4–11–96
Vol. 61 No. 71
Pages 16043–16202

Federal Register

Thursday
April 11, 1996

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC and Raleigh, NC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids gpo.gov; by faxing to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

The annual subscription price for the Federal Register paper edition is $494, or $544 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 61 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806
General online information	202–512–1530
Single copies/back copies:	
Paper or fiche	512–1800
Assistance with public single copies	512–1803
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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.

RALEIGH, NC

WHEN: April 16, 1996 at 9:00 am
WHERE: Federal Building and U.S. Courthouse, Room 209, 310 New Bern Avenue, Raleigh, NC 27601
RESERVATIONS: 1–800–688–9889

WASHINGTON, DC

WHEN: April 23, 1996 at 9:00 am
WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

Contents

Federal Register

Vol. 61, No. 71

Thursday, April 11, 1996

Separate Parts In This Issue

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
Ch. XIV 16043

10 CFR

Proposed Rules:
73.....16067

20 CFR

Proposed Rules:
348.....16067

21 CFR
803.....16043
807.....16043

24 CFR
215.....16172
236.....16172
811.....16172
813.....16172
913.....16172
950.....16172

32 CFR
865.....16046

40 CFR
51.....16050
52.....16050
70.....16063

Proposed Rules:
51.....16068
52.....16068
300.....16068

49 CFR
1154.....16066

Proposed Rules:
571.....16073

50 CFR

Proposed Rules:
646.....16076
675.....16085
686.....16076

Rules and Regulations

Federal Register
Vol. 61, No. 71
Thursday, April 11, 1996

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Amendment to Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority

AGENCY: Federal Labor Relations Authority.

ACTION: Amendment to appendix to rules.

SUMMARY: This document amends Appendix B to 5 CFR Ch. XIV—Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority. It clarifies the General Counsel's delegated authority to appoint acting Regional Directors when Regional Director positions become vacant.

EFFECTIVE DATE: This amendment was effective Wednesday, April 3, 1996.

FOR FURTHER INFORMATION CONTACT: Solly Thomas, Executive Director, Federal Labor Relations Authority, at (202) 482–6560.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority were established by Reorganization Plan No. 2 of 1978, effective January 1, 1979. Since January 11, 1979, the provisions of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7101–7135) (Statute) have governed the operations of the Authority and its General Counsel. The Authority separately stated and published in the Federal Register (44 FR 44777) on July 30, 1979, and republished on January 17, 1980 (45 FR 3255), a memorandum of the Authority describing the authority and assigned responsibilities of its General Counsel. The Authority subsequently published an amendment to the memorandum on June 23, 1983 (48 FR 28814). Pursuant to 5 U.S.C. 552(a)(1), the Authority hereby states and publishes in the Federal Register the following further amendment to the memorandum.

Accordingly, under the authority of 5 U.S.C. 552(a)(1), Section III, *Personnel*, of appendix B to 5 CFR Ch. XIV is revised to read as follows:

Appendix B to 5 CFR Ch. XIV—Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority

* * * * *

III. Personnel. Under 5 U.S.C. 7105(d), the Authority is authorized to appoint Regional Directors. In order better to ensure the effective exercise of the duties and responsibilities of the General Counsel described above, the General Counsel is delegated authority to recommend the appointment, transfer, demotion or discharge of any Regional Director. However, such actions may be taken only with the approval of the Authority. In the event of a vacant Regional Director position, the General Counsel may, without the approval of the Authority, detail personnel as acting Regional Director for a total period of up to 120 days commencing on the day the position becomes vacant. If the position remains vacant for more than 120 days, a detail must be approved by the Authority. Other details of personnel to act as Regional Director during periods when there is an incumbent in the position shall be accomplished by the General Counsel without the approval of the Authority. The General Counsel shall have authority to direct and supervise the Regional Directors. Under 5 U.S.C. 7104(f)(3), the General Counsel shall have direct authority over, and responsibility for all employees in the Office of the General Counsel and all personnel of the General Counsel in the field offices of the Authority. This includes full and final authority subject to applicable laws and rules, regulations and procedures of the Office of Personnel Management and the Authority over the selection, retention, transfer, promotion, demotion, discipline, discharge and in all other respects of such personnel except the detail in the event of a vacancy for a period in excess of 120 days, appointment, transfer, demotion or discharge of any Regional Director. Further, the establishment, transfer, or elimination of any Regional Office or non-Regional Office duty location may be accomplished only with the approval of the Authority. The Authority will provide such administrative support functions, including personnel management, financial management and procurement functions, through the Office of Administration of the Authority as are required by the General Counsel to carry out the General Counsel's statutory and prescribed functions.

Dated: April 4, 1996.

For the Authority.

Solly Thomas,

Executive Director, Federal Labor Relations Authority.

[FR Doc. 96–9018 Filed 4–10–96; 8:45 am]

BILLING CODE 6727–01–P]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 803 and 807

[Docket No. 91N–0295]

RIN 0910–AA09

Medical Devices; Medical Device User Facility and Manufacturer Reporting, Certification and Registration; Office of Management and Budget Approval; Extension of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; notification of approval of information collection requirements.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved the collection of information requirements in the final rule on medical device user facility and manufacturer reporting, certification and registration. In addition, FDA is extending to July 31, 1996, the effective date of the final rule in response to requests and in order to allow sufficient time for user facilities and manufacturers to implement procedures to comply with the final rule. The final rule was published in the Federal Register of December 11, 1995 (60 FR 63578).

EFFECTIVE DATE: July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Earl W. Robinson, Center for Devices and Radiological Health (HFZ–530), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–2735.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 11, 1995

(60 FR 63578), FDA published a final rule (21 CFR parts 803 and 807) requiring medical device user facilities and manufacturers to report adverse events related to medical devices under a uniform reporting system. In the preamble to the final rule (60 FR 63578 at 63596), FDA announced that the collection of information requirements contained in the final rule had been submitted to OMB for approval under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The agency also requested public comment on the information collection requirements by January 10, 1996. The agency further stated that these collection of information requirements would not become effective until FDA obtained OMB approval of them, and that FDA would publish in the Federal Register a notice of OMB's decision to approve, modify, or disapprove them.

FDA received 26 comments regarding the information collection requirements. Comments were reviewed by both FDA and OMB. On February 23, 1996, OMB sent FDA a notice of action stating that the collection of information requirements are approved for use through February 28, 1999, under OMB control number 0910–0059. Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

In response to comments to the information collection requirements, FDA is changing the effective date of the final rule and providing certain clarifications and guidance regarding requirements of the final rule.

1. Several comments requested that the date of the final rule be extended to allow manufacturers and user facilities additional time to set up procedures to implement the new requirements. These comments stated that the effective date of the final rule, April 11, 1996, would not allow them enough time after approval of the forms to set up reporting procedures, databases, and train personnel. FDA agrees that reporting entities need additional time to set up reporting procedures. FDA, on the basis of these comments on the information collection, is extending that comment period to July 31, 1996, without further notice and comment procedures.

The Administrative Procedure Act and FDA regulations provide that the agency may issue a regulation without notice and comment procedures when the agency for good cause finds (and incorporates the finding and a brief statement of reasons thereof in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(8); 21 CFR 10.40(e)(1)). FDA finds that there is good cause for dispensing with notice and comment procedures to extend the effective date of the final rule because such procedures are impracticable, unnecessary, and contrary to the public interest.

First, notice and comment rulemaking on the extension of the effective date is impracticable. FDA was unable to prepare and issue notice of the extension of the effective date until April 11, 1996. Because the final rule's effective date is April 11, 1996, there is not enough time for FDA to solicit a new round of notice and comment before the effective date. Although the final rule informing reporting entities of the new requirements was published on December 11, 1995, reporters have not known what forms would be required until the issuance of this notice. Without the forms, reporting entities have heretofore been unable to set up their reporting procedures and databases or train personnel. Adequate procedures and training will ensure that reporters generate reports that contain meaningful information that will allow FDA efficiently evaluate adverse events. FDA believes that reporting entities need until July 31, 1996, to set up adequate procedures to implement the new reporting requirements.

Second, engaging in notice and comment rulemaking is unnecessary. The public has already had two separate opportunities to comment on the effective date; the first in response to the request in the tentative final rule for comments, and the second in response to the request in the request in the final rule for comments relating to the information collection requirements. All of the comments FDA has received are in favor of extending the effective date to allow reporters adequate time to set up procedures to implement the new regulations. FDA does not believe another round of notice and comment is necessary on an issue that has already received two rounds of public comment.

Third, notice and comment rulemaking is contrary to the public interest. Extending the effective date of the rule without notice and comment allows reporters immediate certainty as to the timeframes that they have to set up procedures to implement the new reporting requirements. If FDA did not provide a definite effective date, reporters may bear additional expense and hardship in setting up inefficient interim procedures in order to be ready to report on a certain date, when that date may ultimately be extended. Moreover, because reports generated under interim procedures would be processed without adequate time to implement proper training and procedures, such reports may be of poor quality that would preclude both reporters and FDA from obtaining information to evaluate adverse events effectively. Certain knowledge of the date the regulation will be effective will allow reporters to know the exact timeframe that will allow them to implement procedures to effectively evaluate and submit reports.

For all the reasons stated above, FDA concludes, under 5 U.S.C. 553(b)(B) and 21 CFR 10.40(e)(1), there is good cause for extending the effective date of the final rule without notice and comment procedures. Consistent with its own procedural regulations, however, FDA is providing an opportunity for comment on its decision to delay the effective date of the final regulation until July 31, 1996.

2. Several comments stated that FDA should reconsider requiring a baseline report (FDA Form 3417) for each model number because reporters would have to submit many separate baseline reports for virtually identical devices that have option and accessory packages that are identified by a model number variation, such as a prefix or suffix.

Section 803.55 requires that a manufacturer shall submit a baseline report for a device when the device *model* is first reported under § 803.50. The regulation does not require a baseline report for every model number variation. FDA does not believe that the regulation requires a separate baseline report for every model number variation, if the variation could not affect the device's safety or effectiveness. If a manufacturer groups model numbers, it should list each model number variation on the baseline report that is included (e.g., basic model number 900; model number variations, R900, 900C, 900D, and R900C). FDA will match the variations of the model number reported on form 3500A to the list of model numbers provided on the baseline reports.

3. Comments requested further clarification on the definition of ''device family'' (§ 803.3(e)) that is used to identify similar groups of devices on the manufacturer baseline report. FDA classified and revised § 803.3(e) to define ''device family'' as devices that have the same basic design and performance characteristics related to safety and effectiveness, intended use and function, and device classification and product code. Devices that differ only in minor ways not related to safety or effectiveness can be considered to be in the same device family. Factors such as brand name and common name of the device and whether the devices were

introduced into commercial distribution under the same 510(k) or premarket approval application, may be considered in grouping products into device families.As part of implementation of the final regulation, FDA will provide further information, guidance and examples.

4. Comments objected to the requirement on the annual certification form for manufacturers (FDA Form 3381) that the firm certify not only the number of reports submitted during the 12-month period for which the certification is submitted, but also that this number constitutes all the reportable events for which the firm is responsible during that period.

FDA responded to similar comments in the preamble to the final rule (60 FR 63578 at 63591). For the reasons stated therein, FDA still believes that it is necessary and within FDA's statutory authority to require that manufacturers certify that they have submitted all reportable events to FDA. FDA believes that certification is an important means of increasing the effectiveness of the Medical Device Reporting (MDR) system. FDA, however, realizes that there may be situations, hopefully rare, when a manufacturer, for example, did not ''become aware,'' as defined in 803.1(c) (21 CFR 803.1(c)), of information reasonably suggesting a reportable event has occurred, and therefore could not have submitted a report, or there may be an occasional instance of miscounting the number of reports. FDA, therefore, has determined that it is appropriate for manufacturers to state that they are certifying the statements on FDA Form 3381 to the best of their knowledge. FDA has revised the form accordingly. It now states:

I certify that, to the best of my knowledge, the firms listed in item 3. above either submitted the MDR indicated above during the stated reporting period and that this number represents the submissions for all appropriately reportable MDR events or that the firm listed above did not receive any MDR reportable events during this time period. I also certify that, to the best of my knowledge, the statements and information presented in this submission are truthful and accurate.

5. Comments objected to the requirement that annual updates to baseline reports be submitted on the anniversary date of the initial baseline report. The comments noted that, for companies who submit baseline reports for numerous devices, they would have to keep track of many different submission dates for update baseline reports. The comments suggested that manufacturers be allowed to submit all baseline updates on a single date, e.g., the date on which annual certification is required.

FDA agrees with the comments and believes that it is an acceptable interpretation of the regulation to allow an annual update on the date on which the annual certification is due.

Section 803.55(a) requires that a manufacturer shall submit its first baseline report ''for a device when the device model is first reported under § 803.50'' (i.e., an individual adverse event report). Section 803.55(b) requires that each baseline report shall be updated annually, on the anniversary month of the initial submission. The time a manufacturer is required to submit the update of their baseline report under § 803.55(b), is therefore contingent upon the time a manufacturer is considered to have ''first reported'' an adverse event for a particular device model.

FDA believes that a manufacturer could interpret § 803.55(a) to mean that the first baseline report update could be submitted on the date a firm is required to submit its next certification. Accordingly, the firm could thereafter submit its annual baseline update report on the date of the firm's next annual certification. For example, if a manufacturer submits its first adverse event baseline report for a device on March 1, 1996, it could submit its first baseline report on the date of its next certification report, November 1, 1996. Thereafter, it would submit its update baseline report on November 1, 1997.

FDA intends to make a guidance document on the final rule available during April 1996, and will announce it's availability in the Federal Register. FDA also intends to hold a nationwide teleconference by satellite on May 7, 1996, during which FDA officials will speak on the final rule and be available to answer questions. When more details are available, FDA will publicize these initiatives through the Facts-on-Demand system administered by FDA's Division of Small Manufacturers Assistance, Center for Devices and Radiological Health, and the electronic docket. To access this information through Facts-on-Demand dial 1–800–899–0381 (outside MD) or 1–301–827–0111 (inside MD) and enter document number 799.

Dated: March 30, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8970 Filed 4–5–96; 3:26 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 811

[Docket No. FR–3985–C–02]

RIN 2502–AG64

Office of the Assistant Secretary for Housing-Federal Housing Commissioner: Regulatory Reinvention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments; Final Rule; Correction

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

ACTION: Final rule; correction.

SUMMARY: On April 1, 1996 (61 FR 14456), HUD published a final rule streamlining its regulations governing the tax exemption of obligations of public housing agencies. The preamble to the April 1, 1996 final rule stated that HUD was removing subpart B of 24 CFR part 811. However, the rule's regulatory text did not contain an amendatory instruction removing this subpart. The purpose of this document is to correct the April 1, 1996 final rule by removing 24 CFR part 811, subpart B.

FOR FURTHER INFORMATION CONTACT: James Mitchell, Director, Financial Services Division, Department of Housing and Urban Development, 470 L'Enfant Plaza East, room 3120, Washington, DC 20024, telephone number (202) 708–7450, ext. 125 (this is not a toll-free number). For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton issued a memorandum to all Federal departments and agencies regarding regulatory reinvention. In response to this memorandum, HUD conducted a page-by-page review of its regulations to determine which could be eliminated, consolidated, or otherwise improved. As part of this review, HUD examined its regulations at 24 CFR part 811, which govern the tax exemption of obligations of public housing agencies. HUD determined that 24 CFR part 811 could be improved and streamlined by eliminating unnecessary provisions.

On April 1, 1996 (61 FR 14456), HUD published a final rule which streamlined part 811 by eliminating provisions that were redundant of statutes or otherwise unnecessary. The program described in subpart B of part 811, concerning the purchase of GNMA

guaranteed mortgage-backed securities with tax exempt obligations, had never been implemented by HUD. Accordingly, the preamble to the April 1, 1996 final rule stated that HUD was removing this subpart. However, the regulatory text of the final rule did not contain an amendatory instruction removing 24 CFR part 811, subpart B. This document makes the necessary correction.

Accordingly, FR-Doc. 7949, a final rule published in the Federal Register on April 1, 1996 (61 FR 14456) is corrected by adding an amendatory instruction number 13 to the end of the document on page 14463 to remove subpart B of 24 CFR part 811, to read as follows:

Subpart B—[Removed]

13. Subpart B, consisting of §§ 811.201 through 811.211, is removed.

Dated: April 5, 1996.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 96–8975 Filed 4–10–96; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 865

RIN 0701–AA43

Personnel Review Boards

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force has revised Part 865, Subpart A of Subchapter G, Title 32 of the Code of Federal Regulations, which provides for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for Correction of Military Records.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John J. D'Orazio, Chief Examiner, (301) 981–3502.

SUPPLEMENTARY INFORMATION: On July 26, 1994, the Department of the Air Force published (at 59 FR 37953) a proposed rule changing the procedures for making applications, and consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for Correction of Military Records. The following summarizes the major comments received and action taken:

Two commentors stated that the rule should be amended to include specific references concerning other administrative remedies which must be exhausted prior to the submission of an application to the Board (§ 865.4(l)(3)). Information related to this rule is contained in Air Force Pamphlet (AFP) 36–2607, Applicant's Guide to the Air Force Board for Correction of Military Records (AFBCMR), dated 3 November 1994. In addition, it is normally expected that an active member would be made aware of any available administrative remedies by seeking advice from personnel at their local Military Personnel Flight (MPF). Furthermore, exhausting administrative remedies also refers to cases where an application for correction of records is submitted by members or former members and authorities at the MPF or the Air Force Personnel Center, Randolph AFB, Texas, determine that an error exists and that administrative relief may be effected by the Air Force office of primary responsibility without referring the appeal to the Board. The only other organization to which a former member must apply prior to submitting an application to the AFBCMR is the Air Force Discharge Review Board (AFDRB), which operates under its own statute (10 U.S.C. 1553) and Air Force Instruction (AFI) 36–2023, dated 14 October 1994. In view of the above, and, since the cited information is already available through other sources and would be made known to applicants who are inquiring about the Board process, amendment of the rule to include this information is deemed unnecessary.

Two commentors suggested that the rule should be amended to state that time spent exhausting administrative remedies tolls the three-year time limit (§ 865.3(f)). The Board takes the position that, for practical reasons, efforts to seek other administrative remedies should not toll the three-year statute of limitations found at 10 U.S.C. 1552(b). This rule works no hardship on potential applicants since the Board may waive the failure to file within the three-year period if it determines it is in the interest of justice to do so. Whether to waive an untimely filing is a discretionary judgment to be made by the Board.

One commentor complained that the page limitation on briefs and rebuttals was too severe, was unrealistic, and did not define ''brief'' (§ 865.3 (i) and (j)). The Board considers the term ''brief'' to be self-explanatory. The rule already states that the limitation does not apply to evidence submitted in support of the appeal. The Board does not believe that the page limitations on briefs in support of an application and in rebuttal to the Air Staff evaluations are too severe. This rule was established to ensure that applicants and their counsels briefly and succinctly state their cases; prolixity hinders, rather than helps, the Board. In recognition that there exist cases of unusual complexity, the rule allows for a waiver of the page limitations by the Executive Director of the Board. Since the page limitation requirement was established in 1985, the authority to approve requests for waivers of this requirement has been liberally exercised to ensure adequate briefing of issues the Board considers important.

Two commentors stated that the rule should be changed (at § 865.8c) to provide for the payment of attorney's fees, with interest, asserting that such payments are authorized by 5 U.S.C. 5596(b). 5 U.S.C. 5596(b) applies to employees as defined in 5 U.S.C. 2105. The cited provision of law does not apply to members of the Armed Forces.

One commentor recommended that the rule be amended to place limitations on the writers of advisory opinions with respect to the number of pages, type of spacing, and ''unprofessional'' comments (§ 865.8(a)(2)). Air Staff advisories rarely exceed more than two or three pages except in cases where the issues are extremely complicated. Furthermore, while the applicant has two opportunities to state his or her case (in the initial submission and rebuttal), ordinarily, the staff must state their position all at once. What constitutes ''Unprofessional comments'' is in the eye of the beholder. The Board requires that the Air Staff provide unfettered opinions. If the Air Staff provides information not relevant to the case, the Board can and does elect not to rely on that information in making its final determination, in the same way it does when similar information is provided by an applicant or counsel.

Two commentors suggested that the rule be amended to include (at § 865.9) advice concerning appeals to Federal courts. The AFBCMR was established to correct military records. A discussion of Post-Board avenues of relief is not required by law nor would it be appropriate in a rule pertaining to nonadversarial proceedings for the purpose of securing administrative relief.

One commentor recommended that the rule be changed to include a statement that, during its consideration of the case in executive session, the Board gave genuine consideration to

permitting the applicants the opportunity to be heard (§ 865.4(d)) and requiring that the Board reply in a meaningful fashion to meritorious issues raised by an applicant (§ 865.4(f)). Any decision to grant an applicant's request for a personal appearance is at the discretion of the Board. The Board gives careful and meaningful consideration to every request made by an applicant, including a request for a personal appearance. The Stipulation of Dismissal of the lawsuit by the Urban Law Institute of Antioch College required that the Board make a brief written statement of the grounds for its determination to grant or deny relief. The Board is in compliance with this requirement and addresses issues raised by the applicant in the level of detail which, in the Board's opinion, they warrant.

Accordingly, the recommendations that the rule be amended as suggested in the above were not adopted.

The Department of the Air Force has determined that this rule is not a major rule because it will not have an annual effect on the economy of $100 million or more. The Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment) certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–611, because this rule does not have a significant economic impact on small entities as defined by the Act. This rule imposes no obligatory information requirements beyond internal Air Force use.

List of Subjects in 32 CFR Part 865

Administrative practices and procedures, Military personnel, Records.

Accordingly, 32 CFR Part 865, Subpart A is revised to read as follows:

PART 865—PERSONNEL REVIEW BOARDS

Subpart A—Air Force Board for Correction of Military Records

Sec.

Subpart A—Air Force Board for Correction of Military Records

Authority: 10 U.S.C. 1034, 1552.

§ 865.0 Purpose.

