FAA determined that the application to impose only and impose and use the revenue from a PFC submitted by the City of Phoenix was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 27, 1996.

The following is a brief overview of the application:

Level of the Proposed PFC: \$3.00.  
Proposed Charge Effective Date: April 1, 1996.

Proposed Charge Expiration Date: January 31, 1998.

Total Estimated PFC Revenue: \$80,978,000.

*Brief description of the proposed projects—Impose and Use:*

AWP-95-01-C-PHX

Build out Terminal 4 Concourse N-4—  
Total \$7,000,000

Noise Mitigation Efforts—Total  
\$4,000,000

Realign Taxiway F to Eliminate Jog—  
Total \$1,250,000

Combined Third Runway Project—Total  
\$66,853,000

*Impose only:*

AWP-95-01-C-PHX

Extend North Runway West End—Total  
\$1,875,000

Class or classes of air carriers which the public agency has requested not be

required to collect PFCs: ATCO, Air Taxi/Commercial Operators: CAC, Commuters or Small Certificated Air Carriers with less than 7,500 enplanements each annually: CRAC, Large Certificated Route Air Carriers providing non-scheduled service with less than 7,500 enplanements each annually.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application, in person at the City of Phoenix Aviation Administration Office.

Issued in Hawthorne, Calif., on November 1, 1995.

Herman C. Bliss,

*Manager, Airports Division, Western-Pacific Region.*

[FR Doc. 95-28480 Filed 11-21-95; 8:45 am]

BILLING CODE 4910-13-M

**Federal Highway Administration**

**Federal Transit Administration**

[FHWA/FTA Docket No. 95-9]

**Notification of FY 96 Reviews**

**AGENCIES:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

**ACTION:** Notice; request for comments.

**SUMMARY:** On April 28, 1994, the FHWA and the FTA Administrators jointly issued guidance to their respective regional administrators on the implementation of the Federal certification of the metropolitan planning process in transportation management area (TMA) planning areas. This notice announces the schedule of FY 1996 reviews as known at this time. The FHWA and the FTA are planning approximately 60 certification and 3 enhanced planning (EPR) reviews for FY 1996. This will complete the first full cycle of certification reviews, of the approximately 140 TMA planning processes, under ISTEA. Additional EPRs and future planning certifications will be announced through the Federal Register. Interested parties are invited to submit comments on the individual planning processes to be reviewed. **DATES:** Comments on metropolitan planning processes under review must be received within sixty (60) days of the scheduled site review in order to be considered during the certification review process. Where reviews have already been completed prior to the publication of this notice, parties

interested in commenting on these metropolitan planning processes should immediately contact Sheldon Edner (see following paragraph for phone number and address and further instructions). Where dates are to be announced, a supplemental notice announcing these dates will be issued when the specific dates are confirmed.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Sheldon Edner, Metropolitan Planning Division (HEP-20), (202) 366-4066 (metropolitan planning) or Mr. Reid Alsop, FHWA Office of the Chief Counsel (HCC-31), (202) 366-1371. For the FTA: Ms. Deborah Burns, Metropolitan Planning Division (TPL-12), (202) 366-1637 or Mr. Scott Biehl, FTA Office of the Chief Counsel (TCC-40), (202) 366-4063. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590. Office hours for FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

**ADDRESSES:** Submit written, signed comments to Docket Number 95-9, Federal Highway Administration, Room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at this address during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday. Those desiring notification of receipt of comments must enclose a self-addressed, stamped postcard.

**SUPPLEMENTARY INFORMATION:** Sections 1024, 1025, and 3012 of the Intermodal Surface Transportation Efficiency Act

(ISTEA), Public Law 102-240, 105 Stat. 1914, 1955, 1962, and 2098, amended 23 U.S.C. 134 and 135 and Section 8 of the Federal Transit Act (now codified at 49 U.S.C 5303, 5304, and 5305) to require a continuing, comprehensive, and coordinated transportation planning process in metropolitan areas and States. The FHWA and the FTA revised their previous metropolitan planning regulations to implement these changes and published the final regulations on October 28, 1993 (58 FR 58040).