This subpart sets up procedures for correction of military records to remedy error or injustice. It tells how to apply for correction of military records and how the Air Force Board for Correction of Military Records (AFBCMR, or the Board) considers applications. It defines the Board's authority to act on applications. It directs collecting and maintaining information subject to the Privacy Act of 1974 authorized by 10 U.S.C. 1034 and 1552. System of Records notice F035 SAFCB A, Military Records Processed by the Air Force Correction Board, applies.

§ 865.1 Setup of the Board.

The AFBCMR operates within the Office of the Secretary of the Air Force according to 10 U.S.C. 1552. The Board consists of civilians in the executive part of the Department of the Air Force who are appointed and serve at the pleasure of the Secretary of the Air Force. Three members constitute a quorum of the Board.

§ 865.2 Board responsibilities.

(a) *Considering applications.* The Board considers all individual applications properly brought before it. In appropriate cases, it directs correction of military records to remove an error or injustice, or recommends such correction.

(b) *Recommending action.* When an applicant alleges reprisal under the Military Whistleblowers Protection Act, 10 U.S.C. 1034, the Board may recommend to the Secretary of the Air Force that disciplinary or administrative action be taken against those responsible for the reprisal.

(c) *Deciding cases.* The Board normally decides cases on the evidence of the record. It is not an investigative body. However, the Board may, in its discretion, hold a hearing or call for additional evidence or opinions in any case.

§ 865.3 Application procedures.

(a) Who may apply:

(1) In most cases, the applicant is a member or former member of the Air Force, since the request is personal to the applicant and relates to his or her military records.

(2) An applicant with a proper interest may request correction of another person's military records when that person is incapable of acting on his or her own behalf, is missing, or is deceased. Depending on the circumstances, a child, spouse, parent or other close relative, an heir, or a legal representative (such as a guardian or executor) of the member or former member may be able to show a proper interest. Applicants will send proof of proper interest with the application when requesting correction of another person's military records.

(b) *Getting forms.* Applicants may get a DD Form 149, ''Application for Correction of Military Record Under the Provisions of Title 10, U.S.C., Section 1552,'' and Air Force Pamphlet 36–2607, ''Applicants' Guide to the Air Force Board for Correction of Military Records (AFBCMR),'' from:

(1) Any Air Force Military Personnel Flight (MPF) or publications distribution office.

(2) Most veterans' service organizations.

(3) The Air Force Review Boards Office, SAF/MIBR, 550 C Street West, Suite 40, Randolph AFB TX 78150–4742.

(4) The AFBCMR, 1535 Command Drive, EE Wing 3rd Floor, Andrews AFB MD 20331–7002.

(c) *Preparation.* Before applying, applicants should:

(1) Review Air Force Pamphlet 36–2607.

(2) Discuss their concerns with MPF, finance office, or other appropriate officials. Errors can often be corrected administratively without resort to the Board.

(3) Exhaust other available administrative remedies (otherwise the Board may return the request without considering it).

(d) *Submitting the application.* Applicants should complete all applicable sections of the DD Form 149, including at least:

(1) The name under which the member served.

(2) The member's social security number or Air Force service number.

(3) The applicant's current mailing address.

(4) The specific records correction being requested.

(5) Proof of proper interest if requesting correction of another person's records.

(6) The applicant's signature.

(e) Applicants should mail the original signed DD Form 149 and any supporting documents to the Air Force address on the back of the form.

(f) *Meeting time limits.* Ordinarily, applicants must file an application within three years after the error or injustice was discovered, or, with due diligence, should have been discovered. An application filed later is untimely and may be denied by the Board on that basis.

(1) The Board may excuse untimely filing in the interest of justice.

(2) If the application is filed late, applicants should explain why it would

be in the interest of justice for the Board to waive the time limits.

(g) *Stay of other proceedings.* Applying to the AFBCMR does not stay other proceedings.

(h) *Counsel representation.* Applicants may be represented by counsel, at their own expense.

(1) The term ''counsel'' includes members in good standing of the bar of any state, accredited representatives of veterans' organizations recognized under 38 U.S.C. 3402, and other persons determined by the Executive Director of the Board to be competent to represent the interests of the applicant.

(2) See Department of Defense Directive (DoDD) 7050.6, Whistleblower Protection Act, 3 September 1992,[1] for special provisions for counsel in cases processed under 10 U.S.C. 1034.

(i) *Page limitations on briefs.* Briefs in support of applications:

(1) May not exceed twenty-five double-spaced typewritten pages.

(2) Must be typed on one side of a page only with not more than twelve characters per inch.

(3) Must be assembled in a manner that permits easy reproduction.

(j) Responses to advisory opinions must not exceed ten double-spaced typewritten pages and meet the other requirements for briefs.

(k) These limitations do not apply to supporting documentary evidence.

(l) In complex cases and upon request, the Executive Director of the Board may waive these limitations.

(m) *Withdrawing applications.* Applicants may withdraw an application at any time before the Board's decision. Withdrawal does not stay the three-year time limit.

§ 865.4 Board actions.

(a) *Board information sources.* The applicant has the burden of providing sufficient evidence of probable material error or injustice. However, the Board:

(1) May get additional information and advisory opinions on an application from any Air Force organization or official.

(2) May require the applicant to furnish additional information necessary to decide the case.

(b) Applicants will normally be given an opportunity to review and comment on advisory opinions and additional information obtained by the Board.

(c) *Consideration by the Board.* A panel consisting of at least three board members considers each application. One panel member serves as its chair. The panel's actions and decisions constitute the actions and decisions of the Board.

(d) The panel may decide the case in executive session or authorize a hearing. When a hearing is authorized, the procedures in paragraph (f) of this section apply.

(e) *Board deliberations.* Normally only members of the Board and Board staff will be present during deliberations. The panel chair may permit observers for training purposes or otherwise in furtherance of the functions of the Board.

(f) *Board hearings.* The Board in its sole discretion determines whether to grant a hearing. Applicants do not have a right to a hearing before the Board.

(g) The Executive Director will notify the applicant or counsel, if any, of the time and place of the hearing. Written notice will be mailed thirty days in advance of the hearing unless the notice period is waived by the applicant. The applicant will respond not later than fifteen days before the hearing date, accepting or declining the offer of a hearing and, if accepting, provide information pertaining to counsel and witnesses. The Board will decide the case in executive session if the applicant declines the hearing or fails to appear.

(h) When granted a hearing, the applicant may appear before the Board in person, represented by counsel, or in person with counsel and may present witnesses. It is the applicant's responsibility to notify witnesses, arrange for their attendance at the hearing, and pay any associated costs.

(i) The panel chair conducts the hearing, maintains order, and ensures the applicant receives a full and fair opportunity to be heard. Formal rules of evidence do not apply, but the panel observes reasonable bounds of competency, relevancy, and materiality. Witnesses other than the applicant will not be present except when testifying. Witnesses will testify under oath or affirmation. A recorder will record the proceedings verbatim. The chair will normally limit hearings to two hours but may allow more time if necessary to ensure a full and fair hearing.

(j) Additional provisions apply to cases processed under 10 U.S.C. 1034. See DoDD 7050.6.[2]

(k) The Board will not deny or recommend denial of an application on the sole ground that the issue already has been decided by the Secretary of the Air Force or the President of the United States in another proceeding.

(l) *Board decisions.* The panel's majority vote constitutes the action of the Board. The Board's decision will be in writing and will include determinations on the following issues:

(1) Whether the provisions of the Military Whistleblowers Protection Act apply to the application. This determination is needed only when the applicant invokes the protection of the Act, or when the question of its applicability is otherwise raised by the evidence.

(2) Whether the application was timely filed and, if not, whether the applicant has demonstrated that it would be in the interest of justice to excuse the untimely filing. When the Board determines that an application is not timely, and does not excuse its untimeliness, the application will be denied on that basis.

(3) Whether the applicant has exhausted all available and effective administrative remedies. If the applicant has not, the application will be denied on that basis.

(4) Whether the applicant has demonstrated the existence of a material error or injustice that can be remedied effectively through correction of the applicant's military record and, if so, what corrections are needed to provide full and effective relief.

(5) In Military Whistleblowers Protection Act cases only, whether to recommend to the Secretary of the Air Force that disciplinary or administrative action be taken against any Air Force official whom the Board finds to have committed an act of reprisal against the applicant. Any determination on this issue will not be made a part of the Board's record of proceedings and will not be given to the applicant, but will be provided directly to the Secretary of the Air Force under separate cover (§ 865.2(b)).

(m) *Record of proceedings.* The Board staff will prepare a record of proceedings following deliberations which will include:

(1) The name and vote of each Board member.

(2) The application.

(3) Briefs and written arguments.

(4) Documentary evidence.

(5) A hearing transcript if a hearing was held.

(6) Advisory opinions and the applicant's related comments.

(7) The findings, conclusions, and recommendations of the Board.

(8) Minority reports, if any.

(9) Other information necessary to show a true and complete history of the proceedings.

(n) *Minority reports.* A dissenting panel member may prepare a minority

[1] Copies of the publication are available, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

[2] See footnote 1.

report which may address any aspect of the case.

(o) *Separate communications.* The Board may send comments or recommendations to the Secretary of the Air Force as to administrative or disciplinary action against individuals found to have committed acts of reprisal prohibited by the Military Whistleblowers Protection Act and on other matters arising from an application not directly related to the requested correction of military records. Such comments and recommendations will be separately communicated and will not be included in the record of proceedings or given to the applicant or counsel.

(p) *Final action by the Board.* The Board acts for the Secretary of the Air Force and its decision is final when it:

(1) Denies any application (except under 10 U.S.C. 1034).

(2) Grants any application in whole or part when the relief was recommended by the official preparing the advisory opinion, was unanimously agreed to by the panel, and does not involve an appointment or promotion requiring confirmation by the Senate.

(q) The Board sends the record of proceedings on all other applications to the Secretary of the Air Force or his or her designee for final decision.

§ 865.5 Decision of the Secretary of the Air Force.

(a) The Secretary may direct such action as he or she deems appropriate on each case, including returning the case to the Board for further consideration. Cases returned to the Board for further reconsideration will be accompanied by a brief statement of the reasons for such action. If the Secretary does not accept the Board's recommendation, the decision will be in writing and will include a brief statement of the grounds for denial.

(b) Decisions in cases under the Military Whistleblowers Protection Act. The Secretary will issue decisions on such cases within 180 days after receipt of the case and will, unless the full relief requested is granted, inform applicants of their right to request review of the decision by the Secretary of Defense (SecDef). Applicants will also be informed:

(1) Of the name and address of the official to whom the request for review must be submitted.

(2) That the request for review must be submitted within ninety days after receipt of the decision by the Secretary of the Air Force.

(3) That the request for review must be in writing and include the applicant's name, address, and telephone number; a copy of the application to the AFBCMR and the final decision of the Secretary of the Air Force; and a statement of the specific reasons the applicant is not satisfied with the decision of the Secretary of the Air Force.

(4) That the request must be based on the Board record; requests for review based on factual allegations or evidence not previously presented to the Board will not be considered under this section but may be the basis for reconsideration by the Board under § 865.6.

(c) Decisions in cases filed under Section 507, Public Law 103–160. The Secretary will issue a decision within 60 days of receipt of the case of an officer who:

(1) Was offered the opportunity to be discharged or separated from active duty under the Voluntary Separation Incentive (VSI) or Special Separation Benefit (SSB) programs,

(2) Elected not to accept such discharge or separation,

(3) Was thereafter discharged or separated from active duty, after September 30, 1990, as a result of selection by a board convened to select officers for early separation (a ''RIF board''),

(4) Files an application with the Board within two years of the date of separation or discharge, or one year after March 1, 1996, whichever is later, alleging that the officer was not effectively counseled, before electing not to accept discharge or separation under the VSI/SSB programs, concerning the officer's vulnerability to selection for involuntary discharge or separation (''RIF''), and

(5) Requests expedited consideration under this section.

(d) Upon finding of ineffective counseling, the Secretary will provide the officer with an opportunity to participate, at the officer's option, in the VSI or SSB programs or, if eligible, in an early retirement program.

(e) In cases under §§ 865.5(b) and 865.5(c) which involve additional issues not cognizable under those sections, the additional issues may be considered separately by the Board under §§ 865.3 and 865.4. The special time limits in §§ 865.5(b) and 865.5(c) do not apply to the decision concerning these additional issues.

§ 865.6 Reconsideration of applications.

The Board may reconsider an application if the applicant submits newly discovered relevant evidence that was not available when the application was previously considered. The Executive Director will screen each request for reconsideration to determine whether it contains new evidence.

(a) If the request contains new evidence, the Executive Director will refer it to a panel of the Board for a decision. The Board will decide the relevance and weight of any new evidence, whether it was reasonably available to the applicant when the application was previously considered, and whether it was submitted in a timely manner. The Board may deny reconsideration if the request does not meet the criteria for reconsideration. Otherwise the Board will reconsider the application and decide the case either on timeliness or merit as appropriate.

(b) If the request does not contain new evidence, the Executive Director will return it to the applicant without referral to the Board.

§ 865.7 Action after final decision.

(a) *Action by the Executive Director.* The Executive Director will inform the applicant or counsel, if any, of the final decision on the application. If any requested relief was denied, the Executive Director will advise the applicant of reconsideration procedures and, for cases processed under the Military Whistleblowers Protection Act, review by the SecDef. The Executive Director will send decisions requiring corrective action to the Chief of Staff, U.S. Air Force, for necessary action.

(b) *Settlement of claims.* The Air Force is authorized, under 10 U.S.C. 1552, to pay claims for amounts due to applicants as a result of correction of military records.

(c) The Executive Director will furnish the Defense Finance and Accounting Service (DFAS) with AFBCMR decisions potentially affecting monetary entitlement or benefits. DFAS will treat such decisions as claims for payment by or on behalf of the applicant.

(d) DFAS settles claims on the basis of the corrected military record. Computation of the amount due, if any, is a function of DFAS. Applicants may be required to furnish additional information to DFAS to establish their status as proper parties to the claim and to aid in deciding amounts due.

(e) *Public access to decisions.* After deletion of personal information, AFBCMR decisions will be made available for review and copying at a public reading room in the Washington, D.C. metropolitan area.

§ 865.8 Miscellaneous provisions.

(a) At the request of the Board, all Air Force activities and officials will furnish the Board with:

(1) All available military records pertinent to an application.

(2) An advisory opinion concerning an application. The advisory opinion will include an analysis of the facts of the case and of the applicant's contentions, a statement of whether or not the requested relief can be done administratively, and a recommendation on the timeliness and merit of the request. Regardless of the recommendation, the advisory opinion will include instructions on specific corrective action to be taken if the Board grants the application.

(b) *Access to records.* Applicants will have access to all records considered by the Board, except those classified or privileged. To the extent practicable, applicants will be provided unclassified or nonprivileged summaries or extracts of such records considered by the Board.

(c) *Payment of expenses.* The Air Force has no authority to pay expenses of any kind incurred by or on behalf of an applicant in connection with a correction of military records under 10 U.S.C. 1034 or 1552.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–8697 Filed 4–10–96; 8:45 am]

BILLING CODE 3910–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL–5450–9]

Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining, through ''direct final'' procedure, that certain rules in the Code of Federal Regulations (CFR), 40 CFR Parts 51 and 52 should be deleted or modified. Deleting or modifying these rules will clarify their legal status and remove unnecessary, obsolete or burdensome regulations.

In the proposed rules section of this Federal Register, EPA is proposing these determinations and soliciting public comment on them. If adverse comments are received on the direct final rule, EPA will withdraw the portions of the final rule that triggered the comments. EPA will address those comments in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. See, for example, EPA's partial withdrawal of a direct final rule in 60 FR 6030 (Feb. 1, 1995). Any portions of the final rule for which no adverse or critical comment is received will become final after the designated period.

DATES: This action will be effective June 10, 1996 unless notice is received by May 13, 1996 that any person wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Maureen Delaney, Office of Air and Radiation, Office of Policy Analysis and Review, (202) 260–7431.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995, the President directed all Federal Agencies and departments to conduct a comprehensive review of the regulations they administer, to identify those rules that are obsolete or unduly burdensome. EPA conducted such a review, including rules issued under the Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et seq.*) On June 29, 1995, EPA published a notice deleting more than 200 Clean Air Act rules that were no longer legally in effect. 60 FR 33915 (June 29,1995).

In this document, EPA tackles the next phase of its revision effort, deleting or modifying: additional regulations that are legally obsolete in whole or in part; regulations which duplicate the statute or guidance; and regulations that do not add significantly to statutory provisions, are unduly restrictive or inhibitive of Agency flexibility, or otherwise are overly burdensome.

EPA's philosophy in this rulemaking is to delete those regulations which there is no compelling reason to retain, even though no clear harm results from retention. For example, some regulations are being deleted because the same substantive provisions exist in the form of policy guidance. In the case of these regulations, EPA has concluded that the policy guidance is sufficient to inform the public of EPA's regulatory interpretations, while allowing the Agency to be more quickly responsive to unforeseen circumstances that may call for increased flexibility in EPA's positions. Where EPA has determined that a regulation does not add substantial value to what is already contained in the law, or where there are alternative means to accomplish the regulatory end without restricting EPA's ability to respond to factual peculiarities in a timely and appropriate way, EPA has determined that the regulation should be deleted.

EPA has included in this phase of its regulatory streamlining effort those regulations which can readily be deleted or modified without a major or complicated regulatory overhaul, and which do not raise issues on which EPA anticipates adverse comment. These are therefore appropriate for direct final rulemaking. In the next phase of its rulemaking effort, EPA anticipates addressing the modifications and deletions that require a comprehensive approach to more complex or potentially controversial revisions.

The removal of these rules from the CFR is not intended to affect the status of any civil or criminal actions that were initiated prior to the publication of this rule, or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect. Removal of provisions on the ground that they reiterate or are redundant of statutory provisions does not affect any obligation or requirement to comply with such statutory provision.

Finally, this rule deletes several state-specific regulations that no longer have any use or legal effect. For example, the rule deletes several federal implementation plan provisions that were promulgated in the 1970's for states that subsequently achieved approval of corrective state plans. Those approvals removed EPA's authority to retain the federal provisions, and therefore the federal provisions should have been deleted at that time. This rule accomplishes those and other similar deletions.

II. Deletion and Modification of Unnecessary or Burdensome Rules

The following deletions/modifications have been divided into two basic types of regulations found in 40 CFR Parts 51 and 52: (1) rules applicable on a national basis; (2) rules applicable to a specific state. This notice looks in turn at each of the categories, setting forth the reasons that EPA seeks today to remove them from the CFR.

Any deletion of provisions that state implementation plans (''SIPs'') currently reference is not intended to disturb those references, and EPA interprets those references to be to the version that was in the CFR when the state adopted the reference, unless the state subsequently provides otherwise and EPA approves such subsequently adopted provision as a SIP revision.

1. National Rules

The following regulations apply on a national basis. EPA has reviewed these rules and found that they should be deleted (or, where indicated, modified) for the reasons set forth below.

Part 51

40 CFR 51.100(o) and 51.110(c): Section 51.100(o) defines reasonably available control technology (''RACT'') for the purpose of implementing secondary national ambient air quality standards (''NAAQS''). This definition is only used in the establishment of secondary NAAQS attainment dates [see § 51.110(c)] and in the evaluation of State requests for extensions of SIP submittals [see § 51.341(b)] for secondary NAAQS.

Section 51.110(c) requires plans to provide for the attainment of a secondary standard within a reasonable time after the date of the Administrator's approval of the plan, and for maintenance of the standard after it has been attained.

Under the Clean Air Act of 1977, the test for approval of the attainment date in a SIP implementing a secondary NAAQS was contained in section 110(a)(2)(A)(ii). This required that the SIP attain the secondary NAAQS within a ''reasonable time''. Under the CAA of 1990, this was changed. The new test for approval of a secondary NAAQS attainment date is contained in section 172(a)(2)(B) and requires attainment ''as expeditiously as practicable after the date such area was designated nonattainment.''

As a result of this statutory change, § 51.110(c) is obsolete and is being deleted from the CFR to eliminate any possible confusion regarding the appropriate tests for approval of a secondary NAAQS attainment date. Further, the § 51.100(o) definition of RACT, which was the sole factor in the evaluation of the approvability of secondary NAAQS attainment dates or requests for extension of SIP submittal dates, is no longer necessary and is being deleted. The EPA believes that evaluation of the approvability of the expeditiousness of attainment dates for secondary nonattainment areas requires a case-by-case analysis of the nature and extent of the problem. For example, this analysis could consider the number of affected sources, the nature of the emissions (stack or fugitive), the feasibility of controls, the costs of controls, and other relevant factors. The EPA does not believe that the availability and effectiveness of RACT should be a determinative factor in implementing secondary NAAQS. In addition this will eliminate potential confusion, since the current Agency definition of RACT is contained in a December 9, 1976 memorandum from R. Strelow to Regional Administrators, Regions I–X, entitled ''Guidance to Determining Acceptability of SIP Regulations in Nonattainment Areas.''

40 CFR 51.101 Stipulations: Section 51.101 states that nothing in Part 51 should be construed to encourage states: to adopt implementation plans that do not protect the environment; to adopt plans that do not take into consideration cost-effectiveness and social and economic impact; to limit appropriate techniques for estimating air quality or demonstrating adequacy of control strategies; and otherwise to limit state flexibility to adopt appropriate control strategies or to attain and maintain air quality better than that required by a national standard.

While EPA wholeheartedly endorses the policies embodied in § 51.101, EPA does not believe it necessary to clutter the CFR with such precatory language, particularly since the Clean Air Act and judicial interpretations construing the Act provide for state flexibility. For example, Section 110(a)(2)(A) provides in part that implementation plans shall ''include enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights) * * *. as may be necessary or appropriate to meet the applicable requirements of this Act. * * *'' Section 101(a)(3) of the Clean Air Act provides that air pollution prevention and control is ''the primary responsibility of States and local governments; * * *'' The Supreme Court, in construing the Clean Air Act, has also made clear that the state has broad discretion in constructing attainment plans. *Train* v. *NRDC,* 421 U.S. 60, 78–79 (1975) *Union Electric Co.* v. *EPA,* 427 U.S. 246, 256–57 (1976). There is thus no compelling legal or policy reason to retain this section, and accordingly it is deleted.

40 CFR 51.104 Revisions: Section 51.104(a). Section 51.104(a) provides that an implementation plan shall be revised from time to time as necessary to take into account revisions of national standards, the availability of improved methods of attaining standards, or a finding that the plan is substantially inadequate to attain or maintain the standards, or comply with the requirements of the Act.

This provision is superfluous because its requirements are superseded by the 1990 Clean Air Act Amendments which set forth the conditions and specific schedules according to which plan revisions should take place. See CAA section 110(k)(5), the general authority of sections 110(k) and (l). See also section 110(a)(2)(H), which requires plans to provide for revisions under the same circumstances set forth in § 51.104(a). Accordingly, § 51.104(a) is deleted.

Section 51.104(b). Section 51.104(b) provides that the State must revise a plan within 60 days after notice by the Administrator, or such later date as is set by the Administrator.

This regulation has been superseded by Section 110(k)(5) of the Clean Air Act, which sets up a different timetable for revisions. Section 51.104(b) is legally obsolete, and accordingly is deleted.

Section 51.104(e). Section 51.104(e) requires the state to identify and describe revisions other than those covered by § 51.101(a) and (d). Section 110(l) of the Clean Air Act governs SIP revisions to EPA, and therefore this section is unnecessary, superfluous, and overly restrictive. Accordingly, it is being deleted.

Note: Sections 51.104 (c), (d), (f) and (g) are being retained, and are being redesignated § 51.104 (a) and (b), (c), and (d), respectively.

40 CFR 51.110 (a) through (l) Attainment and Maintenance of National Standards: These sections set forth various requirements for state implementation plans (''SIPs'') providing for attainment of the primary and secondary national ambient air quality standards. (''NAAQS'').

Section 51.110(a). Section 51.110(a) requires SIPs to provide for emissions reductions sufficient to offset any increase in air quality concentrations resulting from an emissions increase due to projected growth of population, industrial activity, motor vehicle traffic, or other factors.

This section is at odds with the approach taken in current law, under section 110(l). Section 110(l) establishes as a test of approvability of a SIP revision that the revision may not ''interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.'' It thus calls into play, and must be read with, the Act's highly specific requirements in areas such as reasonable further progress and conformity. EPA interprets section 110(l) by applying it to each SIP revision, in light of the circumstances presented by each case. Thus, in contrast to § 51.110(a), and statutory provisions such as section 193 of the Clean Air Act (which applies to modifications of pre-1990 SIP

components) section 110(l) does not call for a ''one-size-fits-all'' equivalence standard. EPA therefore concludes that the rigid equivalence test of § 51.110(a) conflicts with the current statute. To the extent that this regulation remains consistent with new law, it is superfluous. EPA has not issued general guidance on section 110(l), because it views each type of SIP revision as presenting unique issues that should be addressed on a case-by-case basis. Accordingly, § 51.110(a) is being deleted.

Section 51.110(b). Section 51.110(b) requires that plans for attainment of the primary standard, or revisions to such plans, provide for attainment as expeditiously as practicable, but no longer than three years after the date of approval by the Administrator, unless the state obtains an exemption under Subpart R. Section 51.110(b) further requires that each plan provide for maintenance of the standard.

As to basic or original SIPs, the requirements of § 51.110(b) have been superseded by sections 172(c)(l), 181–182, 186–187(CO), 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead) as enacted as part of the Clean Air Act Amendments of 1990. As to revisions, this section is superseded by section 110(l) and new statutory provision 175A, which addresses how states are supposed to assure maintenance. With respect to section 110(a)(l) of the CAA, § 51.110(b) is redundant and therefore unnecessary. Section 51.110(b) is accordingly being deleted.

Section 51.110(c). See the discussion above under § 51.100(o).

Section 51.110(d). Retained.

Section 51.110(e). Section 51.110(e) requires plans to ensure that stationary sources within one region will not prevent attainment and maintenance of standards in any other region, or interfere with PSD or visibility measures required to be included in other regions' plans.

Section 51.110(e) is duplicative of the statute, which states that any plan must meet section 110(a)(2)(D), and with section 110(l), which provides that any plan revision shall not interfere with statutory requirements, including section 110(a)(2)(D).

Section 51.110(f). Section 110(f) provides that, for purposes of developing a control strategy, data derived from measurements of existing ambient levels of a pollutant may be adjusted to reflect the extent to which occasional natural or accidental phenomena demonstrably affected such measured levels.

This section restates the general position that data used to develop control strategies may be adjusted to reflect occasional natural or accidental phenomena. This section is unnecessary, since it is redundant of other guidance. To the extent that natural or accidental phenomena affect measured levels of pollutants, pollutant-specific legislative or policy guidance is available to deal with the impact of these phenomena. For example, section 188(f) of the Clean Air Act of 1990 provides waivers for certain areas affected by nonanthropogenic sources of PM_{10}. In addition, EPA has provided specific guidance regarding the interpretation and implementation of this section in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990: State Implementation Plans for serious PM_{10} nonattainment areas and attainment date waivers for PM_{10} nonattainment areas, generally 59 FR *157,* 41998–42017. Accordingly, this section is being deleted as superfluous and redundant.

Section 51.110(g). Section 51.110(g) states that EPA encourages States, in developing their attainment plans, to identify alternative control strategies and the costs and benefits thereof.

While EPA endorses the policies embodied in this regulation, EPA does not believe it necessary to clutter the CFR with such precatory language. Sections 110(a)(2)(A) and 101(a)(3), as well as *Train* v. *NRDC, supra* and *Union Electric* v. *EPA, supra,* make clear that the state is free to consider a broad range of factors in constructing its attainment plans. Accordingly, § 51.110(g) is being deleted.

Section 51.110(h). Section 51.110(h) requires a state plan, to be submitted by 1974, to identify areas which may have the potential for exceeding any national standard within the subsequent ten-year period.

This section deals with plan requirements that were due in the 1970's. The statute now sets up a comprehensive scheme that governs how states should address maintenance. Section 110(a)(l) and Section 175A. Section 51.110(h) is a relic of an outmoded statutory framework. EPA believes it is not necessary or warranted for this section to remain on the books in light of the maintenance requirements in the current statute. Accordingly it is being deleted.

Section 51.110(i). This section states that the Administrator will publish by August, 1975, a list of the areas that shall be subject to the requirements of § 51.110(g).

Section 51.110(i) is obsolete because in the 1977 Clean Air Act Amendments, and then again in the 1990 Amendments, Congress statutorily prescribed the contents of new plans for attainment. Sections 172(c)(l), Sections 181–182 (ozone), 186–187 (CO) 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead). Accordingly, § 51.110(I) is being deleted.

Section 51.110(j). Section 51.110(j) provides that for each area identified under § 51.110(f), the State must submit an air quality analysis and, if necessary, a plan revision.

Section 51.110(j) is obsolete because in the 1977 Clean Air Act Amendments, and then again in the 1990 Amendments, Congress statutorily prescribed the requirements for new plans for attainment and for revisions. Sections 172(c)(l), 181–182 (ozone), 182(b)(l), 182(c)(2)(A) (ozone), 186–187 (CO), 188–189 (PM_{10}), 191–192 (SO_2, NO_X, lead. Accordingly, § 51.110(j) is being deleted.

Section 51.110(k). Section 51.110(k) applies to state plans required to be submitted by May, 1978, and includes maintenance provisions and requirements for data collection and assessment that include a requirement that the State notify the Administrator if an area is ''undergoing an amount of development such that it presents the potential for a violation of national standards within a period of 20 years.'' This section also requires that state plans provide for assessing all areas of the State every five years to determine if any areas need plan revision.

This section is a relic of a previous statutory framework and related round of SIP revisions. The current statute sets forth a different, and detailed scheme for plan revisions. Section 110(k)(5) provides that the Administrator may call for SIP revisions based on a range of findings. EPA does not believe that § 51.110(k) should remain in the CFR to limit the flexibility embodied in sections 110(k)(5) and 175A. Accordingly § 51.110(k) is being deleted.

Section 51.110(l). Section 51.110(l) provides that whenever the Administrator calls for a plan revision she may require it to be developed in accordance with Subpart D without publishing the area in part 52.

Section 110(k)(5) of the current Clean Air Act adequately governs the circumstances under which the Administrator may call for plan revisions. EPA will determine on a case-by-case basis the procedures it will apply in implementing SIP calls. Accordingly, § 51.110(l) is unnecessary and is being deleted.

40 CFR 51.213 Transportation Control Measure: Section 51.213(a): Section 51.213(a) provides that plans must

contain procedures for obtaining and maintaining data on actual emissions reductions achieved as a result of implementation of transportation control measures.

Section 51.213(b). Section 51.213(b) provides that, for measures based on traffic flow changes or reductions in vehicle use, data must include observed changes in vehicle miles traveled and average speeds.

Section 51.213(c). Section 51.213(c) requires data to be kept so as to facilitate comparison of the planned and actual efficacy of transportation control measures.

Section 51.213(a–c) are generally addressed in section III, SIP requirements, of the General Preamble for Title I of the 1990 CAA. The procedural elements of the SIP submittals are specifically required by sections 182 and 187 of the CAAA. The requirements are incorporated in Agency regulation and guidance on each required SIP submittal that is related to transportation control. For example, guidance documents such as ''Transportation Control Measure: State Implementation Plan Guidance (September, 1990), ''Section 187 VMT Forecasting and Tracking Guidance'' (January, 1992), and ''Transportation Control Measure Information Documents'' (March, 1992), discuss the same requirements that are set forth in § 51.213. Thus, this section is redundant of other EPA guidance regarding transportation control measures, and accordingly is being deleted.

40 CFR 51.241(b)–(f); 51.242–252 Subpart M—Intergovernmental Consultation: (Includes the following rules:)

51.241 Nonattainment areas for carbon monoxide and ozone
51.242 [Reserved]
51.243 Consultation process objectives
51.244 Plan elements affected
51.245 Organizations and officials to be consulted
51.246 Timing
51.247 Hearings on consultation process violations
51.248 Coordination with other programs
51.249 [Reserved]
51.250 Transmittal of information
51.251 Conformity with Executive Order 12372
51.252 Summary of plan development participation

The requirements described in this subpart are generally addressed in section III, SIP requirements, of the General Preamble for Title I of the Clean Air Act Amendments of 1990 (CAAA). The requirements of § 51.241 regarding Section 174 of the CAAA and designation of a lead planning organization are specifically addressed in a guidance document required by section 108(3) of the CAAA. EPA issued the guidance entitled, ''The 1992 Transportation and Air Quality Planning Guidelines'' in July, 1992.

The requirements of §§ 51.243 through 51.252 regarding the planning consultation process are incorporated in Agency regulation and guidance on each SIP submittal required by the CAAA. For example, the EPA regulation, ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans or Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act'' (November, 1993), contains specific requirements for the planning and consultation process that States must adhere to and incorporate into their SIP submittal. Thus, these requirements are redundant of other EPA rules regarding air quality planning, and consequently are being deleted.

40 CFR 51.325 Contingency Plan Actions: Section 51.325 requires states to report any measures taken to stop emissions contributing to any incident of air pollution which corresponds to a stage of episode criteria as established in the state's contingency plan. States are also required to report an account of any episode stage during which no action was taken, and an explanation for the failure to take action.

This section imposes a reporting burden on states that is no longer appropriate and necessary. This section was promulgated at a time when EPA did not have routine access to state air quality data. Currently, EPA has access to State air quality data and has the ability to initiate the appropriate regulatory response to these high concentrations, e.g., redesignation to nonattainment. In addition, this regulation reflects an era when many State air pollution control agencies were new and may have needed EPA support in dealing with elevated air pollution levels. State agencies have progressed to the extent that they do not need EPA assistance in dealing with this type of event. Moreover, the reporting of how exactly every state responds to each of these events does not yield a significant enough benefit to justify the reporting burden, since that information would be publicly available in any event. The EPA believes that the CFR should reflect these developments and is therefore removing this regulation as unnecessary.

40 CFR 51.341 Request for 18-month Extension: Section 51.341(a) states that the Administrator may, whenever she determines necessary, extend the submittal date for the portion of a SIP which implements a secondary NAAQS.

This section merely restates the statutory language contained in section 110(b) of the Clean Air Act of 1990. Since this section is redundant, EPA is deleting it from the CFR.

Sections 51.341 (b), (c) and (d) impose certain requirements on any State request for an extension of the submittal date for a SIP implementing a secondary NAAQS. Section 51.341(b) requires, at a minimum, the application of RACT as defined in § 51.100(o). Section 51.341(c) requires that any request for an extension involving an interstate area either be accompanied by requests from all affected States in the area or show that all other States in the area were notified of the request. Finally, § 51.341(d) requires that any request must be submitted sufficiently in advance to permit SIP development prior to the original SIP submittal deadline in the event the request is denied.

These sections place unnecessary limits on the exercise of discretion by the Administrator in acting on State requests for extensions of the submittal date for SIPs to implement secondary NAAQS. While these sections reflect general principles which the Administrator may wish to consider, they are not compelled by the statutory language of the Clean Air Act of 1990. EPA believes that such restrictions are unnecessary and that they may unduly inhibit State flexibility. Consequently, these sections are being deleted from the CFR.

Part 52

40 CFR 52.02(d) Introduction: Section 52.02(d) provides that approved plans are available for inspection at the Office of the Federal Register and at listed EPA headquarters and regional addresses.

The EPA addresses listed in § 52.02(d) are no longer correct. Accordingly § 52.02(d)(1) through (d)(3) are being revised to reflect current addresses.

40 CFR 52.03 Extensions: Section 52.03 states that each subpart includes the Administrator's determination with respect to requests for extensions under section 110(b) for submitting secondary standard attainment plans, and requests under section 110(e) for extensions of the 3-year deadline for attaining the primary standard.

Section 110(e) has been repealed, and thus there are no longer any determinations of requests for extensions under that section. With respect to any other extension of attainment dates or extensions under section 110(b) for submitting secondary

standard attainment plans, there is no need for a requirement to put such determinations in the CFR. EPA will provide notice of any such extension.

40 CFR 52.16 Submission to Administrator: Section 52.16 provides that communications and submissions to the Administrator pursuant to part 52 shall be addressed to the appropriate regional office of the EPA. It supplies addresses for each regional office, and directs that submissions be addressed to the attention of the Director, Enforcement Division.

This section provides incorrect addresses, and accordingly is being revised.

40 CFR 52.19 Revision of Plans by Administrator: Section 52.19 provides that, after notice and opportunity for hearing in each affected State, the Administrator may revise any provision of an applicable plan if the provision was promulgated by the Administrator and the revised plan will be consistent with the Clean Air Act and the requirements of Part 51 of the CFR.

This section is superfluous, since it is redundant of the statute section 307(d)(5), and also more restrictive than the statute, which does not require a hearing in each affected state.

With respect to § 52.19(b), section 110(l) of the Clean Air Act applies to revisions to FIPs as well as SIPs, and provides a standard for the acceptability of a plan revision different from that set forth in § 52.19(b). Section 110(l) provides that plan revisions may not ''interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of this Act.'' Accordingly, § 52.19 is being deleted.

2. State Specific Rules

The following regulations include rules applicable on a state-specific basis. EPA has reviewed these rules and found that they should be deleted (or, where indicated, modified) for the reasons set forth below.

Part 52

Region 3 (Delaware, Washington, DC, Maryland, Pennsylvania, Virginia, West Virginia)

Maryland

40 CFR 52.1073(b), (c) Approval Status: Sections 52.1073(b) and (c) state exceptions to EPA's approval of Maryland's implementation plan for attaining and maintaining national air quality standards regarding an outdated O_3CO control strategy. EPA has approved and incorporated by reference Maryland's new control strategy regulations at §§ 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995); § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1984); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). The requirements of §§ 52.1073(b) and (c) cross-reference obsolete regulations. They are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1082 Rules and regulations: Section 52.1082 cross-references § § 52.1073 (b) and (c), both obsolete regulations. EPA has approved and incorporated by reference Maryland's new control strategy regulations at § § 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995); § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1984); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). Section 52.1082 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.1086, 40 CFR 52.1101 Gasoline transfer vapor control: Sections 52.1086 and 52.1101 describe control strategy requirements for gasoline transfer vapor. The 1990 CAAA provisions supersede those requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § § 52.1070(c)(110)-(c)(112), 60 FR 2067 (Jan. 6, 1995). Sections 52.1086 and 52.1101 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1087, 40 CFR 52.1102 Control of evaporative emissions from the filling of vehicular tanks: Sections 52.1087 and 52.1102 describe the EPA promulgated control strategy for evaporative emissions from the filling of vehicular tanks. The provisions of Section 182(b)(3)(A) of the CAA, as amended in 1990, supersede their requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § 52.1070(c)(107), 59 FR 29730 (June 9, 1994). Sections 52.1087 and 52.1102 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.1088, 40 CFR 52.1107 Control of dry cleaning solvent evaporation: Sections 52.1088 and 52.1107 describe the EPA promulgated control strategy for dry cleaning solvent evaporation. The provisions of sections 182(b)(2)and 182(b)(2)(A) in the CAA, as amended in 1990, supersede their requirements. EPA has approved and incorporated by reference revised Maryland regulations. See § § 52.1070(c)(72), 49 FR 35500 (Sept. 10, 1994); § 52.1070(c)(102), 59 FR 60908 (Nov. 29, 1994); and §§ 52.1070(c)(103) and (c)(104), 59 FR 46180 (Sept. 7, 1994). Sections 52.1088 and 52.1107 are therefore legally obsolete, and accordingly are being deleted.

Pennsylvania

40 CFR 52.2023 (b)-(d), (f), (g) Approval status: Sections 52.2023(f) and (g) state exceptions to EPA's approval of Pennsylvania's implementation plan for attaining and maintaining national air quality standards. EPA has subsequently approved all official SIP submittals by Pennsylvania DER to correct the listed deficiencies. See §§ 52.2020(c)(41), 47 FR 8358 (Feb. 26, 1982); (c)(48), 48 FR 2319 (Jan 19, 1983); and (c)(49), 48 FR 2768 (Jan. 21, 1983). Sections (b)-(d) reflect EPA requirements prior to the 1977 CAA amendments. Pursuant to the 1977 CAA amendments, EPA approved and incorporated by reference revised Pennsylvania regulations at § § 52.2420(c)(63), 50 FR 7772 (Feb. 26, 1985). All part 52 regulations cross-referenced in these sections have been determined to be obsolete. Sections 52.2036, 52.2040, 52.2044 through 52.2048, and 52.2052 had previously been removed. (45 FR 33607 (May 20, 1980). Sections 52.2030, 52.2031, 52.2038, 52.2040, 52.2041, 52.2043, 52.2049 through 52.2051, and 52.2053 are being removed elsewhere in this action. These sections are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2030 (b) Source surveillance: Section 52.2030(b) disapproves Pennsylvania's source surveillance portion of the implementation plan. Pennsylvania has submitted and EPA has approved a continuous emission monitoring program as well as additional measures which require periodic source testing. See §§ 52.2020(c)(48), 48 FR 2319 (Jan. 19, 1983); (c)(74), 57 FR 43905 (Sept. 23, 1992); and (c)(81), 58 FR 34911 (June 30, 1993). Section 52.2030(b) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2031 Resources: Section 52.2031 states that the Pennsylvania implementation plan failed to meet the requirements of § 51.280 by showing a lack of manpower resources and funds necessary to carry out the plan five years after its submission. Since 1973, Pennsylvania has submitted over 90 SIP revisions which EPA has approved and incorporated by reference in § 52.2020(c). EPA's approval actions include comprehensive submittals made pursuant to the 1977 and 1990 CAA amendments, portions of which are referenced elsewhere in today's actions. Those approved submittals evidence

that the state has adequate resources to implement its plans. Section 52.2031 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2034 Attainment dates for national standards: Section 52.2034 states dates by which national ambient air quality standards are to be attained for Pennsylvania. All of the attainment dates in the regulation have been superseded by dates in the 1990 CAAA provisions except with regard to the attainment and maintenance of the secondary sulfur dioxide standards. Pennsylvania has not submitted a secondary SO_2 plan, as of December 31, 1979, for Nothumberland County, Snyder County and Allegheny County. All of the attainment dates, except the date for attainment of the secondary SO_2 standard in those counties, are therefore deleted.

40 CFR 52.2038 Inspection and maintenance: Section 52.2038 reflects inspection and maintenance requirements predating the 1977 CAAA. Pennsylvania has an EPA- approved I/M program reflecting the 1977 CAAA provisions. See § 52.2020(c)(66), 52 FR 11259 (April 8, 1987). Section 52.2038 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2039 Air bleed to intake manifold retrofit: Section 52.2039 describes emission control requirements that apply to pre-1968 model year vehicles. Current EPA provisions no longer require these vehicles to be tested under a State's I/M program. See § § 51.351(a)(4) and 51.352(a)(4), 57 FR 52950 (Nov. 5, 1992). Section 52.2039 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2041, 52.2043, 52.2049, 52.2050, 52.2051 Transportation control measures FIP: These regulations are made obsolete by 40 CFR 52.2020. The following miscellaneous provisions for Pennsylvania arise from a FIP, and have been superseded by approved SIP control strategies. See § 52.2020(c)(63), 50 FR 7772 (Feb. 26, 1985):

Sec.
52.2041 Study and establishment of bikeways
52.2043 Computer carpool matching system
52.2049 Specific express busways in Allegheny County
52.2050 Exclusive bus lanes for Pittsburgh suburbs and outlying areas
52.2051 Regulation for the limitation of public parking

These sections are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2042 Gasoline transfer vapor control: Section 52.2042 describes the control strategy requirements for gasoline transfer vapor. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Pennsylvania regulations. See §§ 52.2020(c)(23), 45 FR 33607 (May 20, 1980) and (c)(79), 58 FR 28362 (May 13, 1993). Section 52.2042 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2053 Monitoring transportation mode trends: Section 52.2053 should have been deleted as part of EPA's approval action at § 52.2020(c)(22) et seq., 45 FR 33607 (May 20, 1980). Section 52.2053 is therefore legally obsolete, and accordingly is being deleted.