**General**

*Public Involvement in Certification Process*

The FHWA and the FTA are soliciting public comment on the planning processes of the FY 1996 certification review sites identified below. The agencies are particularly interested in input regarding the strengths and weaknesses of the planning process in light of the requirements identified in 23 CFR part 450 subpart C. Additionally, the views of local officials and the public are welcomed regarding the use of the planning process in transportation investment decisions.

*Schedule of FY 1996 Certification Reviews*

The following schedule is subject to revision. Changes will be announced in the Federal Register. Parties interested in providing comments on the metropolitan transportation planning processes in the identified areas should submit them directly to FHWA/FTA Docket 95-9 identified above, clearly identifying the metropolitan area that

the comments address. Except where the certification review was completed prior to the publication of this notice, comments on metropolitan planning processes under review must be received within 60 days of the scheduled review in order to be considered during the certification review process. Where the review was completed prior to publication of this notice, interested parties wishing to make comments on a particular certification must contact Sheldon Edner within two weeks of the date of publication of this notice to assure that their comments will be considered. Where dates for a planned certification review have not been established, please contact the appropriate FHWA Division office for the dates.

The site visits are intended to provide an opportunity for the FHWA and FTA review team to solicit information from the metropolitan planning organizations (MPO), State DOTs and transit agencies regarding the implementation of the planning process. In addition, the team will be experimenting with alternative mechanisms for soliciting public and local official input. Each relevant MPO is being asked to provide public notice, through its regular public notice processes, of the review and the opportunity to provide public input to the review team. Public officials should contact the appropriate MPO to identify processes set up to solicit local government input.

The results of the certification reviews will be made public through the regular MPO public information process at a time to be set by the MPO policy board.

Region/State/TMA	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
Region 1/2:												
Connecticut:												
Bridgeport-Milford .....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....	.....	.....
Massachusetts:												
Boston .....	17/20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island:												
Providence-Pawtuck (RI lead) .....	.....	.....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....
Providence-Pawtuck (MA lead) .....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....	.....	.....
New York:												
Rochester .....	.....	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....
New York:												
Northeast NJ .....	.....	.....	.....	.....	.....	.....	.....	.....	X	.....	.....	.....
Syracuse .....	.....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....	.....
Region 3:												
Delaware:												
Wilmington DE-NJ-MD-PA .....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....	.....	.....
District of Columbia:												
DC .....	.....	.....	.....	.....	.....	X	.....	.....	.....	.....	.....	.....
Pennsylvania:												
Harrisburg .....	.....	.....	.....	25/26	.....	.....	.....	.....	.....	.....	.....	.....
Philadelphia .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pittsburgh .....	.....	.....	.....	.....	.....	.....	4/29-5/1	.....	.....	.....	.....	.....



Region/State/TMA	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
Colorado:												
Colorado Springs .....		28/30										
Utah:												
Salt Lake City Ogden .					X							
REGION 9:												
California:												
Bakersfield .....							X					
Oakland-San Fran- cisco (EPA in early November; certifi- cation in early Spring) .....		10/30- 11/3										
Modesto .....						X						
Sacramento .....						X						
Hawaii:												
Honolulu .....			X									
Nevada:												
Reno .....							X					
Las Vegas .....							X					
REGION 10:												
Alaska:												
Anchorage .....									X			
Washington:												
Seattle .....				X								

NOTE: "X" indicates month of certification review; dates are specified where they are scheduled.

### *Guidance and Responsibility*

The FHWA and the FTA published guidance on the certification of planning processes (59 FR 42873). The guidance indicated that the primary responsibility for the certification process rested with the respective regional offices of the FHWA and the FTA. The preparatory work and analysis would be conducted by the appropriate division office of the FHWA, as a prelude to a site visit by representatives of both agencies to the metropolitan planning area to be certified. During the site visit, the FHWA and FTA representatives would, in addition to meeting with representatives of the MPO, State DOTs and transit agencies serving the metropolitan planning area,

also provide an opportunity to meet with elected local officials of the principal local governments in the area and citizens. The purpose of these meetings is to afford the officials and citizens an opportunity to provide input to the certification decision in terms of the performance of the planning process.