Virginia

40 CFR 52.2423(b), (c) Approval status: Sections 52.2423 (b) and (c) state exceptions to EPA's approval of Virginia's implementation plan for attaining and maintaining national air quality standards regarding an outdated O_3/CO control strategy. Its requirements cross-reference other obsolete regulations. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Virginia regulations. See §§ 52.2420(c)(47), 46 FR 57282 (Nov. 23, 1981); (c)(55), 47 FR 2769 (Jan. 19, 1982); (c)(73), 48 FR 7579 (Feb. 23, 1983); (c)(74), (c)(78) and (c)(79), 49 FR 3083 (Jan. 25, 1984). Section 52.2423 (b) and (c) are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2430 Legal authority: Section 52.2430 states that Virginia failed to satisfy § 51.231(a), identification of legal authority. EPA has approved and incorporated by reference revised Virginia regulations correcting those deficiencies. See §§ 52.2420(c)(47), 46 FR 57282 (Nov. 23, 1981); (c)(73), 48 FR 7579 (Feb. 23, 1983); (c)(74), (c)(78) and (c)(79), 49 FR 3083 (Jan. 25, 1984). Section 52.2430 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2431 Control strategy: carbon monoxide and ozone: Section 52.2431(a)–(c) states disapproval of Virginia's implementation plan regarding the control strategy for carbon monoxide and ozone. These provisions reflect EPA requirements prior to the 1977 CAA amendments. Pursuant to the 1977 CAAA, EPA has approved and incorporated by reference revised Virginia regulations. See §§ 52.2420(c)(55), 47 FR 2769 (Jan. 19, 1982); (c)(74) and (c)(78), 49 FR 3083 (Jan. 25, 1984). Section 52.2431(d) cross-references 40 CFR 52.2438, gasoline transfer vapor control, an obsolete regulation. Pursuant to the 1990 CAA amendments, EPA has approved and incorporated by reference revised Virginia regulations at § 52.2420(c)(99) 59 FR 15117 (Mar. 31, 1994). Section 52.2431 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2435 Compliance schedules: Section 52.2435 describes the compliance schedule for the Eisenhower Avenue Incinerator in Alexandria, Virginia. According to the Virginia Department of Environmental Quality, this facility was physically dismantled in 1988. Since the facility no longer exists and any reopening would be subject to new requirements under NSR or PSD, this regulation is obsolete. Accordingly, § 52.2435 is being deleted.

40 CFR 52.2436(a) Rules and regulations: Section 52.2436(a) refers to an outdated O_3 control strategy. Its requirements cross reference §§ 52.2438, 52.2439 and 52.2440, all legally obsolete. Section 52.2436(a) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2438 Gasoline transfer vapor control: Section 52.2438 describes the control strategy requirements for gasoline transfer vapor. The 1977 and 1990 CAAA provisions supersede these requirements. EPA has approved and incorporated by reference revised Virginia regulations meeting the new requirements. See §§ 52.2420(c)(55), 47 FR 2769 (Jan. 19, 1982); and (c)(99), 59 FR 15117 (Mar. 31, 1994). Section 52.2438 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2440 Control of dry cleaning solvent evaporation: Section 52.2440 describes the control strategy requirements for dry cleaning solvent evaporation. The provisions of §§ 182(b)(2) and 182(b)(2)(A) in the 1990 CAAA supersede their requirements. EPA has approved and incorporated by reference revised Virginia regulations meeting those statutory requirements. See § 52.2420(c)(99), 59 FR 15117 (Mar. 31, 1994). Section 52.2440 is therefore legally obsolete, and accordingly is being deleted.

West Virginia

40 CFR 52.2523 Attainment dates for national standards: Section 52.2523 states dates by which national ambient air quality standards are to be attained for West Virginia. The attainment dates in the regulation have been superseded by new dates in the 1990 CAAA provisions, except with regard to attainment and maintenance of the secondary sulfur dioxide standards. The superseded attainment dates are being deleted, since they are legally inoperative.

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Illinois

40 CFR 52.727 Attainment dates for national standards: Section 52.727 states dates by which national ambient air quality standards are to be attained for Illinois. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions, with the exception of the secondary sulfur dioxide attainment dates. Illinois' remaining SO_2 secondary nonattainment area, Hollis township in Peoria County, was redesignated as attaining the SO_2 standard on April 4, 1995 (60 FR 10734) at which time EPA also approved a maintenance plan. The EPA conditionally approved the State's SO_2 nonattainment area plan on February 21, 1980 (45 FR 11472) and codified its satisfaction of the final conditional approval element on September 2, 1992 (57 FR 40126). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.729 Control strategy: Carbon monoxide: Illinois contains no carbon monoxide (CO) nonattainment areas. This was most recently confirmed by the November 15, 1995 reexamination of the CO attainment status mandated by the Clean Air Act Amendments of 1990. EPA did conditionally approve the State's CO nonattainment area plans for the Chicago and Peoria areas on September 22, 1980 (45 FR 62804). The satisfaction of these conditional approvals is codified at 40 CFR 52.720(c) (25), (33) and (34). Section 52.729 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.731 Inspection and maintenance of vehicles: Section 52.731 contains a federally promulgated I/M program which has been superseded by a State program which was incorporated in the SIP at 40 CFR 52.720(c)(79). Section 52.731 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.732 Traffic flow improvements: Section 52.732 has been satisfied by transportation control plans codified as received and approved at § 52.720(c) (25), (33), and (34). This section is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.733 Restriction of on-street parking: This section contains a federally promulgated regulation which has been replaced by State developed and adopted transportation control plans which were codified and approved at §§ 52.720(c) (25), (33), and (34). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.734 Monitoring transportation mode trends: This section contains a federally promulgated regulation which has been replaced by State developed and adopted transportation control plans which were codified and approved at §§ 52.720(c) (25), (33) and (34). This regulation is therefore obsolete, and accordingly is being deleted.

Minnesota

40 CFR 52.1227 Transportation and land use controls: Section 52.1227 requires Minnesota to submit information relating to its transportation control plan by December 30, 1973. Receipt of a transportation control plan on May 20, 1985 and April 17, 1986 is codified at § 52.1220(c)(23). Section 52.1227 is therefore legally obsolete, and accordingly is being deleted.

Ohio

40 CFR 52.1875 Attainment dates for national standards: Section 52.1875 states dates by which national ambient air quality standards are to be attained for Ohio. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions, with the exception of the secondary sulfur dioxide attainment dates. Therefore, references to the attainment of other national standards should be deleted from this section of the CFR.

40 CFR 52.1878 Inspection and maintenance program: Paragraphs (a) through (g) of this section are used to codify a federally promulgated I/M program which has been superseded by a State operated and approved I/M section. Paragraph (h) is a conditional approval which should have been removed during the recent full approval action. EPA's most recent approval of Ohio's I/M program is codified at § 52.1870(c)(101). This submittal satisfied the conditional approval of the program contained in § 52.1878(h). This section is therefore obsolete, and accordingly is being deleted.

40 CFR 52.1885(e)–(q) Control strategy: ozone: Paragraphs (e) through (q) list numerous site-specific SIP submittals which have been disapproved. The applicable requirements for these sources are initially codified as § 52.1870(c)(15) and other provisions contain the subsequent modifications to the SIP as approved by EPA. Paragraphs (e) through (q) of § 52.1885 should be removed because they do not alter the contents of the SIP. These sections are therefore legally obsolete, and accordingly are being deleted.

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Arkansas

40 CFR 52.175 Resources: Section 52.175 states that the (January 1972) Arkansas implementation plan failed to meet the requirements of § 51.280, by showing a lack of manpower resources and funds necessary to carry out the plan in the five years after its submission on January 1972. The State has now demonstrated that it has adequate resources by attaining and maintaining all National Ambient Air Quality Standards. See § 81.304, 56 FR 5671 (Nov. 6, 1991). Further, the State has carried out an adequate air pollution control program, thus demonstrating the lack of manpower and funding has been remedied. Section 52.175 is therefore legally obsolete, and accordingly is being deleted.

Louisiana

40 CFR 52.972 Approval status: Section 52.972 states exceptions to EPA's approval of Louisiana's implementation plan for attaining and maintaining national air quality standards. The exceptions relate to certain RACT rules that were required of the State. Louisiana adopted RACT rules for the sources covered by CTGs and EPA has approved the regulations. See § 52.970(c)(60), 59 FR 23164 (May 5, 1994). Section 52.972 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.978 Resources: Section 52.978 states that the (January 1972) Louisiana implementation plan failed to meet the requirements of § 51.280 by showing a lack of manpower and funds necessary to carry out the plan (during the five years after its submission). Since January 1972, Louisiana has submitted over 62 SIP revisions which EPA has approved and incorporated-by-reference in § 52.970(c). EPA's approval actions include comprehensive submittals made pursuant to the 1977 and 1990 CAA Amendments, portions of which are referenced elsewhere in today's actions. Section 52.978 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.988 Rules and regulations: Section 52.988 (a) states that the requirements of § 51.281 are not met since the definitions of ''particulate matter'' and ''suspended particulate matter'', as provided in LAC:33:III:111 (formerly §§ 4.47 and 4.72, respectively), could make applicable emission limitations of the Louisiana Department of Environmental Quality (LDEQ) unenforceable in some circumstances. Therefore,

LAC:33:III:111 ''particulate matter'' and ''suspended particulate matter'' were disapproved. Sections 52.988 (b) and (c) respectively prescribe definitions of particulate matter applicable to the following chapters in LAC:33:III: 1) Chapters 13 and 56 (formerly Regulation 9.0 and 27.0 respectively); and 2) Chapter 13 (formerly Regulations 19.0, 20.0, 21.0) and Chapter 23, Subchapters A and B (formerly Regulations 23.0 and 28.0 respectively). The State of Louisiana has since adopted definitions to cover these areas and EPA has approved them, making § 52.988 obsolete. See § 52.970(c)(50); 54 FR 25451 (June 15, 1989). Specifically, LDEQ revised its definition of particulate matter and total suspended particulate and added definitions for particulate matter emissions, PM_{10}, and PM_{10} emissions. These definitions are essentially identical to the Federal definitions. LDEQ also deleted its definition for suspended particulate matter, which EPA had disapproved in a March 28, 1979 rulemaking notice. EPA approved all these changes in the June 15, 1989 rulemaking action. Section § 52.988 is therefore legally obsolete, and accordingly is being deleted.

New Mexico

40 CFR 52.1625 Control strategy: particulate matter: Section 52.1625 states that the New Mexico plan for total suspended particulates (TSP) for the Albuquerque nonattainment area was conditionally approved on five conditions as indicated. EPA may no longer require development of control strategies designed to attain the TSP standard after the July 1, 1987 promulgation of the particulate matter (PM_{10}) standard and the repeal of the TSP standard. See 52 FR 24634 (July 1, 1987). Section 52.1625 is therefore legally obsolete, and accordingly is being deleted. Also, the Albuquerque/Bernalillo County area is currently designated as unclassifiable for the PM_{10} NAAQS (see § 81.332, PM_{10} table; 58 FR 67334, Dec. 21, 1993).

Oklahoma

40 CFR 52.1922 Approval status (last sentence): Section 52.1922 states exceptions to EPA's 1979 approval of Oklahoma's implementation plan for attaining and maintaining national air quality standards. EPA approved Oklahoma's post-1982 SIP revision (including State adopted rules) for attainment of the ozone NAAQS in Tulsa County, and approved the State's request to redesignate Tulsa County from nonattainment to attainment for the ozone NAAQS (effective immediately upon signature of the EPA Administrator on October 31, 1990). See § 52.1920(c)(39) and § 81.337—Ozone; 56 FR 3777 (Jan. 31, 1991). The last sentence of section 52.1922 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.1932 Control strategy and regulations: ozone: On June 16, 1975, the Governor of Oklahoma submitted to EPA revisions of Oklahoma Regulation No. 15 for control of emissions of organic materials as adopted (effective date) December 31, 1974. See § 52.1920(c)(11). Section 52.1932 states that subsection 15.27c of Oklahoma Revised Regulation 15 (effective date of December 31, 1974) is disapproved. Subsection 15.27c exempts ''agricultural purposes'' from all provisions for hydrocarbon control. The previous (1972) regulation did not exempt such sources. See § 52.1920(c)(4). In its June 16, 1975 submittal, the State did not provide EPA with justification for relaxation of the 1972 regulation or with an analysis of the air quality impact of exempting previously controlled sources. The EPA could not approve relaxation of an approved SIP regulation without such an analysis. Thus, subsection 15.27c was disapproved on March 31, 1978, at 43 FR 13574.

Since March 1978, when this rule was published, the State has shown sufficient justification for relaxation of the 1972 regulation (i.e., for approval of the subsection 15.27c exemption). Specifically, EPA approved Oklahoma's post-1982 SIP revision (including State adopted rules) for attainment of the ozone NAAQS in Tulsa County, and approved the State's request to redesignate Tulsa County from nonattainment to attainment for the ozone NAAQS (effective immediately upon signature of the EPA Administrator on October 31, 1990). (Oklahoma Regulation 15.27c was subsequently renumbered as State Regulation 3.7.1.(d)(3), and again renumbered as State Regulation 310:200–37–4(c).)

Specifically, the post-1982 Oklahoma ozone nonattainment SIP demonstrated attainment of the ozone NAAQS in Tulsa County by December 31, 1987, without taking credit for the emission reductions from § 52.1932 promulgated by EPA in March 1978. The emission reductions from the federally promulgated measure were not included in either a) the State's base-year (1984) emission inventory or b) the anticipated emission reductions, from the post-1982 SIP demonstrating attainment of the ozone standard for Tulsa County. Also the State did not take any such credit in the modeling input parameters they used in the plan. Consequently, EPA's rationale for disapproving Regulation 15.27c became moot with EPA's approval of the post-1982 ozone attainment demonstration, and this rule § 52.1932 is now obsolete.

For example, the Reasonable Further Progress (RFP) curve submitted with the post-1982 ozone SIP predicted sufficient VOC emission reductions would be achieved with the implementation of the State regulations and the continuation of the Federal Motor Vehicle Control Program to attain the ozone NAAQS. The curve shows that a VOC emissions decrease of 19.7 percent was to occur in Tulsa County between 1984 and 1986. This anticipated decrease was without taking credit for the federally promulgated measure at § 52.1932. The State demonstrated that a 12 percent decrease of VOC emissions was required to attain the ozone NAAQS, which was more than met with its post-1982 ozone SIP.

Thus, the federally promulgated measure at § 52.1932 is obsolete and has been superseded by SIP control strategies approved by EPA in June and October 1990 (see § 52.1920(c)(36), 55 FR 23734 (June 12, 1990) and § 52.1920(c)(39), 56 FR 3777 (Jan. 31, 1991)). Section 52.1932 is therefore legally obsolete, and accordingly is being deleted.

Texas

40 CFR 52.2273 Approval status (last sentence of first paragraph and paragraph (a)): Section 52.2273 states exceptions to EPA's approval of Texas' implementation plan for attaining and maintaining national air quality standards. The disapproval of the lead SIP was superseded by a later lead SIP approval by EPA. See § 52.2770(c)(65), 53 FR 16261 (May 6, 1988). Texas has also adopted RACT rules for the sources covered by CTGs and EPA has approved them. See § 52.2270(c)(77), 57 FR 44124 (Sept. 24, 1992). The last sentence of the first paragraph and paragraph (a) of section 52.2273 are therefore legally obsolete, and accordingly are being deleted.

40 CFR 52.2294, 40 CFR 52.2296, 40 CFR 52.2297, 40 CFR 52.2298 Transportation control measures (TCM's) FIP: These regulations were made obsolete by 40 CFR 52.2270. The following miscellaneous provisions for the State of Texas, which date back to the early 1970's and arise from a FIP, are obsolete because they have been superseded by approved SIP control strategies (see § 52.2270(c)(20), 45 FR 19244 (Mar. 25, 1980) and § 52.2770(c)(24), 45 FR 52148 (Aug. 6, 1980):

Sec.
52.2294 Texas Incentive Program to Reduce Vehicle Emissions Through Increased Bus and Carpool Use.
52.2296 Texas Carpool Matching and Promotion System.
52.2297 Texas Employer Mass Transit and Carpool Incentive Program.
52.2298 Texas Monitoring Transportation Mode Trends.

Specifically, the 1979 Texas ozone nonattainment SIP demonstrated attainment of the ozone NAAQS in Bexar, Dallas and Tarrant Counties by 0December 31, 1982, and in Harris County by December 31, 1987, without taking credit for the EPA transportation control measures (TCM's) promulgated July 21, 1977. The emission reductions from the federally promulgated TCM's were not included in either a) the State's base-year (1977) emission inventories or b) the anticipated emission reductions, from the 1979 SIP demonstrating attainment of the ozone standard for the above four counties. Also, the State did not take any such credit in the modeling input parameters they used in the plan. (Note: the State used modified rollback to determine the percent of VOC emissions reductions required.)

Thus, the four federally promulgated TCM's are obsolete and have been superseded by SIP control strategies approved by EPA in March and August 1980 (see § 52.2270(c)(20), and § 52.2270(c)(24)). Accordingly, § 52.2294, and §§ 52.2296–52.2298 are being deleted.

40 CFR 52.2305 Lead control plan: Section 52.2305 sets a compliance date for the owner or operator of any copper or zinc smelter located in El Paso County, Texas, to comply with the requirements of TACB Rule 113.53; the final compliance date is August 13, 1987. Thus these facilities were required to have come into compliance eight years ago and § 52.2305 is now obsolete. Any remaining issues with regards to compliance will be dealt with under the currently applicable requirements. Accordingly, § 52.2305 is being deleted.

Note: The disapproval of the lead SIP was superseded by a later lead SIP approval by EPA. See § 52.2270(c)(65); 53 FR 16261 (May 6, 1988). The State demonstrated attainment by August 1987, more than eight years ago. In the May 6, 1988 Federal Register action, EPA announced approval of the demonstration of attainment by August 14, 1987, of the Texas Lead SIP for El Paso County and the limited area surrounding ASARCO. That Federal Register action approved the entire lead SIP for El Paso.

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Iowa

40 CFR 52.826 Control strategy: particulate matter: Section 52.826 states conditions under which EPA can approve Iowa nonattainment plans for the secondary air quality standard for total suspended particulates (TSP). EPA may no longer require development of control strategies designed to attain the TSP standard after the July 1, 1987 promulgation of the particulate matter (PM_{10}) standard and the repeal of the TSP standard. See 52 FR 24634 (July 1, 1987). Section 52.826 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.829 Review of new sources and modifications: Section 52.829 rescinds approval of Iowa's NSR program for nonattainment areas (after December 31, 1980) if the State fails to submit a revised NSR regulation by that date. The State submitted revised regulations for NSR in nonattainment areas. EPA gave full final approval to the State's NSR program. See 50 FR 37176 (Sept. 12, 1985) and 51 FR 25199 (July 11, 1986). Section 52.829 is therefore legally obsolete, and accordingly is being deleted.

Kansas

40 CFR 52.873(a) (retain (b)) *Approval status:* Section 52.873(a) states exceptions to EPA's approval of Kansas' implementation plan for attaining and maintaining national air quality standards. Kansas submitted the necessary corrections to its CAA Part D SIP. EPA gave full and final approval to this SIP revision on January 12, 1984. See 49 FR 1491. Section 52.873(a) is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.879 Attainment dates for national standards: Section 52.879 sets forth the dates by which national air quality standards are to be attained. All of the dates in the regulation have been superseded by new dates in the 1990 CAAA provisions. Section 52.879 is therefore legally obsolete, and accordingly is being deleted.

Missouri

40 CFR 52.1324 General requirements: Section 52.1324 states procedures whereby the Regional Administrator can obtain emissions data in instances where Missouri has inadequate legal authority to do so. Missouri submitted a rule which provided for the submission of emissions data. On April 17, 1986, EPA approved the rule as a revision to the Missouri SIP, thus correcting the plan deficiency. See 51 FR 13000. Section 52.1324 is therefore legally obsolete, and accordingly is being deleted.

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Montana

40 CFR 52.1374 Review of new source and modification: Section 52.1374 implements the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). In the June 29, 1995 regulatory streamiling notice, section 52.22(b) was determined to be legally obsolete; therefore, § 52.1374 is also obsolete. Accordingly, EPA is deleting § 52.1374 from the CFR.

40 CFR 52.1375 Attainment dates for national standards: Section 52.1375 states the dates by which national ambient air quality standards are to be attained for Montana. The dates in the regulation have been superseded by new dates in the 1990 CAAA provisions, except with respect to attainment and maintenance of the sulfur dioxide secondary NAAQS. Pursuant to the 1970 amended CAA, States were to submit plans that provided for implementation, maintenance, and enforcement of the national ambient air quality standards within each air quality control region in the State. Such plan was to specify the projected dates of attainment for the primary and secondary standards. Montana submitted its plan on March 22, 1972 with supplemental information submitted on May 10, 1972. EPA approved, with some exceptions, that SIP and created the format for the current table found in § 52.1375 in a May 31, 1972 Federal Register action (37 FR 10842). For areas that did not have specified attainment dates in the SIP, EPA established attainment dates.

Pursuant to the 1977 amended CAA, States were to submit a list of the NAAQS attainment status of all areas within the State. The Administrator was to promulgate the State lists with any necessary modifications. The attainment status for Montana was published on March 3, 1978 (43 FR 8962). The only two areas listed as not meeting the secondary sulfur dioxide NAAQS were the East Helena and Anaconda areas.

The fact that EPA only designated two areas (Anaconda and East Helena) as not meeting the secondary sulfur dioxide NAAQS in March 1978 evidences that all the other areas listed in the table in § 52.1375 that show a specific attainment date for the secondary sulfur

dioxide NAAQS had attained the NAAQS. These old secondary sulfur dioxide attainment dates may be deleted as obsolete for those areas that have since attained the NAAQS.

With respect to the two areas listed in table § 52.1375 that were also listed as nonattainment areas for the secondary sulfur dioxide NAAQS in the March 3, 1978 notice, EPA approved the SIP for the Anaconda area on January 10, 1980 (45 FR 2034) and redesignated the area to attainment on July 15, 1982 (47 FR 30763). Therefore, for Anaconda, since EPA has determined that the area has attained the NAAQS, the attainment date may be deleted as obsolete. For the East Helena area, the secondary SIP has not yet been submitted nor has EPA determined that the area has attained the NAAQS. Since the Administrator has not established a new attainment date for the area pursuant to the 1990 CAAA, the attainment date for the secondary sulfur dioxide NAAQS for the area remains as December 31, 1982.

Therefore, the table and paragraph preceding the table should be deleted and replaced with the following: The attainment date for the secondary NAAQS for sulfur dioxide for East Helena is December 31, 1982.

40 CFR 52.1376 (a) and (c) Extensions: Section 52.1376 extends the attainment date for the national standards for sulfur oxides in the Helena Intrastate Region of Montana. The attainment date extensions are superseded by new dates in the 1990 CAAA provisions, except with regard to the secondary sulfur dioxide NAAQS. Sections 52.1376(a) and (c) are therefore legally obsolete, and accordingly are being deleted. Section 52.1376(b) is renumbered (a) and is modified: On October 7, 1993 (58 FR 52237), EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

North Dakota

40 CFR 52.1824(a), (b) Review of new source and modification: Section 52.1824(a) and (b) implement the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). Section 52.22(b) has been determined to be obsolete; therefore, § 52.1824(a) and (b) is also obsolete. Accordingly, §§ 52.1824(a) and (b) are being deleted.

Utah

40 CFR 52.2322 Extensions: Section 52.2322 extends the attainment date for the national standards for CO in the Wasatch Front intrastate region of Utah. The attainment date extensions are superseded by new dates in the 1990 CAAA provisions. The secondary sulfur dioxide NAAQS SIP requirements were met. See 59 FR 64329 (Dec. 14, 1994). Section 52.2322 is therefore legally obsolete, and accordingly is being deleted.

40 CFR 52.2331 Attainment dates for national standards: Section 52.2331 states dates by which national ambient air quality standards are to be attained for Utah. The dates in the regulation have been superseded by new dates in 1990 CAAA provisions, except relating to the secondary NAAQS for sulfur dioxide. Section 52.2331 is being deleted and replaced with the following statement: The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994. December 31, 1994 is the attainment date because the PM_{10} SIP for Salt Lake County, approved by EPA on July 8, 1994 (59 FR 35036), requires Kennecott to meet a certain SO_2 emission limit by December 31, 1994, by either adding a double contact acid plant or plant operation restrictions. The SO_2 SIP indicates that at the SO_2 limit mentioned in the PM_{10} SIP, the area will attain the SO_2 NAAQS.

Wyoming

40 CFR 52.2623 Review of new source and modification: Section 52.2623 implements the provisions of § 52.22(b), which included provisions for indirect source review and for disapproving SIPs for failing to meet indirect source review requirements contained in § 51.12 (no longer exists). Section 52.22(b) has been determined to be obsolete, therefore, § 52.2623 is also obsolete. Accordingly, § 52.2623 is being deleted.

Region 10 (Alaska, Idaho, Oregon, Washington)

Alaska

40 CFR 52.74 Legal Authority: Section 52.74 relates to a required indirect source review in the carbon monoxide area in Alaska. Indirect source requirements as a condition of SIP approval were made obsolete by CAA § 110(a)(5)(A). Section 52.74 is therefore legally obsolete, and accordingly it is being deleted.

Idaho

40 CFR 52.676 Control strategy: sulfur oxides: Section 52.676 states implementation plan requirements for control of sulfur dioxide emissions for the Bunker Hill Company lead and zinc smelter in Idaho. Since the Bunker Hill Company no longer exists and any reopening of the facility would be subject to new requirements under NSR or PSD, this regulation is obsolete. Accordingly, § 52.676 is being deleted.

40 CFR 52.680 Attainment dates for national standards: Section 52.680 states all of dates by which national ambient air quality standards are to be attained for Idaho. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.684 Control Strategy: carbon monoxide: Section 52.684 (45 FR 70261 (Oct. 23, 1980), 40 CFR 52.670 (c)(19)) states the implementation plan requirements for controlling carbon monoxide in Idaho. The control strategy was put in place to assure that the standards were met prior to December 31, 1987, and the SIP has since been approved. See § 52.670(c)(23),(24), 50 FR 23810 and 23811 (June 6, 1985); 51 FR 22808 (June 23, 1986). This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.686 Inspection and maintenance program: Section 52.686 (45 FR 70261 (Oct 23, 1980), 40 CFR 52.670 (c)(19)) requires an Idaho I/M implementation plan revision. The I/M SIP was submitted and approved at § 52.670(c)(23), 50 FR 23810 and 23811 (June 6, 1985). Therefore, § 52.686 is being deleted.

Oregon

40 CFR 52.1973 Attainment dates for national standards: Section 52.1973 states all of dates by which national ambient air quality standards are to be attained for Oregon. All of the attainment dates in the regulation have been superseded by new dates in 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

40 CFR 52.1981 Extensions: Section 52.1981 extends the attainment date for the national standards for CO for certain areas in Oregon. The attainment date extensions are superseded by the 1990 CAAA provisions. This regulation is therefore obsolete, and accordingly is being deleted.

Washington

40 CFR 52.2483 Resources: Section 52.2483 states that the Washington

implementation plan failed to meet the requirements of § 51.280 because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies to carry out the plan during the five year period following submittal. This section is obsolete and has been superseded by approved SIP control strategies for all CO and ozone nonattainment areas. See 40 CFR 52.2470(22) (Seattle) and 40 CFR 52.2470(24) Spokane, 46 FR 45607 (Sept. 24, 1981) (Seattle) and 47 FR 1266 (March 22, 1982). Section 52.2483 is therefore legally obsolete, and accordingly is being deleted.

III. Final Action

EPA determines that the above-referenced rules should be deleted or modified at this time. This action will become effective on June 10, 1996. However, if the EPA receives adverse comments by May 13, 1996, then the EPA will publish a notice that withdraws the portions of the action on which EPA received the adverse comments, and will address those comments in a separate final action.

IV. Analyses Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Paperwork Reduction Act

Because the withdrawal of these rules from the CFR merely withdraws obsolete, duplicative, or superfluous requirements, this action is not a ''significant'' regulatory action within the meaning of Executive Order 12866.

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. Today's determination does not create any new requirements, but allows deletion or modification of existing requirements which are obsolete, duplicative, superfluous, unnecessary, or otherwise unduly burdensome. I therefore certify that it does not have any 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's final action here does not impose upon the states any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. No additional costs to State, local, or tribal governments, or to the private sector, result from this action, which deletes or eases the indicated requirements. Thus, EPA has determined that this final action does not include a 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.

Finally, EPA here is merely removing or revising superfluous requirements, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

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 June 10, 1996.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental Protection Agency, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 15, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 7401–7671q, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

§ 51.100 [Removed]

2. Section 51.100(o) is removed.

§ 51.101 [Removed]

3. Section 51.101 is removed.

§ 51.104 [Amended]

4. In § 51.104, paragraphs (a), (b) and (e) are removed, and paragraphs (c), (d), (f), and (g) are redesignated (a), (b), (c) and (d) respectively.

§ 51.110 [Amended]

5. In § 51.110, paragraphs (a), (c), (e), (f), (g), (h), (i), (j), (k), and (l) are removed, and paragraph (d) is redesignated as (a) and paragraph (b) is removed and reserved.

§ 51.213 [Removed]

6. Section 51.213 is removed.

§ 51.241 [Amended]

7. Section 51.241 (b) through (f) are removed and reserved.

§§ 51.243–51.248 [Removed]

8. Sections 51.243 through 51.248 are removed.

§§ 51.250–51.252 [Removed]

9. Sections 51.250 through 51.252 are removed.

§ 51.325 [Removed]

10. Section 51.325 is removed.

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

12. In § 52.02, paragraph (d) is revised to read as follows:

§ 52.02 Introduction.

* * * * *

(d) All approved plans and plan revisions listed in subparts B through DDD of this part and on file at the Office of the Federal Register are approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Notice of amendments to the plans will be published in the Federal Register. The plans and plan revisions are available for inspection at the Office of the Federal Register, 800 North Capitol Street, N.W., suite 700, Washington, D.C. In addition the plans and plan revisions are available at the following locations:

(1) Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, S.W., Room M1500, Washington, D.C. 20460.

(2) The appropriate EPA Regional Office as listed below:

(i) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Environmental Protection Agency, Region 1, John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203.

(ii) New York, New Jersey, Puerto Rico, and Virgin Islands. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007–1866.

(iii) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, PA 19107.

(iv) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

(v) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3507.

(vi) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Environmental Protection Agency, Region 6, Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas TX 75202–2733.

(vii) Iowa, Kansas, Missouri, and Nebraska. Environmental Protection Agency, Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.

(viii) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466.

(ix) Arizona, California, Hawaii, Nevada, American Samoa, and Guam. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

(x) Alaska, Idaho, Oregon, and Washington. Environmental Protection Agency, Region 10, 1200 6th Avenue Seattle, WA 98101.

* * * * *

§ 52.03 [Removed]

13. Section 52.03 is removed.

14. Section 52.16 is revised to read as follows:

§ 52.16 Submission to Administrator.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency.

(b) The Regional Offices are as follows:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. EPA Region 1, John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203.

(2) New York, New Jersey, Puerto Rico, and Virgin Islands. EPA Region 2, 290 Broadway, New York, NY 10007–1866.

(3) Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. EPA Region 3, 841 Chestnut Building, Philadelphia, PA 19107.

(4) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. EPA Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

(5) Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3507.

(6) Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. EPA Region 6, Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202–2733.

(7) Iowa, Kansas, Missouri, and Nebraska. EPA Region 7, 726 Minnesota Avenue, Kansas City, KS 66101.

(8) Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. EPA Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466.

(9) Arizona, California, Hawaii, Nevada, American Samoa, and Guam. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

(10) Alaska, Idaho, Oregon, and Washington. EPA, Region 10, 1200 6th Avenue, Seattle, WA 98101.

§ 52.19 [Removed]

15. Section 52.19 is removed.

§ 52.74 [Removed and reserved]

16. Section 52.74 is removed and reserved.

§ 52.175 [Removed and reserved]

17. Section 52.175 is removed and reserved.

§ 52.676 [Removed and reserved]

18. Section 52.676 is removed and reserved.

§ 52.680 [Removed and reserved]

19. Section 52.680 is removed and reserved.

§ 52.684 [Removed and reserved]

20. Section 52.684 is removed and reserved.

§ 52.686 [Removed and reserved]

21. Section 52.686 is removed and reserved.

§ 52.727 [Removed and reserved]

22. Section 52.727 is removed and reserved.

§ 52.729 [Removed and reserved]

23. Section 52.729 is removed and reserved.

§§ 52.731–734 [Removed and reserved]

24. Sections 52.731 through 52.734 are removed and reserved.

§ 52.826 [Removed and reserved]

25. Section 52.826 is removed and reserved.

§ 52.829 [Removed and reserved]

26. Section 52.829 is removed and reserved.

§ 52.873 [Removed and reserved]

27. In § 52.873, paragraph (a) is removed and paragraph (b) is redesignated as paragraph (a).

§ 52.879 [Removed and reserved]

28. Section 52.879 is removed and reserved.

§ 52.972 [Removed and reserved]

29. Section 52.972 is removed and reserved.

§ 52.978 [Removed and reserved]

30. Section 52.978 is removed and reserved.

§ 52.988 [Removed and reserved]

31. Section 52.988 is removed and reserved.

§ 52.1073 [Amended]

32. In § 52.1073, paragraphs (b) and (c) are removed and paragraphs (d), (e) and (f) are redesignated paragraphs (b), (c) and (d), respectively.

§ 52.1082 [Removed and reserved]

33. Section 52.1082 is removed and reserved.

§§ 52.1086–52.1088 [Removed and reserved]

34. Sections 52.1086 through 52.1088 are removed and reserved.

§ 52.1101 [Removed and reserved]

35. Section 52.1101 is removed and reserved.

§ 52.1102 [Removed and reserved]

36. Section 52.1102 is removed and reserved.

§ 52.1107 [Removed and reserved]

37. Section 52.1107 is removed and reserved.

§ 52.1127 [Removed and reserved]

38. Section 52.1227 is removed and reserved.

§ 52.1324 [Removed and reserved]

39. Section 52.1324 is remvoed and reserved.

§ 52.74 [Removed and reserved]

40. Section 52.1374 is removed and reserved.

41. Section 52.1375 is revised to read as follows:

§ 52.1375 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for East Helena is December 31, 1982.

42. Section 52.1376 is revised as follows:

§ 52.1376 Extensions.

On October 7, 1993, EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

§ 52.1625 [Removed and reserved]

43. Section 52.1625 is removed and reserved.

§ 52.1824 [Amended]

44. In § 52.1824, paragraphs (a) and (b) are removed and reserved.

45. Section 52.1875 is revised as follows:

§ 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.

The attainment date for achieving the sulfur dioxide (SO_2) secondary national ambient air quality standard (NAAQS) is August 27, 1979 except as follows. The following sources are required to achieve the secondary SO_2 NAAQS by June 17, 1980: Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemical Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Asso.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co. The Ashland Oil Company is subject to a secondary SO_2 NAAQS attainment date of September 14, 1982. The following sources located in Summit County are required to achieve the secondary SO_2 NAAQS by January 4, 1983: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co. The boiler of PPG Industries, Inc. located in Summit County must achieve attainment of the secondary SO_2 NAAQS by August 25, 1983. The Portsmouth Gaseous Diffusion Plant in Pike County is required to attain the secondary SO_2 NAAQS by November 5, 1984. The Ohio Power Company Galvin Plant located in Gallia County is required to attain the secondary SO_2 NAAQS by August 25, 1985.

§ 52.1878 [Removed and reserved]

46. Section 52.1878 is removed and reserved.

§ 52.1885 [Amended]

47. In § 52.1885, paragraphs (e) through (q) are removed.

§ 52.1992 [Amended]

48. Section 52.1922 is amended by removing the last sentence of the paragraph.

§ 52.1932 [Removed and reserved]

49. Section 52.1932 is removed and reserved.

§ 52.1973 [Removed and reserved]

50. Section 52.1973 is removed and reserved.

§ 52.1981 [Removed and reserved]

51. Section 52.1981 is removed and reserved.

§ 52.2023 [Amended]

52. In § 52.2023 paragraphs (b) through (d), (f) and (g) are removed and paragraph (e) is redesignated paragraph (b) and paragraphs (h) and (i) are redesignated (c) and (d), respectively.

§ 52.2030 [Removed and reserved]

53. Section 52.2030(b) is removed and reserved.

§ 52.2031 [Removed and reserved]

54. Section 52.2031 is removed and reserved.

55. Section 52.2034 is revised to read as follows:

§ 52.2034 Attainment dates for national standards.

With regard to Northumberland County, Snyder County, and Allegheny County, Pennsylvania has not submitted a plan, as of December 31, 1979, providing for the attainment and maintenance of the secondary sulfur dioxide (SO_2) standards.

§ 52.2038 [Removed and reserved]

56. Section 52.2038 is removed and reserved.

§ 52.2039 [Removed and reserved]

57. Section 52.2039 is removed and reserved.

§ 52.2041 [Removed and reserved]

58. Section 52.2041 is removed and reserved.

§ 52.2042 [Removed and reserved]

59. Section 52.2042 is removed and reserved.

§ 52.2043 [Removed and reserved]

60. Section 52.2043 is removed and reserved.

§ 52.2049 [Removed and reserved]

61. Section 52.2049 is removed and reserved.

§ 52.2050 [Removed and reserved]

62. Section 52.2050 is removed and reserved.

§ 52.2051 [Removed and reserved]

63. Section 52.2051 is removed and reserved.

§ 52.2053 [Removed and reserved]

64. Section 52.2053 is removed and reserved.

§ 52.2273 [Amended]

65. Section 52.2273 is amended by removing the last sentence of the first paragraph and all of paragraph (a).

§ 52.2294 [Removed and reserved]

66. Section 52.2294 is removed and reserved.

§§ 52.2296–52.2298 [Removed and reserved]

67. Sections 52.2296 through 52.98 are removed and reserved.

§ 52.2305 [Removed and reserved]

68. Section 52.2305 is removed and reserved.

§ 52.2322 [Removed and reserved]

69. Section 52.2322 is removed and reserved.

70. Section 52.2331 is revised as follows:

§ 52.2331 Attainment dates for national standards.

The attainment date for the secondary NAAQS for sulfur dioxide for Salt Lake County and portions of Tooele County is December 31, 1994.

§ 52.2423 [Removed and reserved]

71. Section 52.2423(b) and (c) are removed and reserved.

§ 52.2430 [Removed and reserved]

72. Section 52.2430 is removed and reserved.

§ 52.2431 [Removed and reserved]

73. Section 52.2431 is removed and reserved.

§ 52.2435 [Removed and reserved]

74. Section 52.2435 is removed and reserved.

§ 52.2436 [Amended]

75. In § 52.2436, paragraph (a) is removed and reserved.

§ 52.2438 [Removed and reserved]

76. Section 52.2438 is removed and reserved.

§ 52.2440 [Removed and reserved]

77. Section 52.2440 is removed and reserved.

§ 52.2483 [Removed and reserved]

78. Section 52.2483 is removed and reserved.

79. Section 52.2523 is revised to read as follows:

§ 52.2523 Attainment dates for national standards.

The New Manchester and Grant Magisterial Districts in Hancock County are expected to attain and maintain the secondary sulfur dioxide (SO_2) standards as soon as the Sammis Power Plant meets the SO_2 limitations in the Ohio State Implementation Plan.

§ 52.2623 [Removed and reserved]

80. Section 52.2623 is removed and reserved.

[FR Doc. 96–8744 Filed 4–10–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FRL–5454–2]

Clean Air Act (CAA) Final Interim Approval of Operating Permits Program and Delegation of 112(l) Authority; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is granting final interim approval of an operating permit program submitted by the state of Missouri 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. The EPA is also giving interim approval, under section 112(l) of the Act, to the state program for accepting delegation of the section 112 standards to enforce air toxics regulations.

EFFECTIVE DATE: This rule will become effective on May 13, 1996.

ADDRESSES: Copies of the state 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 VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Joshua Tapp at (913) 551–7606.

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 the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the Part 70 regulations, which together outline criteria for approval or disapproval. Additionally, section 502(g) of the Act and the Part 70 regulations outline criteria for granting interim approval where a program substantially, but not fully, meets the requirements of the Act and Part 70. The EPA may grant interim approval to such a program for a period of up to two years.

On January 13, 1995, the state of Missouri submitted an operating permits program to the EPA. Supplemental submissions were made by the state on August 14, 1995; September 19, 1995; and October 16, 1995. The state of Missouri has demonstrated that its program meets the minimum elements required for interim approval as specified in 40 CFR 70.4(d). The rationale for the EPA's determination that interim approval is appropriate is contained in the December 15, 1995, Federal Register document (60 FR 64404) which proposed interim approval of the program. In order to receive full approval, the state must adopt and submit to the EPA within 18 months of the effective date of this document certain rule revisions which were identified in the proposed interim approval and which are discussed later in this document.

B. Response to Comments

On January 16, 1996, the EPA received a request to extend the comment period for its proposed interim approval of Missouri's program, due to the unavailability of the docket during federal furloughs which overlapped the comment period. The EPA granted a 30-day extension of the comment period in a February 5, 1996, Federal Register document. On February 13, 1996, the EPA received two comments regarding its proposed action from one commentor. The first comment requested clarification of the status of the permit application forms which Missouri submitted with its operating permit program. Specifically, the commentor feels that the state should be able to modify the forms as necessary to collect the information required for developing operating permits. The EPA agrees with the commentor that it is important for the state to have the ability to modify the permit application forms in order to collect the appropriate information. The EPA wishes to clarify that although 40 CFR 70.4(b)(4) requires the submission of such forms with the initial operating permit package, as a part of the program documentation, the EPA is not taking formal action on the forms themselves. The state can modify the forms to the extent that the modification is appropriate and sufficient to collect the required information.

The second comment pertains to Missouri's exemption from application requirements for ''insignificant activities.'' The commentor has requested that the EPA provide the state of Missouri with the same flexibility in establishing thresholds for insignificant activities which the EPA has extended to other states which were given interim approval. In response, the EPA notes that the levels which Missouri has established for insignificant activities in its January 13, 1995, submission are fully approvable by the EPA and are a specific element, among other elements, which must be present in order for the EPA to take an approval action. The state of Missouri may modify this or any other element of its operating permit program to the extent that those modifications are consistent with the Clean Air Act, 40 CFR Part 70 regulations, and applicable EPA guidance. However, the EPA supports Missouri's choice to establish insignificant activity levels which are fully approvable.

C. Federal Oversight and Sanctions

This interim approval will extend for 18 months following the effective date of final interim approval and cannot be renewed. During the interim approval period, the state of Missouri is protected from sanctions for failure to have an approved program, and the EPA is not obligated to promulgate, administer, and

enforce a federal permits program for Missouri. 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 interim approval, as does the three-year time period for processing the initial permit applications.

If Missouri fails to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, an 18-month clock for mandatory sanctions will commence. If Missouri then fails to submit a corrective program that the EPA finds complete before the expiration of that 18-month period, the EPA will apply sanctions as required by section 502(d)(2) of the Act, which will remain in effect until the EPA determines that the state of Missouri has corrected the deficiency by submitting a complete corrective program.

If the EPA disapproves Missouri's complete corrective program, the EPA will be required under section 502(d)(2) to apply sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Missouri had submitted a revised program and the EPA had determined that it corrected the deficiencies that prompted the disapproval.

If the EPA has not granted full approval to Missouri's program by the expiration of this interim approval, the EPA must promulgate, administer, and enforce a federal permits program for Missouri upon interim approval expiration.