As indicated above, the MPO and/or State DOT or transit operator may make arrangements for these meetings through their normal procedures. Other alternatives are acceptable based on arrangements between the Federal agencies and the appropriate transportation planning agencies. Officials and citizens wishing to obtain information regarding the process of providing input should contact the MPO

for the metropolitan planning areas identified above. Alternatively, the Transportation Planner or Planning and Research Engineer for the appropriate Division office of the FHWA also can provide this information. Each FHWA Division office is located in or near the capitol of each State.

Authority: 23 U.S.C. 315; 49 CFR 1.48; Pub. L. 102-240, sections 1024, 1025, 3012; 105 Stat. 1914, 1955, 1962, and 2098.

Issued on: November 9, 1995.

Rodney E. Slater,

*Federal Highway Administrator.*

Gordon J. Linton,

*Federal Transit Administrator.*

[FR Doc. 95-28465 Filed 11-21-95; 8:45 am]

**BILLING CODE 4910-22-P**



# Sunshine Act Meetings

Federal Register

Vol. 60, No. 225

Wednesday, November 22, 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).

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## DEPARTMENT OF INTERIOR

Blackstone River Valley National Heritage Corridor

### Notice of Meeting

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, December 7, 1995.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7:00 pm at Blackstone Town Hall, 15 St Paul Street, Blackstone, MA for the following reasons:

1. Presentation by the Town of Blackstone
2. Annual Report
3. Commission Business

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to:

James R. Pepper, Executive Director,  
Blackstone River Valley National  
Heritage Corridor Commission, One  
Depot Square, Woonsocket, RI 02895,  
Tel.: (401) 762-0250

Further information concerning this meeting may be obtained from James R. Pepper, Executive Director of the Commission at the aforementioned address.

James R. Pepper,

*Executive Director BRVNHCC.*

[FR Doc. 95-28721 Filed 11-20-95; 3:11 pm]

BILLING CODE 4310-70-P

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## FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting Scheduled For November 20, 1995, Cancelled

The Federal Communications Commission has cancelled the open

meeting on the subjects listed below, previously scheduled for Monday, November 20, 1995, at 1919 M St. NW., Washington, DC.

### Item No., Bureau, 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 20, 1995.

Federal Communication Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 95-28723 Filed 11-20-95; 3:12 pm]

BILLING CODE 6712-01-F

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:47 a.m. on Tuesday, November 14, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) reports of the Office of Inspector General and (2) matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Dated: November 14, 1995.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

*Deputy Executive Secretary.*

[FR Doc. 95-28510 Filed 11-20-95; 9:20 am]

BILLING CODE 6714-01-M

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, November 16, 1995.

**PLACE:** Room 600, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *Thunder Basin Coal Co.*, Docket Nos. WEST 94-148-R, WEST 94-303. (Issues include whether the judge erred in concluding that section 109(a) of the Mine Act does not require mine bulletin board posting of an Order of Temporary Reinstatement.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 653-5629 / for toll free TDD Relay 1-800-877-8339.

Dated: November 9, 1995.

Jean H. Ellen,

*Chief Docket Clerk.*

[FR Doc. 95-28645 Filed 11-20-95; 3:09 pm]

**BILLING CODE 6735-01-M**

#### **BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 10:00 a.m., Wednesday, November 22, 1995.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

#### *Summary Agenda*

Because of its routine nature, no discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Publication for comment of a proposed rule concerning the definition of capital and surplus under section 23A of the Federal Reserve Act.

2. Any items carried forward from a previously announced meeting.

#### *Discussion Agenda*

Please Note That No Discussion Items Are Scheduled for This Meeting.

Note: If an item is moved from the Summary Agenda to the Discussion Agenda, discussion of the item will be recorded. Cassettes will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 14, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 95-28593 Filed 11-20-95; 10:33 am]

**BILLING CODE 6210-01-P**

#### **BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** Approximately 10:15 a.m., Wednesday, November 22, 1995, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Proposed acquisition of automated data processing equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 14, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 95-28594 Filed 11-20-95; 10:33 am]

**BILLING CODE 6210-01-P**

#### **BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 11:00 a.m., Monday, November 27, 1995.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 17, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 95-28595 Filed 11-20-95; 10:33 am]

**BILLING CODE 6210-01-P**

#### **INTER-AMERICAN FOUNDATION BOARD MEETING**

**TIME AND DATE:** November 28, 1995, 3:00-6:00 p.m.

**PLACE:** 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

**STATUS:** Closed session as provided in 22 CFR Part 1004.4(b).

**MATTERS TO BE CONSIDERED:** Executive Session on Personnel Implications in Fiscal Year 1996 (closed session).

**CONTACT PERSON FOR MORE INFORMATION:** Adolfo A. Franco, Secretary to the Board of Directors, (703) 841-3894.

Dated: November 16, 1995.