II. Final Interim Action and Implications

A. Missouri's Submission and EPA-Requested Modifications

The December 15, 1995, Federal Register document proposing interim approval of the Missouri program discussed two rules which are a part of the operating permit program that require revisions in order for the program to qualify for full approval. These rules are 10 CSR 10–6.020, ''Definitions and Common Reference Tables'', and 10 CSR 10–6.065, ''Operating Permits.'' Specifically, Missouri must make the following program revisions for full approval: (1) for rule 10 CSR 10–6.020: (a) revise (2)(I)7 to update a reference to the Standard Industrial Classification Manual, and (b) revise (3)(B), Table 2—List of Named Installations, to make it consistent with the list in the definition of major source in § 70.2; and (2) for rule 10 CSR 10–6.065: (a) revise (1)(D)2 to clarify the meaning of ''fugitive air pollutant'' as it relates to Part 70 installations; (b) revise (3)(D) to clarify Part 70 applicability with respect to emissions from exempt installations and emission units; (c) revise (6)(C)1.C.(II)(b) to clarify the retention of records requirements in permits, consistent with § 70.6(a)(3); (d) revise (6)(C)1.G.(I) to clarify the general requirements for permit compliance and noncompliance, consistent with § 70.6(a)(6); (e) revise (6)(C)4.A. to correct a citation error and to clarify that the requirement for the EPA and affected state review applies to general permits, consistent with § 70.6(d)(1); (f) revise (6)(C)7.B.(IV) to make the emergency provision notice consistent with § 70.6(g)(3); (g) revise (6)(C)8, operational flexibility provisions, to clarify the term ''emissions allowable under the permit''; (h) revise (6)(E)5.B.(I), minor permit modification criteria, to be consistent with § 70.7(e)(2)(i)(A)(3); (i) revise (6)(E)5.B.(I) to add a paragraph (b) to incorporate the economic incentive provisions consistent with § 70.7(e)(2)(i)(B); (j) revise (6)(E)5.C.(I)(b) to correct the threshold for group processing of minor permit modifications to be consistent with § 70.7(e)(2)(i)(B); and (k) revise (6)(E)5.D.(II)(a), significant permit modification procedures, to be consistent with §§ 70.4(b)(2) and 70.5(c), and make minor citation corrections to (6)(B)3.I.(IV), (6)(E)5.B.(II)(a), (6)(E)5.C.(V), and (6)(E)6.C.

Additionally, Missouri has the authority to issue a variance from state requirements under § 643.110 of the state statutes. This provision was not included by the state in its operating permit program submittal, and the EPA regards this provision as wholly external to the program submitted for approval under Part 70, and consequently is not taking action on this provision of state law. The EPA has no authority to approve provisions of state law, such as the variance provision referred to, which are inconsistent with the Act. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to obtain or comply with a federally enforceable Part 70 permit, except where such relief is granted through the procedures allowed by Part 70. A Part 70 permit may be issued or revised (consistent with Part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A Part 70 permit may also incorporate, via Part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, the EPA reserves the right to pursue enforcement of applicable requirements, notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with § 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.''

The Technical Support Document describes in detail the revisions to these rules which are required for full approval of the program. The reader should refer to this document which is located in the public docket for further information.

B. Final Interim Action

The EPA is granting interim approval for 18 months to the operating permits program submitted by the state of Missouri on January 13, 1995, with supplemental information submitted on August 14, 1995; September 19, 1995; and October 16, 1995. The state of Missouri has demonstrated that its program meets the minimum elements required for interim approval as specified in 40 CFR Part 70. In order to receive full approval, the state must adopt and submit to the EPA certain rule changes within 12 months of receiving final interim approval. Specifically, the state must amend rules 10 CSR 10–6.020, Definitions, and 10 CSR 10–6.065, Operating permits, for consistency with Part 70, as described above.

1. Regulations. This interim approval of the Missouri operating permits program includes the following regulations, solely as they relate to the Missouri Part 70 operating permit program: 10 CSR 10–6.065, Operating Permits; 10 CSR 10–6.110, Submission of Emission Data, Emission Fees and Process Information; and 10 CSR 10–6.020, Definitions and Common Reference Tables.

2. Jurisdiction. The scope of the Part 70 program approved in this document applies to all Part 70 sources (as defined in the approved program), within the state of Missouri, except sources of air pollution, if any, over which an Indian Tribe has jurisdiction. See 59 FR 55813, 55815–18 (November 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;

59 FR 43956, 43962 (August 25, 1994); 58 FR 54364 (October 21, 1993).

3. CAA section 112(l). 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 the 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 approving under section 112(l)(5) and 40 CFR 63.91 the state's program for receiving delegation of section 112 standards for both Part 70 and non-Part 70 sources that are unchanged from federal standards as promulgated.

4. CAA section 112(g). The EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines the EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after the EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that the EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the federal rule so as to allow states time to adopt rules implementing the federal rule, and that the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Missouri must have a federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the federal section 112(g) rule and adoption of implementing federal regulations.

The EPA is aware that Missouri lacks a program designed specifically to implement section 112(g). However, Missouri does have a program for review of new and modified hazardous air pollutant sources that can serve as an adequate implementation vehicle during the transition period, because it would allow Missouri to select control measures that would meet the maximum achievable control technology, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit.

The EPA is proposing to approve Missouri's preconstruction permitting program under the authority of Title V and Part 70, solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a state rule implementing the EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state air programs to implement section 112(g), Title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and Title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purposes of any other provision under the Act (e.g., section 110). This approval will be without effect if the EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until state regulations are adopted. The duration of this approval is limited to 18 months following promulgation by the EPA of the 112(g) rule to provide adequate time for the state to adopt regulations consistent with the federal requirements.

III. Administrative Requirements

A. Docket

Copies of the state submittal and other information relied upon for the final interim 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, the 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 regulatory action from Executive Order 12866 review.

C. Regulatory Flexibility Act

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

D. Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the 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.

Through submission of this state operating permit program the state has elected to adopt the program provided for under Title V of the CAA. These rules may bind the state government to perform certain actions and also require the private sector to perform certain duties.

To the extent that the program approved by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. The EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

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: March 27, 1996.

William Rice,

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—7671q.

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

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

* * * * *

Missouri

(a) The Missouri Department of Natural Resources program submitted on January 13, 1995; August 14, 1995; September 19, 1995; and October 16, 1995. Interim approval effective on May 13, 1996.

(b) Reserved.

* * * * *

[FR Doc. 96–8664 Filed 4–10–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1154

[STB Ex Parte No. 540]

Removal of Obsolete Regulations for Determination of Avoidable Losses Under the Rail Passenger Service Act of 1970

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board is removing from the Code of Federal Regulations obsolete regulations used to determine passenger train avoidable losses.

EFFECTIVE DATE: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The Rail Passenger Service Act, 45 U.S.C. 501 *et seq.*, established the National Railroad Passenger Corporation (Amtrak) as the principal operator of intercity rail passenger service. It permitted railroads then performing passenger service to relieve themselves of their common carrier obligation by paying certain sums to Amtrak. 45 U.S.C. 561(a). As compensation for being relieved of this responsibility, the rail carrier was to pay Amtrak an amount computed under one of three options pursuant to section 561(a)(2) and (3). Two of these three methods used an amount called ''avoidable loss.'' In *Losses Under the Rail Pass. Serv. Act of 1970*, 343 I.C.C. 379 (1973), the Interstate Commerce Commission (the predecessor of the Surface Transportation Board) issued regulations for developing avoidable losses, which are now found in Part 1154.

Section 561(a) was repealed by Pub. L. No. 103–272, section 7(b), July 5, 1994, 108 Stat. 745, 1379.[1] Because the statutory basis for 49 CFR Part 1154 has been repealed, we are removing these regulations from the Code of Federal Regulations effective immediately.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1154

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: April 2, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

PART 1154—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended by removing part 1154.

[FR Doc. 96–8850 Filed 4–10–96; 8:45 am]

BILLING CODE 4915–00–P

[1] *See* H.R. Rep. No. 180, 103rd Cong., 1st Sess. 585, *reprinted in* 1994 U.S. Code Cong. & Ad. News 818, 1402. We note that former 45 U.S.C. 561(b) and (c) are now incorporated in 49 U.S.C. 24701.

Proposed Rules

Federal Register
Vol. 61, No. 71
Thursday, April 11, 1996

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150–AF36

Meeting Regarding NEI 95–01, ''Nuclear Power Plant Personnel Access Authorization Standards and Procedures''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: Representatives of the Nuclear Energy Institute (NEI) requested a meeting with the NRC staff to discuss potential regulatory issues associated with NEI 95–01, ''Nuclear Power Plant Personnel Access Authorization Standards and Procedures,'' dated December 1995. The NEI distributed NEI 95–01 to industry and NRC staff on December 28, 1995, requesting NRC review to ensure that the industry guidance did not conflict with applicable NRC regulations. The NEI representatives requested the meeting in an effort to expedite a revised version of the document which it intends to publish in the near future.

DATES: The meeting will be held on April 22, 1996, from 2 p.m. to 4 p.m.

ADDRESSES: The meeting will be held in Room 4–B–13 at NRC Headquarters located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738.

FOR FURTHER INFORMATION CONTACT: Nancy Ervin, (301) 415–2946.

Dated at Rockville, Maryland, this 5th day of April 1996.

LeMoine J. Cunningham,

Chief, Safeguards Branch, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–9025 Filed 4–10–96; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

20 CFR Part 348

RIN 3220–AB14

Representative Payment

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations in order to provide guidelines regarding the selection, payment, responsibilities, and monitoring of representative payees under the Railroad Unemployment Insurance Act. This proposal is being made to improve the administration of the Board's representative payee program.

DATES: Comments must be received on or before June 10, 1996.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4513; TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: The Railroad Unemployment Insurance Act (45 U.S.C. 351–368) provides a system of unemployment and sickness benefits for railroad employees who meet certain eligibility requirements under that Act. On rare occasions, a claimant is incompetent to file for or receive benefits under the Act without the assistance of a representative payee. Under such circumstances, section 12(a) of the Railroad Retirement Act expressly authorizes the Board to make payments, or conduct transactions, directly with the claimant, with a legally appointed guardian of the claimant, or with any other person on the claimant's behalf, even though the claimant is an incompetent for whom a guardian is acting. The provisions of section 12(a) are applicable to benefits claimed or paid under any Act administered in whole or in part by the Board, including the Railroad Unemployment Insurance Act.

There has been growing concern in the Congress to assure that surrogate decision-making services, including representative-payee services, are provided in a uniform, high quality manner which maximizes the potential of every individual for self-reliance and independence.

The Board is currently in the process of a comprehensive program to review and revise its regulations. New part 348 is proposed at this time to address concerns that adequate safeguards be provided where payment of a benefit under the Railroad Unemployment Insurance Act is made to a representative payee rather than directly to the claimant. Part 348 incorporates the extensive regulations found in part 266 of this chapter dealing with appointment of a representative payee under the Railroad Retirement Act.

The Board has, in coordination with the Office of Management and Budget, determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. Information collection has been approved by the Office of Management and Budget under control numbers 3220–0052 and 3220–0151.

List of Subjects in 20 CFR Part 348

Railroad employees, Railroad unemployment and sickness insurance benefits.

For the reasons set out in the preamble, the Board proposes to add a new part 348 to title 20 of the Code of Federal Regulations as follows:

PART 348—REPRESENTATIVE PAYMENT

Sec.
348.1 Introduction.
348.2 Recognition by the Board of a person to act in behalf of another.

Authority: 45 U.S.C. 355, 45 U.S.C. 231k.

§ 348.1 Introduction.

(a) *Explanation of representative payment.* This part explains the principles and procedures that the Board follows in determining whether to make representative payment and in selecting a representative payee. It also explains the responsibilities that a representative payee has concerning the use of the funds which he or she receives on behalf of a claimant. A representative payee may be either a person or an organization selected by the Board to receive benefits on behalf of a claimant. A representative payee will be selected if the Board believes that the interest of a claimant will be served by representative payment rather than direct payment of benefits.

Generally, the Board will appoint a representative payee if it determines that the claimant is not able to manage or direct the management of benefit payments in his or her interest.

(b) *Statutory authority.* Section 12 of the Railroad Retirement Act, which is also applicable to the Railroad Unemployment Insurance Act, provides that every claimant shall be conclusively presumed to have been competent until the date on which the Board receives a notice in writing that a legal guardian or other person legally vested with the care of the person or estate of an incompetent or a minor has been appointed: *Provided, however,* That despite receiving such notice, the Board may, if it finds the interests of such claimant to be served thereby, recognize actions by, conduct transactions with, and make payments to such claimant.

(c) *Policy used to determine whether to make representative payment.* (1) The Board's policy is that every claimant has the right to manage his or her own benefits. However, due to mental or physical condition some claimants may be unable to do so. If the Board determines that the interests of a claimant would be better served if benefit payments were certified to another person as representative payee, the Board will appoint a representative payee in accordance with the procedures set forth in this part. The Board may appoint a representative payee even if the claimant is a legally competent individual. If the claimant is a legally incompetent individual, the Board may appoint the legal guardian or some other person as a representative payee.

(2) If payment is being made directly to a claimant and a question arises concerning his or her ability to manage or direct the management of benefit payments, the Board may, if the claimant has not been adjudged legally incompetent, continue to pay the claimant until the Board makes a determination about his or her ability to manage or direct the management of benefit payments and the selection of a representative payee.

§ 348.2 Recognition by the Board of a person to act in behalf of another.

The provisions of part 266 of this chapter shall be applicable to the appointment of a representative payee under this part to the same extent and in the same manner as they are applicable to the appointment of a representative payee under the Railroad Retirement Act.

Dated: April 4, 1996.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–9045 Filed 4–10–96; 8:45 am]

BILLING CODE 7905–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 5l and 52

[FRL–5450–8]

Control of Air Pollution; Removal of Obsolete, Superflous or Burdensome Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to determine that certain regulations should be deleted or modified as obsolete, duplicative, superfluous or otherwise unduly burdensome. In the Final Rules section of this Federal Register, EPA is making these determinations without prior proposal. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments on the direct final rule, EPA will withdraw the portions of the final rule that triggered those comments. EPA will address those comments in a subsequent final rule based on this proposed rule. Any rules for which no adverse or critical comment is received will become final after the designated period. EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this action must be received by May 13, 1996.

ADDRESSES: Written comments should be mailed to: Maureen Delaney, Office of Policy Analysis and Review (6103), Office of Air and Radiation, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Maureen Delaney, Office of Air and Radiation, Office of Policy Analysis and Review, (202) 260–7431.

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

Dated: March 26, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–8745 Filed 4–10–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5456–6]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the RSR Corporation Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the residential portions of the RSR Corporation Superfund Site (RSR Site) known as Operable Unit (OU) Nos. 1 and 2 from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This proposal for partial deletion pertains to OU No. 1, which includes all privately owned residential properties and residential high risk areas, such as schools and day care centers, located in the RSR site. In addition, this proposal for partial deletion pertains to OU No. 2, which includes the public residential housing area located in RSR Site that is currently owned by the Dallas Housing Authority (DHA). EPA has issued no further action Records of Decision (RODs) for OU Nos. 1 and 2. EPA bases its proposal to delete OU Nos. 1 and 2 on the determination by EPA and the State of Texas, through the Texas Natural Resource Conservation Commission (TNRCC), that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment at OU Nos. 1 and 2.

This partial deletion pertains only to OU Nos. 1 and 2 of the RSR Site and does not include OU Nos. 3, 4 and 5. OU Nos. 3, 4 and 5 will remain on the NPL, and response activities will continue at those OUs.

DATES: The EPA will accept comments concerning its proposal for partial deletion for thirty (30) days after

publication of this document in the Federal Register and a newspaper of record.

ADDRESSES: Comments may be mailed to: Ms. Olivia Rodriguez Balandran, Community Relations Coordinator, U.S. EPA, Region 6 (6SF–P), 1445 Ross Avenue, Dallas, Texas 75202–2733, 1–800–533–3508 or (214) 665–6484.

INFORMATION REPOSITORIES: Comprehensive information on the RSR Site as well as information specific to this proposed partial deletion is available for review at EPA's Region 6 office in Dallas, Texas. The Administrative Records for OU Nos. 1 and 2 and the Deletion Docket for this partial deletion are maintained at the following RSR Site document/ information repositories:

U.S. EPA, Region 6, Library, 12th Floor (6MD–II), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424 or 665–6427, Hours of Operation: M-F 8:00 a.m. to 4:30 p.m.

Dallas Public Library, 2332 Singleton Blvd., Dallas, Texas 75212, (214) 670–6445, Hours of Operation: M and W 10 a.m.–6 p.m., T and Th 10 a.m.–8 p.m. Sat 10 a.m.–5 p.m.

Texas Natural Resource Conservation Commission, 12118 North IH 35, Technical Park Center, Room 190, Building D, Austin, Texas 78753, (512) 239–2920 Hours of Operation: M–F 8:00 a.m.–5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos A. Sanchez, Project Manager, U.S. EPA, Region 6 (6SF–AT), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8507.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The United States Environmental Protection Agency (EPA) Region 6 announces its intent to delete a portion of the RSR Corporation Superfund Site (RSR Site) located in, Dallas, Dallas County, Texas, (Figure 1) from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on this proposal. This proposal for partial deletion pertains to OU No. 1, which consists of all privately owned residential properties and associated residential high risk areas, such as schools, churches and day care centers in the RSR Site. OU No. 1 is bounded on the north and east by the Trinity River, on the south by Ft. Worth Avenue and Davis Street, and on the west by State Highway Loop 12 (Walton Walker Blvd.) and the Dallas city limits at the levee (approximately 1/2 mile west of Loop 12). In addition, this proposal for partial deletion pertains to OU No. 2, which includes the public residential housing area in the RSR Site that is currently owned by the Dallas Housing Authority (DHA). OU No. 2 is bounded by Westmoreland Road to the west, Hampton Road to the east, Canada Drive to the north and Singleton Boulevard to the south.

BILLING CODE 6560–50–P

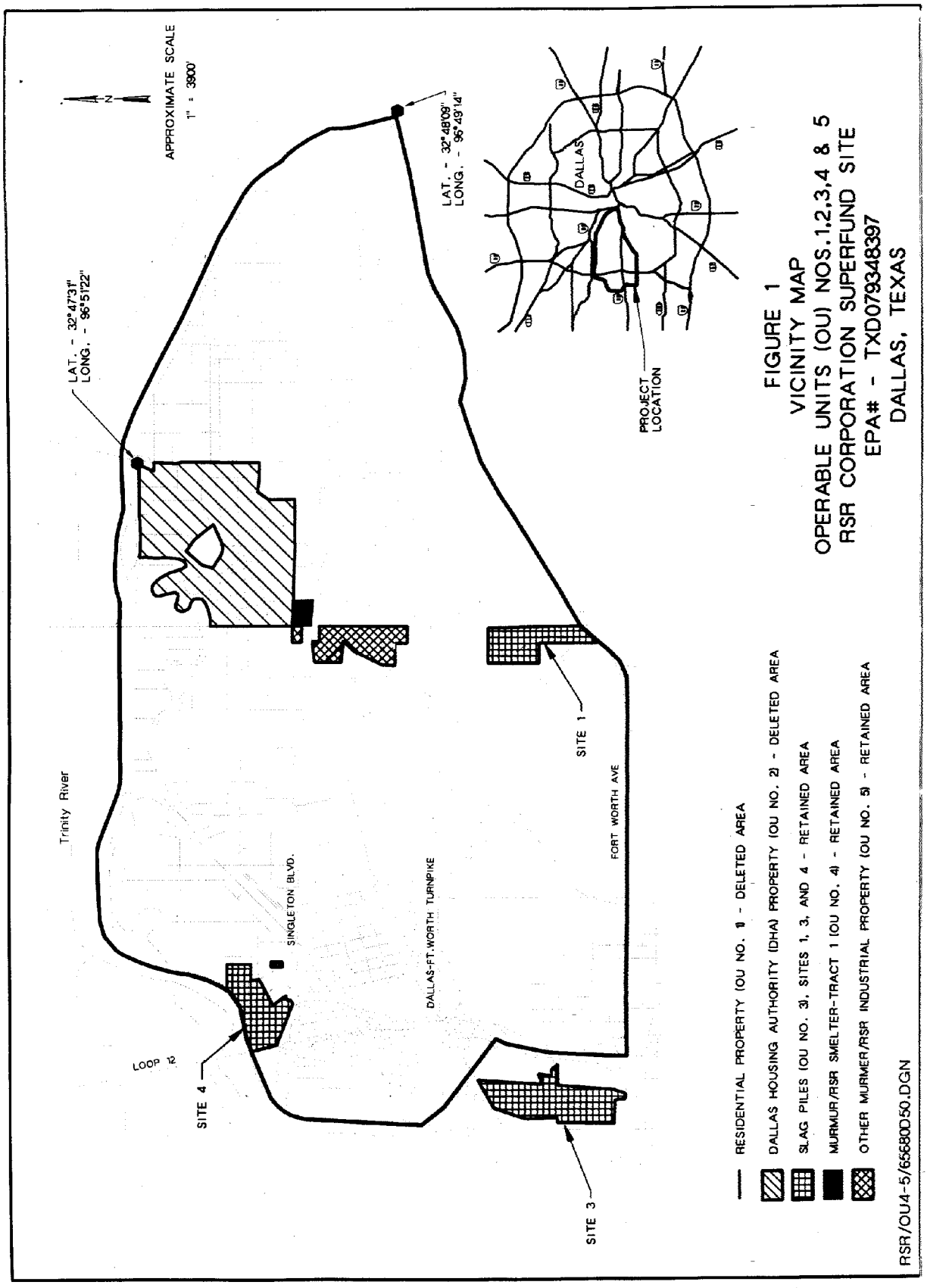

FIGURE 1
VICINITY MAP
OPERABLE UNITS (OU) NOS.1,2,3,4 & 5
RSR CORPORATION SUPERFUND SITE
EPA# - TXD079348397
DALLAS, TEXAS

BILLING CODE 6560–50–C

In OU Nos. 1 and 2, extensive sampling and risk assessments have been completed at all private and public residential properties and residential high risk areas and cleanups performed to remove contamination related to a former secondary lead smelter to residential action levels. In OU No. 1 EPA implemented investigations and response actions at residential properties where property owners granted voluntary access for the performance of the activities. Of approximately 1,000 residential property owners only 30 refused to provide EPA voluntary access for the response activities. Since it is EPA's policy not to conduct response activities at private residential property without first obtaining permission from the resident, EPA did not perform certain CERCLA response actions at the locations where access was denied. Based on the investigation and cleanup efforts, on May 9, 1995, EPA issued a Record of Decision for OU No. 1 stating that no further action is necessary to protect human health and the environment. Similarly, based on extensive investigations and cleanup efforts in OU No. 2, on May 9, 1995, EPA issued a Record of Decision for OU No. 2 stating that no further action is necessary to protect human health and the environment in OU No. 2.

EPA proposes to delete OU Nos. 1 and 2 because all appropriate CERCLA response activities have been completed in those areas. However, response activities at OU Nos. 3, 4, and 5 of the RSR Site are not yet complete, and OU Nos. 3, 4, and 5 will remain on the NPL and are not the subject of this partial deletion.

The NPL is a list maintained by EPA of sites that EPA has determined present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this notice in the Federal Register and a newspaper of record.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate to protect public health or the environment. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures were used for the proposed deletion of OU Nos. 1 and 2 of the RSR Site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Texas through TNRCC concurred by letter dated January 8, 1996, with this partial deletion.

(3) Concurrent with this national Notice of Intent for Partial Deletion, a notice has been published in a newspaper of record and has been distributed to appropriate federal, State, and local officials, and other interested parties. These notices announce a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the Federal Register and a newspaper of record.

(4) EPA has made all relevant documents available at the information repositories listed previously.

This Federal Register notice, and a concurrent notice in a newspaper of record, announce the initiation of a thirty (30) day public comment period and the availability of the Notice of Intent for Partial Deletion. The public is asked to comment on EPA's proposal to delete OU Nos. 1 and 2 from the NPL. All critical documents needed to evaluate EPA's decision are included in the Deletion Docket and are available for review at the information repositories.

Upon completion of the thirty (30) day public comment period, EPA will evaluate all comments received before issuing the final decision on the partial deletion. EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed previously. Members of the public are encouraged to contact EPA Region 6 to obtain a copy of the Responsiveness Summary. If, after review of all public comments, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the Federal Register. Deletion of OU Nos. 1 and 2 does not actually occur until the final Notice of Partial Deletion is published in the Federal Register.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's rationale for deletion of OU Nos. 1 and 2 from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied:

Background

The RSR Site is located in west Dallas, Texas and encompasses an area of approximately 13.6 square miles. The RSR Site is very diverse and includes large single and multi-family residential neighborhoods, multi-family public housing areas and some industrial, commercial and retail establishments. Contamination at the RSR Site originated from the operation of a secondary lead smelter facility located in the heart of west Dallas for approximately 50 years. Specifically, contamination of the RSR Site resulted from the fallout of historical air emissions from the smelter stack, from the use by residents of lead slag and battery casing chips as fill material in residential driveways and yards and from the disposal of smelter wastes in

several disposal areas, including two locations operated as local municipal landfills. Lead, cadmium and arsenic are the primary contaminants of concern at the RSR Site.

In order to expedite Superfund response actions at this large site, especially with regard to the residential areas, EPA divided the RSR Site into five Operable Units (OUs), Figure 1:

- OU No. 1—Private Residential Properties
- OU No. 2—Dallas Housing Authority (DHA) Property
- OU No. 3—Slag Piles/Landfills
- OU No. 4—Smelter Facility
- OU No. 5—Other Industrial Property Associated with the Smelter

EPA has been investigating, conducting human health risk assessments and making CERCLA response action decisions for each OU separately.

OU No. 1 includes private residential properties and high risk locations such as schools, church play areas, parks, and day care facilities. Industrial, commercial, and retail establishments are not included in OU No. 1. OU No. 1 is bounded on the north and east by the Trinity River, on the south by Ft. Worth Avenue, and on the west by State Highway Loop 12 (Walton Walker Blvd.) and the Dallas city limits at the levee (approximately ½ mile west of Loop 12). OU No. 1 includes primarily single and multi-family housing and has a population of approximately 17,000.

Operable Unit No. 2 is an area owned and operated by the Dallas Housing Authority (DHA), which encompasses approximately 460 acres within the RSR Site. The OU No. 2 site is bounded by Westmoreland Road to the west, Hampton Road to the east, Canada Drive to the north and Singleton Boulevard to the south. OU No. 2 includes primarily public multi-family housing, schools, parks, recreation facilities, and a day care center.

For approximately 50 years, secondary lead smelting operations were conducted at the smelter facility located near the center of the RSR Site. An extensive review of available historical information concerning the smelter's operation indicates that from approximately 1934 until 1971, the lead smelting facility was owned and/or operated by Murph Metals, Inc. or its predecessors. In 1971, RSR Corporation acquired the lead smelting operation and operated the smelter under the name Murph Metals until March 1984 when a Federal Trade Commission divestiture order resulted in the acquisition of the smelter in May 1984 by the current owner, Murmur Corporation. In 1983, the City of Dallas declined to renew the smelter's operating permit. This decision was based on the smelter's historic operational practices and changes in the City's zoning ordinance restrictions. As a result, the smelter closed in 1984 and has not operated since that time.

The smelter facility currently consists of two properties separated by Westmoreland Road. The smelter building, stack and other associated buildings, which are no longer in use, are situated on one property (OU No. 4), while a disassembled battery wrecking building and abandoned disposal areas exist on the property across Westmoreland Road (OU No. 5). Currently, Murmur Corporation is conducting the only active site operations, which consist of a lead manufacturing and fabricating facility producing lead shot and lead sheets for hospital x-ray rooms.

As a result of a lawsuit brought by the City of Dallas and the Texas Air Control Board against RSR Corporation and Murph Metals, in 1983 RSR/Murph by court order was required to fund a cleanup of the residential community within one-half mile of the smelter. The cleanup was conducted from 1984 through 1985 and required the removal and offsite disposal of soils in residential areas and public play areas and day care centers that exceeded approximately 1,000 ppm lead concentration. The cleanup action conducted from 1984 through 1985 exceeded recommendations made by the Center for Disease Control (CDC) and was considered a protective and appropriate action at that time.

Concerns about lead contamination in the west Dallas area re-emerged in 1991 when TNRCC (formerly the Texas Water Commission) began receiving complaints from area residents about residual slag piles and battery chips allegedly originating from the former RSR Corporation facility in areas beyond the original cleanup area. In addition, in 1991 the CDC lowered the blood lead level of concern. Consequently, TNRCC requested that EPA re-evaluate the areal extent of smelter contamination in west Dallas.

On May 10, 1993, EPA proposed to add the RSR Corporation Site to the National Priorities List (NPL) of Superfund sites (58 Fed. Reg. 27,507). The final listing was published in the Federal Register on September 29, 1995 (60 FR 50435).

OU NO. 1 Response Actions

EPA began soil sampling in west Dallas in 1991 to determine the presence of soil contamination from the RSR smelter. Results indicated that areas previously cleaned in the 1980s were not recontaminated and did not require further cleanup, but that contamination existed beyond the area formerly addressed in areas near the smelter and in areas where battery chips were used as fill. Consequently, EPA initiated an emergency removal action in the residential and high risk areas (designated OU No. 1) consisting of removal and offsite disposal of soils and debris contaminated in excess of the residential removal action cleanup levels of 500 ppm lead, or 20 ppm arsenic, or 30 ppm cadmium. EPA conducted removal activities at 420 residential properties and high risk areas at OU No. 1 of the RSR Site from October 1991 to June 1994.

In addition to the removal action, EPA conducted a remedial investigation and a baseline human health risk assessment at OU No. 1 to determine the extent of contamination and long-term cleanup goals for OU No. 1. On May 9, 1995, based on the results of these studies and the completion of the removal action EPA, issued a ROD for OU No. 1 presenting EPA's decision that no further CERCLA action is necessary to protect human health and the environment.

All of the response actions at OU No. 1 were conducted using funds from the Hazardous Substance Superfund.

OU NO. 2 Response Actions

On August 9, 1993, EPA entered into a CERCLA Administrative Order on Consent (AOC), Docket No. 6–21–93, with DHA, under which DHA agreed to conduct a remedial investigation and feasibility study (RI/FS) and, in addition, to conduct demolition and removal actions at OU No. 2. Under the AOC, DHA was required to perform the removal and demolition activities in the same manner and in accordance with the removal action performed by EPA at the residential areas in OU No. 1. Pursuant to the AOC, DHA excavated and removed contaminated soils with concentrations equal to or in excess of residential action levels, and disposed of those soils in appropriate and permitted offsite landfills. In addition, DHA demolished 167 buildings using methods approved by EPA to prevent public exposure to contaminants that may have been contained in the building materials. DHA's demolition and removal actions were performed with the oversight and approval of EPA and were completed in March 1995. TNRCC also provided oversight support, and DHA coordinated and received approval from TNRCC for the disposal of materials to offsite landfill facilities.

Concurrent with DHA's investigation and removal activities, EPA conducted a human health risk assessment for OU No. 2. Based on the results of these studies and on the completion of the removal and demolition activities, on May 9, 1995, EPA issued a ROD for OU No. 2 presenting its decision that no further CERCLA action is necessary to protect human health and the environment at OU No. 2.

Community Involvement

Public participation activities for OU Nos. 1 and 2 have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. § 9613(k), and Section 117, 42 U.S.C. § 9617. The Remedial Investigation Reports, Baseline Human Health Risk Assessment Reports and the Proposed Plans for OU Nos. 1 and 2 were released to the public on November 18, 1994. These documents as well as other documents and information EPA relied on or considered in recommending that no further action was necessary at these OUs were compiled for OU Nos. 1 and 2 and were made available to the public on or before November 18, 1994. Such documents have been available to the public in the three RSR Site information repositories. The notice of the availability of the Proposed Plan and supporting documents was published in *The Dallas Morning News* on November 14, 1994. The public comment period was held from November 18, 1994 through January 18, 1995. A Public meeting was held on December 1, 1994, to receive public comments from the community. In addition, legal and technical representatives from EPA participated in a radio talk show on January 15, 1995, to receive public comments and answer questions from citizens. Responses to all comments received during the public comment period are included in the Responsiveness Summary attached to the RODs for OU Nos. 1 and 2.

On May 9, 1995, EPA issued a ROD for OU No. 1 and a ROD for OU No. 2 presenting EPA's decisions that no further action is necessary at OU Nos. 1 and 2 of the RSR Site in Dallas, Texas for protection of human health and the environment. EPA's decisions are based on information contained in the final Administrative Records for OU Nos. 1 and 2. The final Administrative Records for the two OUs are available at the RSR Site information repositories.

Current Status

Based on the successful completion of EPA's and DHA's removal actions and the extensive investigations and risk assessments performed for both OU No. 1 and OU No. 2, there are no further response actions planned or scheduled for these OUs. Pursuant to the NCP, a five-year review will not need to be performed at OU Nos. 1 and 2.

While EPA does not believe that any future response actions in OU Nos. 1 and 2 will be needed, if future conditions warrant such action, the proposed deletion areas of the RSR Site remain eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of OU Nos. 3, 4, and 5 of the RSR Site which are not proposed for deletion and remain on the NPL.

EPA, with concurrence from the State of Texas, has determined that all appropriate CERCLA response actions have been completed at OU Nos. 1 and 2 and protection of human health and the environment has been achieved in these areas. Therefore, EPA makes this proposal to delete only OU Nos. 1 and 2 of the RSR Corporation Superfund Site from the NPL.

Dated: March 25, 1996.

A. Stanley Meiburg,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

Appendix A—Docket Information

Deletion Docket—Notice of Intent for Partial Deletion of the RSR Corporation Superfund Site, Dallas, Texas; Operable Units Nos. 1 and 2 From the Superfund National Priorities List

- RSR Corporation Superfund Site Administrative Record Index, Operable Unit No. 1, May 9, 1995.
- RSR Corporation Superfund Site Administrative Record Index, Operable Unit No. 2, May 9, 1995.
- Concurrence letter dated January 8, 1996, from the State of Texas through the Texas Natural Resource Conservation Commission agreeing with EPA's proposal to delete OU Nos. 1 and 2 of the RSR Site from the National Priorities List.
- Notice of Intent for Partial Deletion of the RSR Corporation Superfund Site, Operable Units Nos. 1 and 2, from the National Priorities List.

Appendix B—Site Coordinate

RSR Corporation Superfund Site, Dallas, Texas; Site Coordinate Boundaries

The RSR Corporation Superfund Site Operable Unit No. 1 is generally bounded by the following longitude and latitude coordinate points:

1. 96° 49′ 14″
   32° 46′ 09″
2. 96° 52′ 47″
   32° 44′ 58″
3. 96° 55′ 06″
   32° 44′ 58″
4. 96° 55′ 31″
   32° 46′ 50″
5. 96° 54′ 20″
   32° 47′ 43″
6. 96° 51′ 13″
   32° 47′ 36″
7. 96° 49′ 30″
   32° 46′ 44″

The RSR Corporation Superfund Site Operable Unit No. 2 is generally bounded by the following longitude and latitude coordinate points:

1. 96° 51′ 23″
   32° 46′ 40″
2. 96° 52′ 25″
   32° 46′ 43″
3. 96° 52′ 25″
   32° 47′ 33″
4. 96° 51′ 22″
   32° 47′ 31″

The residential removal boundaries were based on access agreements with the property owners identified through City of Dallas zoning maps that described the property coordinates.

[FR Doc. 96–8818 Filed 4–10–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–097, Notice 01]

RIN 2127–AF90

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, NHTSA proposes to rescind the Federal motor vehicle safety standard on headlamp concealment devices and to transfer its essential provisions to the safety standard on lamps, reflective devices and associated equipment. NHTSA further proposes to simplify some of the transferred provisions. This proposed action is part of the President's Regulatory Reinvention Initiative to make regulations easier to understand and to apply.

DATES: Comments are due June 10, 1996.

ADDRESSES: Comments should refer to the docket number and notice number cited at the beginning of this notice, and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m.) It is requested that 10 copies of the comment be provided.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Patrick Boyd,

Office of Crash Avoidance Standards, NPS–21, telephone (202) 366–6346, FAX (202) 366–4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC–20, (202) 366–2992, FAX (202) 366–3820.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590. Comments should not be sent or FAXed to these persons, but should instead be sent to the Docket Section.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

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 not only those rules or portions of rules that might be deleted or rescinded but also those rules that could be consolidated to avoid duplication or be redrafted to make them easier to comprehend. In reviewing Federal Motor Vehicle Safety Standard No. 112 *Headlamp concealment devices* (49 CFR 571.112), the agency tentatively decided that a separate standard for headlamp concealment devices is not necessary since its essential provisions could be transferred to Standard No 108, *Lamps, reflective devices, and associated equipment,* without affecting safety.

Background of Standard No. 112

Standard No. 112 specifies requirements for headlamp concealment devices, defined as a device with its operating system and components, that provides concealment of the headlamp when it is not in use, including a movable headlamp cover and a headlamp that displaces for concealment purposes. Headlamp concealment devices are usually rotating or pop-up headlamp mounts that appear to be part of an uninterrupted body surface when the headlamps are not positioned for use. Only a small percentage of vehicles have ever used them. More extensive use of them in the future is not anticipated since the trend toward aero-styled headlamps has reduced their role in styling.

The final rule establishing Standard No. 112 (See 33 FR 6469, April 27, 1968) took effect in 1969. The standard requires that fully opened headlamp concealment devices must remain fully opened whenever there is a loss of power to or within the device and whenever any malfunction occurs in components that control or conduct power for the operation of a concealment device. NHTSA established additional safety performance criteria to increase the safe and reliable operation of headlamp concealment devices. Means for fully opening each headlamp concealment device must be provided to guard against the possibility of a malfunction occurring in components that control or conduct power for the actuation of the concealment device. A single mechanism must be provided for actuating the headlamp concealment devices and illuminating the lights. Each headlamp concealment device must be designed such that no component of the device, other than components of the headlamp assembly, need be removed when mounting, aiming and adjusting the headlamps. Finally, within specified temperature ranges, headlamp concealment devices must fully open in three seconds after actuation of the appropriate mechanism, except in the event of a power loss.

Since 1969, Standard No. 112 has remained essentially unchanged. Only one rulemaking issue has been raised since the standard was issued. Until 1987, the standard required that the headlamps not be illuminated until they were in their operating position if the concealment devices moved through intermediate positions in which the headlamps could produce more glare than permitted in their operating position. Chrysler petitioned for changes to make the provision less restrictive. The agency decided that the requirement for full opening of concealment devices in 3 seconds already limited the glare in intermediate positions to no greater duration than the usual glare observed by drivers viewing oncoming vehicles on curves or hills ahead. Therefore, all requirements at intermediate positions were eliminated (52 FR 35709, September 23, 1987).

Proposed Amendments

NHTSA proposes to retain most of Standard No. 112's provisions and transfer them to a new section S12, *Headlamp concealment devices,* in Standard No. 108, as follows. The definitions of ''headlamp concealment device'' and ''fully opened'' (presently in S3 of Standard 112) would be transferred to S4 of Standard 108. NHTSA is not proposing to transfer the definition of ''power'' (''any source of energy that operates the headlamp concealment device'') since it is obvious from the context of the requirements that ''power'' includes electrical, pneumatic, vacuum, mechanical, hydraulic or any other source of energy chosen to operate the headlamp concealment devices.

NHTSA proposes to transfer S4, S4.1 ,S4.2, S4.4 and S4.5 to Standard 108 and redesignate them as S12, S12.1, S12.2, S12.3 and S12.4, respectively. NHTSA is not proposing to transfer S4.3's requirement that both headlamp concealment devices be operated by a single switch. NHTSA believes that S4.3 relates more to convenience than to safety. If even one of a vehicle's headlamp concealment devices becomes fully opened in three seconds, it would provide reasonable safety during the next few seconds while the second device is activated. However, NHTSA believes that vehicle manufacturers know their customers want convenience and that such market demand will ensure manufacturers continue to design headlamp concealment devices operated by a single switch.

The proposed new S12 would be a simplified version of S4. Presently, S4.1(a) of Standard No. 112 (proposed as S12.1 of Standard No. 108), requires that when the headlamps are operating with the concealment devices in the fully opened position, they must remain fully open in the event of ''any loss of power to or within the headlamp concealment device.'' S4.1(b) provides that the requirement for remaining open applies in any situation in which there is a ''disconnection, restriction, short-circuit, circuit time delay, or other similar malfunction in any wiring, tubing, hose, solenoid or other component that controls or conducts power for operating the concealment device.'' Since S4.1(b) is merely a more detailed statement of requirement in S4.1(a), NHTSA is not proposing to include the language of S4.1(b) in S12 of Standard No. 108.

S4.2 of Standard 112 requires that if the power to a concealment device is lost when the device is closed, the device ''shall be capable of being fully opened (a) by automatic means, (b) by actuation of a switch, lever, or other similar mechanism; or (c) by any other means not requiring the use of any tools.'' Since conditions (a) and (b) are merely examples of means not requiring the use of tools as specified in (c), they need not be expressly set forth. Therefore, NHTSA is not proposing that S4.2 paragraphs (a) and (b) of Standard No. 112 be included in S12.2 of Standard 108.

Retaining Timing of Opening and Temperature Requirements

S4.5 of Standard No. 112 requires that each headlamp concealment device be capable of opening within 3 seconds of

the actuation of its switch, lever or similar mechanism. It specifies that the capability must exist over a temperature range of −20 ° to +120 ° F. NHTSA has tentatively concluded that transferring the S4.5 language to Standard No. 108 would be necessary to assure a minimum level of safety.

As noted above, the actuation time limit was the basis for removing the restriction on the opening path of headlamp concealment devices bearing lighted headlamps. It has also become the basis for industry design standards of high intensity discharge (HID) lamps used as headlamps. HID lamps for other applications have long warm-up cycles before achieving their steady intensity, but HID headlamps use special designs to attain a near steady output within 3 seconds.

The importance of rapid headlamp warm-up and concealment device opening is illustrated by the example of vehicles exiting lighted tunnels in which headlamp use is prohibited. Drivers who exit such tunnels at night would face an obvious hazard if they could not restore headlamp illumination quickly. Likewise, drivers entering unlighted tunnels in the daytime would face an obvious hazard if they could not illuminate their headlamps quickly.

NHTSA proposes to retain and transfer the operating temperature requirements of Standard No. 112 because they reflect drivers' needs. The operation of moveable headlamp panels could be easily affected by lubricants that thicken in cold temperature or by changes in the clearance between sliding or rotating parts in response to extreme temperatures.

NHTSA welcomes comments on the agency's proposal that the timing of opening and temperature requirements for headlamp concealment devices be retained and transferred to S12.4 of Standard No. 108.

Other Proposed Amendments

In adding the proposed S12 to Standard No. 108, NHTSA would also take the steps necessary to ensure that S11 and S12 are placed to follow S10 in the published version of Standard No. 108. In Title 49 Code of Federal Regulations (CFR) Parts 400–999, revised as of October 1, 1994, more than 70 pages of figures separate S10 on page 239 from S11 on page 311. The reader is advised only in an editorial note following S10 that S11 ''follows table IV of this section.'' NHTSA has received numerous complaints about S11's out-of-sequence placement in the CFR, and has advised the Office of the Federal Register that S11 should be printed immediately following S10. However, that Office views S11 as properly following the three Notes published after Table IV, and will not relocate S11 without a formal amendment by NHTSA. The agency wishes to correct that misplacement and avoid similar inconvenience to readers that would result if S12 also were placed after Table IV.

Placing S11 and proposed S12 in their correct sequence would make the provisions easier to find, thereby furthering the President's Regulatory Reinvention Initiative to make regulations easier to understand and to apply. NHTSA believes it would be easier for readers to find both S11 and S12 if both sections were placed after S10 *Simultaneous Aim Photometry Tests.* Accordingly, NHTSA will work with the Office of the Federal Register officials in an attempt to ensure that S10, S11, and S12 appear consecutively in the next edition of 49 CFR, with no intervening tables or figures.