Adolfo A. Franco,

*Sunshine Act Officer.*

[FR Doc. 95-28538 Filed 11-20-95; 8:45 am]

**BILLING CODE 7025-01-M**

#### **NATIONAL TRANSPORTATION SAFETY BOARD**

**TIME AND DATE:** 9:30 a.m., Tuesday, November 28, 1995.

**PLACE:** The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

6465A—Safety Study: Aviation Safety in Alaska.

6530A—Highway Accident Report: Tractor Trailer Collision in Fog With Fire Near Menifee, Arkansas, January 9, 1995.

**NEWS MEDIA CONTACT:** Telephone: (202) 382-0660.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Dated: November 17, 1995.

Bea Hardesty,

*Federal Register Liaison Officer.*

[FR Doc. 95-28547 Filed 11-20-95; 8:45 am]

**BILLING CODE 7533-01-P**

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Weeks of November 20, 27, December 4, and 11, 1995.

**PLACE:** Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

**MATTERS TO BE CONSIDERED:**

Week of November 20

There are no meetings scheduled for the Week of November 20.

Week of November 27—Tentative

There are no meetings scheduled for the Week of November 27.

Week of December 4—Tentative

*Friday, December 8*

1:00 p.m.

Discussion on Full Power Operating License for Watts Bar (Public Meeting)  
(Contact: Fred Hebdon, 301-415-2024)

3:15 p.m.

Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)  
(Contact: John Larkins, 301-415-7360)

Week of December 11—Tentative

*Tuesday, December 12*

10:00 a.m.

Briefing by DOE on Status of High Level Waste Program (Public Meeting)

2:00 p.m.

Briefing on Materials Events Data Base (Public Meeting)

*Thursday, December 14*

10:00 a.m.

Briefing on Industry Restructuring and Deregulation (Public Meeting)

2:00 p.m.

Briefing on EEO Program (Public Meeting)

**ADDITIONAL INFORMATION:** Affirmation of "Restart of the Browns Ferry Nuclear Plant Unit 3" (Public Meeting) was held on November 15.

Note: The Nuclear Regulatory Commission is operating under a delegation of authority to Chairman Shirley Ann Jackson, because with three vacancies on the Commission, it is temporarily without a quorum. As a legal matter, therefore, the Sunshine Act does not apply; but in the interests of openness and public accountability, the Commission will conduct business as though the Sunshine Act were applicable.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill (301) 415-1661.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1963).

In addition, distribution of this meeting notice over the Internet system is available.

If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

Dated: November 16, 1995.

William M. Hill, Jr.,  
*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 95-28596 Filed 11-20-95; 10:34 am]

**BILLING CODE 7590-01-M**

**POSTAL RATE COMMISSION**

**TIME AND DATE:** Periodic meetings scheduled on short notice will be held between November 27, 1995 and January 12, 1996.

**PLACE:** Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** To discuss and vote on issues in Docket No. MC95-1, Mail Classification Schedule, 1995—Classification Reform, I.

**CONTACT PERSON FOR MORE INFORMATION:** Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268-0001, Telephone (202) 789-6840.

Margaret P. Crenshaw,  
*Secretary.*

[FR Doc. 95-28526 Filed 11-20-95; 8:45 am]

**BILLING CODE 7710-FW-P**

# Reader Aids

Federal Register

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**H.R. 436/P.L. 104-55**

Edible Oil Regulatory Reform Act (Nov. 20, 1995; 109 Stat. 546)

**H.J. Res. 122/P.L. 104-56**

Making further continuing appropriations for the fiscal year 1996, and for other purposes. (Nov. 20, 1995; 109 Stat. 548)

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