Proposed Effective Date

The proposed rescission of Standard No. 112 and transfer of certain of its provisions to Standard No. 108 would not compromise safety and would not make substantive changes in the requirements. NHTSA has tentatively determined that there is good cause shown that an effective date earlier than 180 days after issuance is in the public interest. Accordingly, the agency proposes that, if adopted in a final rule, the amendments would have an effective date of 30 days after the publication of the final rule in the Federal Register.

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.'' NHTSA has analyzed the impact of this rulemaking action and determined that it is not ''significant'' under the Department of Transportation's regulatory policies and procedures. NHTSA believes that these proposed amendments, if made final, would not impose any additional costs and would not yield any savings because this rule would not change any substantive requirement for headlamp concealment devices and would only make administrative changes. Since there would not be any impacts, preparation of a full regulatory evaluation is not warranted.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. As noted above, this proposal would simplify the language and requirements of the standard and result in all of the headlamp provisions being grouped together in one standard. It does not affect any costs associated with the manufacture or sale of vehicles. Accordingly, an initial regulatory flexibility analysis has not been prepared.

National Environmental Policy Act

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

Executive Order 12612 (Federalism)

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

Civil Justice Reform

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

Procedures for Filing Comments

Interested persons are invited to submit written comments on the amendments proposed in this rulemaking action. It is requested but not required that any comments be submitted in 10 copies.

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

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission including the purportedly confidential business information should be submitted to the Chief Counsel, NHTSA at the street address shown above, and 7 copies from which the purportedly confidential information has been expunged should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in 49 CFR 512, the agency's confidential business information regulation.

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

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

List of Subjects in 49 CFR Part 571

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

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—[AMENDED]

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

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

2. Section 571.108 would be amended by adding in S4, in alphabetical order, definitions of ''fully opened'' and ''headlamp concealment device,'' moving S11 *Photometric Test* from its position in the text following the ''Note'' which appears after Table IV, to a position immediately following paragraph S10(b), and adding S12 *Headlamp Concealment Devices* to read as follows:

§ 571.108 Standard No. 108, Lamps, reflective devices, and associated equipment.

* * * * *

S4. *Definitions*

* * * * *

Fully opened means the position of the headlamp concealment device in which the headlamp is in the design open operating position.

Headlamp concealment device means a device, with its operating system and components, that provides concealment of the headlamp when it is not in use, including a movable headlamp cover and a headlamp that displaces for concealment purposes.

* * * * *

S12. *Headlamp Concealment Devices*

S12.1 While the headlamp is illuminated, its fully opened headlamp concealment device shall remain fully opened should any loss of power to or within the headlamp concealment device occur.

S12.2 Whenever any malfunction occurs in a component that controls or conducts power for the actuation of the concealment device, each closed headlamp concealment device shall be capable of being fully opened by a means not requiring the use of any tools. Thereafter, the headlamp concealment device must remain fully opened until intentionally closed.

S12.3 Each headlamp concealment device shall be installed so that the headlamp may be mounted, aimed, and adjusted without removing any component of the device, other than components of the headlamp assembly.

S12.4 Except for cases of malfunction covered by S12.2, each headlamp concealment device shall, within an ambient temperature range of −20° to +120° F., be capable of being fully opened in not more than 3 seconds after the actuation of a driver-operated control.

* * * * *

§ 571.108 [Amended]

3. In § 571.108, a new heading is added following § 12.4 and preceding the figures to read ''Figures to § 571.108''.

4. In § 571.108, Figures 1a, 1b and 1c which follow § 5.1.1.6 and Figure 2 which follows § 5.1.1.18 are moved to appear after the heading ''Figures to § 571.108'' in numerical order.

§ 571.112 [Removed and reserved]

5. Section 571.112 would be removed in its entirety and reserved.

Issued on: April 2, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–8655 Filed 4–10–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 646 and 686

[Docket No. 950316075–6098–02; I.D. 022696A]

RIN 0648–AH86

Golden Crab Fishery Off the Southern Atlantic States; Initial Regulations; Snapper-Grouper Fishery Off the Southern Atlantic States; Revision of Definition

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement all but one measure of the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP) and to revise a complementary definition in the regulations implementing the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region. Based on a preliminary evaluation of the FMP, NMFS disapproved a measure that would require 100 percent of vessel owners/operators to maintain and submit vessel logbooks. This rule proposes restrictions on the harvest or possession of golden crab in or from the exclusive economic zone (EEZ) off the southern Atlantic states and proposes controlled access to the fishery. The intended effect of the FMP and this rule is to conserve and manage the golden crab fishery.

DATES: Written comments must be received by May 28, 1996.

ADDRESSES: Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the FMP, which includes a regulatory impact review (RIR), social impact assessment, and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–

4699, telephone 803–571–4366, FAX 803–769–4520.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the South Atlantic Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Background

The FMP and proposed rule address conservation and management of golden crab in or from the EEZ along the U.S. Atlantic coast from the east coast of Florida, including the Atlantic side of the Florida Keys, to the North Carolina/Virginia boundary. The FMP was developed to protect the biological integrity of the golden crab resource and to maintain economic and social benefits from the fishery by establishing a controlled access program. Because the distribution of golden crabs off the southern Atlantic states is believed to be restricted to the EEZ and the historical fishery in that area has been conducted exclusively in the EEZ, it is a rebuttable presumption of the proposed rule that all golden crab possessed were harvested from the EEZ.

The Council and NMFS are concerned about potential overfishing of the golden crab resource and overcapitalization of the fishery. Golden crabs are relatively long-lived and have slow growth rates, making them more vulnerable to overfishing. Currently the golden crab fishery is unregulated. Restrictions in other fisheries, notably net and fish trap bans in Florida and harvest restrictions in the New England groundfish and Alaskan crab fisheries, have contributed to increased interest and participation in the golden crab fishery in recent years. The Council believes that further increases in the number of vessels participating in the fishery will result in harvest capacity that greatly exceeds the maximum sustainable yield (MSY). Additional vessels entering the fishery would also contribute to overcapitalization and other social and economic problems commonly associated with open access.

This rule would: (1) Establish a controlled access program that includes initial eligibility criteria for vessel permits, restricted fishing zones, and procedures for appeals, transfers, and renewal of permits; (2) specify authorized gear for the fishery; (3) establish gear identification requirements; (4) specify maximum allowable trap sizes; (5) require escape gaps and a degradable panel on each trap; (6) establish minimum depth limits for use of traps; (7) prohibit tending of traps by unauthorized individuals; (8) modify the definition of the term ''crustacean trap'' in the regulations governing the South Atlantic snapper-grouper fishery (50 CFR part 646) to accommodate use of traps in the golden crab fishery; (9) prohibit the sale of female golden crabs and limit retention of female crabs to no more than 0.5 percent, by number, of all golden crabs on board the vessel; (10) require that golden crabs be landed whole; (11) limit sale of golden crabs by permitted vessels to permitted golden crab dealers; (12) require that permitted golden crab dealers purchase golden crabs caught in the EEZ only from permitted vessels; (13) prohibit possession of snapper-grouper species in whole, gutted, or filleted form on board a vessel fishing for or possessing golden crabs; (14) establish permit and reporting requirements for fishermen and dealers; (15) require mandatory observer coverage if a vessel is selected; and (16) establish a framework regulatory adjustment procedure (framework procedure) to allow timely implementation of changes in the FMP's management measures.

Additionally, the FMP would have required that 100 percent of the owners or operators of permitted vessels maintain and submit vessel logbook information. Based on a preliminary evaluation of the FMP, the Director, Southeast Region, NMFS, (Regional Director) disapproved this measure. The Regional Director concluded that the methods of obtaining the necessary management data, and the appropriate sampling system for such data, are operational determinations properly made by NMFS. Accordingly, the Regional Director determined that the level of vessel coverage or sampling is not a matter of sufficient scope and substance warranting review under section 304(a)(1)(A) of the Magnuson Act. NMFS agrees with the Council that there is current ample justification for requiring all permitted vessels to maintain and submit vessel logbooks. Therefore, NMFS intends to select all permitted vessels to submit logbooks, for as long as that level of coverage is deemed necessary. If NMFS subsequently determines that 10009percent logbook reporting is not required, the level of coverage can be reduced to the appropriate level without amending the FMP.

Permit Requirements

Permits would be required for vessels and dealers involved in the golden crab fishery in the EEZ to ensure that the universe of participants in the fishery is defined accurately and to facilitate essential data collection. For a person aboard a fishing vessel to fish for golden crab in the EEZ, possess golden crab in or from the EEZ, off-load golden crab from the EEZ, or sell golden crab in or from the EEZ, a vessel permit for golden crab would have to be issued for the vessel and would be required to be on board. An application for a vessel permit, except for permit renewal or transfer, would be required to be submitted to the Regional Director postmarked no later than 30 days after the date the final rule implementing the FMP is published in the Federal Register. No additional applications for initial vessel permits would be accepted after that date. See the discussion of the controlled access program below regarding additional restrictions related to vessel permits.

A dealer who receives from a fishing vessel golden crab harvested from the EEZ would be required to obtain a dealer permit for golden crab. To be eligible for a dealer permit, an applicant would be required to have a valid state wholesaler's license in the state where he or she operates and have a physical facility for the receipt of fish at a fixed location in that state. A dealer application would be required to be submitted to the Regional Director at least 30 days prior to the desired effective date of the permit. Dealer permits for golden crab would not be transferable or assignable.

Applications for vessel and dealer permits would be subject to a fee to cover administrative costs of issuing the permits.

Controlled Access Program

The Council and many participants in the golden crab fishery are concerned about the adverse impacts that could result from allowing continued open access to the fishery, e.g., overfishing, overcapitalization, intensified competition for available harvest levels, and gear and user conflict. To address these concerns, the FMP would establish a controlled access program that includes provisions for vessel permit eligibility, an appeals process, restricted fishing zones, and transfer and renewal of annual vessel permits.

Under the controlled access program, a vessel permit would be issued to the vessel owner for the vessel only if the owner meets the required documentation requirements substantiating landings of golden crab harvested from the EEZ off the southern Atlantic states (North Carolina, South Carolina, Georgia, and the Florida east coast) in quantities of at least 600 lb (272 kg) by April 7, 1995, or at least 2,500 lb (1,134 kg) by September 1, 1995. Acceptable documentation of the required landings would include landings documented by the trip ticket systems of Florida or South Carolina and trip receipts or dealer records for landings off other southern Atlantic states or for landings that occurred prior to establishment of the trip ticket systems in Florida and South Carolina, as specified in 50 CFR 686.4(a)(3). Landings history would be attributed to the owner of the vessel at the time the landings occurred unless a written agreement expressly transfered the vessel's landings history to a new owner (i.e., the landings history does not automatically transfer with a change in vessel ownership). Initial vessel permits would be issued to current vessel owners.

Appeals of the Regional Director's decision regarding initial permit eligibility would be addressed by an ad hoc appeals committee appointed by the Council and consisting only of Council members. The appeals committee would be empowered only to determine whether the permit eligibility criteria were applied correctly to the applicant's application; hardship appeals would not be considered. An applicant whose initial application was denied would have to submit a written appeal within 30 days of the Regional Director's initial decision and would have to provide written documentation explaining the basis for the appeal. An appellant would also be allowed to testify before the appeals committee. The appeals committee would meet only once to consider all appeals. Each member of the appeals committee would provide individual recommendations for each appeal to the Regional Director. The Regional Director's written decision would constitute the final administrative action by NMFS on an appeal.

As part of the controlled access program, the FMP would establish three designated fishing zones that are intended to help stabilize and optimize the distribution of fishing effort throughout the range of the fishery. The three zones are: (1) The Northern zone—that area of the EEZ north of 28° N. lat. to the North Carolina/Virginia boundary (36°44′55″ N. lat.); (2) the Middle zone—that area of the EEZ from 28° N. lat. to 25° N. lat.; and (3) the Southern zone—that area of the EEZ south of 25° N. lat. to the boundary between the jurisdictions of the South Atlantic and Gulf of Mexico Fishery Management Councils (see 50 CFR 601.11(c)). An applicant for a vessel permit would be required to specify in which zone the vessel would fish, and the permit would be valid only for that zone. Other zones could be transited only if the vessel operator notifies NMFS Southeast Law Enforcement Division in advance and does not fish in an unpermitted area.

Under the controlled access program, the transfer and renewal of vessel permits would be restricted. A vessel permit would only be transferable to a vessel that would fish for golden crab exclusively within the designated zone indicated on the permit or to a vessel that would fish exclusively in the northern zone. To obtain a vessel permit via transfer, the owner of the receiving vessel would have to acquire a permit or permits from a vessel or vessels with documented length overall, or aggregate lengths overall, of at least 90 percent of the documented overall length of the receiving vessel.

A vessel permit would be renewable only if the Science and Research Director, Southeast Fisheries Center, NMFS, (Science and Research Director), had received the required vessel logbook reports documenting that at least 5,000 lb (2,268 kg) of golden crab landed from the EEZ off the southern Atlantic states had been attributed to the permitted vessel during at least one of the two 12-month periods prior to the expiration date of the current vessel permit.

Reporting Requirements

Permitted vessels and dealers would be required to maintain and submit basic information essential for proper management of the fishery. Additional data may be collected by authorized statistical reporting agents or authorized officers.

The owner or operator of a permitted vessel that is selected by the Science and Research Director would be required to maintain a daily logbook form for each fishing trip. Logbook forms would have to be submitted to the Science and Research Director postmarked not later than 30 days after sale of the golden crab off-loaded from a trip. If no fishing occurred during a month, a report so stating would have to be submitted in accordance with instructions on the form. A permitted vessel selected for observer coverage would be required to accommodate a NMFS-certified observer.

A permitted dealer who is selected by the Science and Research Director would be required to provide information to the Science and Research Director on receipts of golden crab and prices paid at monthly intervals, or more frequently if requested, postmarked not later than 5 days after the end of each month. The Council intends that, to the extent possible, the required information be provided through existing state/Federal cooperative agreements for data collection. The Science and Research Director would select a dealer to report only if the essential information were not otherwise available through the state/Federal cooperative data collection system.

Gear Restrictions and Requirements

A number of gear-related measures are proposed to address concerns about potential overfishing; incidental mortality of small crabs and female crabs; crab mortality due to lost traps; habitat damage; user conflict; and enforceability. Traps would be the only gear authorized for use in the directed golden crab fishery. Rope would be the only material allowed for use as a mainline or buoy line, except that wire cable would be allowed for 18 months after publication of the final rule implementing the FMP to accommodate evaluation of the impacts of that material. Traps and buoys (if used) would be required to be identified with a permanently affixed and legible permit number. Standard vessel identification requirements would be mandatory. A biodegradable escape panel and escape gaps would be required on each trap. Maximum trap volume would be 64 cubic feet (ft^3) (1.81 cubic meters (m^3)) in the northern zone and 48 ft^3 (1.36 m^3) in the middle and southern zones. The minimum depths for deployment and use of golden crab traps would be 900 ft (274.3 m) in the northern zone and 700 ft (213.4 m) in the middle and southern zones. Traps could be pulled or tended only by a person on board the vessel permitted for those traps or by a person on board a permitted vessel with written authorization to pull or tend the traps.

Harvest and Possession Restrictions

To maximize the reproductive capacity of the stock and reduce the probability of overfishing, mortality of female crabs must be minimized. It is intended that there be no deliberate harvest of female crabs. However, a maximum retention of female crabs not to exceed 0.5 percent, by number, of all

golden crabs on board the vessel would be allowed to accommodate unavoidable incidental harvest and retention of female golden crabs. Sale of female golden crabs would be prohibited.

The proposed rule would require that golden crabs be landed whole (i.e., unprocessed). This constraint is necessary to provide effective enforcement of the restrictions on retention and sale of female golden crabs. It would be impossible to distinguish female crabs if on board processing were allowed. Landing whole crabs is consistent with current industry practice.

Possession of any species of fish in the snapper-grouper fishery in whole, gutted, or filleted form would be prohibited on board a vessel fishing for or possessing golden crab in or from the EEZ or possessing golden crab traps. (See 50 CFR 646.2 for definition and listing of such fish.) Only the skeletal remains (racks) of such fish could be possessed for use as bait. This restriction is necessary to ensure that golden crab traps would not be used to harvest snapper-grouper species.

Restrictions on Sale

Restrictions on sale of golden crab are proposed to ensure that the fishery is conducted only by properly permitted individuals and to assure that all landings are documented through the proposed data collection system. The proposed rule would require that golden crab harvested in the EEZ by a permitted vessel be sold, traded, or bartered only to a permitted dealer. Similarly, a permitted dealer would be allowed to purchase, barter, or trade golden crab harvested from the EEZ only from a permitted vessel. Golden crab do not occur in state waters.

Framework Procedure

The FMP includes a framework procedure for establishing or modifying management measures, including in-season adjustments, pertinent to the golden crab fishery. The framework procedure is intended to provide a more flexible management system that would minimize regulatory delay and allow timely management response to new information about the fishery while retaining substantial Council and public involvement in management decisions.

The following is an overview of how the framework procedure would operate. The Council would appoint an assessment panel (Panel) that would periodically assess the biological, economic, and social information relevant to the golden crab fishery and provide a report and recommendations to the Council. The Council could take action based on the Panel's report or based on other information or issues that arise from other sources, e.g., public comment. Information from sources other than a Panel report would be compiled and analyzed in a Council staff report.

To evaluate a Panel or Council staff report, the Council would consult with the Golden Crab Advisory Panel and the Scientific and Statistical Committee and hold at least one public hearing to receive public input prior to deciding whether a management change would be necessary. If the Council concluded that a management change was needed, the Council would recommend the change, in writing, to the Regional Director. The Council's recommendations would be accompanied by the Panel or Council staff report, relevant background material, draft regulations, an RIR, a social impact statement, and public comments. This report would be submitted at least 60 days prior to the desired implementation date. The Regional Director would review the Council's recommendations, supporting rationale, public comments, and other relevant information. If the Regional Director concludes that the Council's recommendations are consistent with the goals and objectives of the FMP, the Magnuson Act's national standards, and other applicable law, the Regional Director would recommend that NMFS publish proposed and final rules in the Federal Register to implement any changes. The public comment period on the proposed rule would not be less than 15 days. If the Regional Director rejected the recommendations, he or she would provide written reasons to the Council for the rejection, and existing regulations would remain in effect pending any subsequent action.

The proposed rule would allow changes, in accordance with the framework procedures and limitations of the FMP, to the following management measures: MSY, acceptable biological catch, total allowable catch, quotas, trip limits, minimum sizes, gear restrictions, permit requirements, seasonal or area closures, time frame for recovery of golden crab if overfished, fishing year, observer requirements, and authority for the Regional Director to close the fishery when a quota is reached or is projected to be reached.

Magnuson Act Considerations

Section 303 of the Magnuson Act provides that a council may establish a system for limiting access to the fishery in order to achieve optimum yield if, in developing such system, the council takes into account the following factors: (1) Present participation in the fishery; (2) historical fishing practices in, and dependence on the fishery; (3) the economics of the fishery; (4) the capability of fishing vessels used in the fishery to engage in other fisheries; (5) the cultural and social framework relevant to the fishery; and (6) any other relevant considerations.

Additional Information

Additional background and rationale for all management measures in this rule are contained in the FMP, the availability of which was announced in the Federal Register on March 5, 1996, (61 FR 8564).

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a council within 15 days of receipt of an FMP and regulations. At this time NMFS has not determined that the FMP is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws, except for the provision of the FMP specifically disapproved, as discussed above. NMFS, in making that determination with respect to the remaining provisions of the FMP, will take into account the data, views, and comments received during the comment period.

The proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would: (1) Affect a small number of small entities; (2) result in loss of sales and value to these entities of less than 5 percent of sales; (3) not increase production or compliance costs on small entities by more than 5 percent; (4) not require capital investment to comply with the rule; and (5) not require a small entity with significant economic dependence on the golden crab fishery to cease business. As a result, a regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains collection-of-information requirements subject to the PRA—namely, (1) initial vessel permit applications; (2) vessel permit renewals; (3) vessel permit appeals; (4) dealer permit applications; (5) vessel reports; (6) dealer reports; (7) notification requirements for purposes of accommodating observer coverage; and (8) vessel and gear identification. These requirements have been submitted to OMB for approval. The public reporting burdens for these collections of information are estimated to average 20, 15, 30, 15, 10, 15, 3, and 395 minutes per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see **ADDRESSES**).

List of Subjects in 50 CFR Parts 646 and 686

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 5, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR chapter VI is proposed to be amended as follows:

50 CFR Chapter VI

PART 646—SNAPPER-GROUPER FISHERY OFF THE SOUTHERN ATLANTIC STATES

1. The authority citation for part 646 continues to read as follows:

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

2. In § 646.2, the definition of ''Crustacean trap'' is revised to read as follows:

§ 646.2 Definitions.

* * * * *

Crustacean trap means a type of trap historically used in the directed fishery for blue crab, stone crab, golden crab, red crab, jonah crab, or spiny lobster and that contains at any time not more than 25 percent, by number, of fish other than blue crab, stone crab, golden crab, red crab, jonah crab, and spiny lobster.

* * * * *

3. Part 686 is added to read as follows:

PART 686—GOLDEN CRAB FISHERY OFF THE SOUTHERN ATLANTIC STATES

Subpart A—General Provisions

Subpart B—Management Measures

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

Subpart A—General Provisions

§ 686.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP) prepared by the South Atlantic Fishery Management Council under the Magnuson Act.

(b) This part governs conservation and management of golden crab in or from the EEZ off the southern Atlantic states. ''EEZ'' in this part refers to the EEZ in that geographical area, unless the context clearly indicates otherwise.

§ 686.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Authorized statistical reporting agent means:

(1) Any person so designated by the Science and Research Director; or

(2) Any person so designated by the head of any Federal or State agency which has entered into an agreement with the Assistant Administrator to collect fishery data.

Golden crab means the species *Chaceon fenneri.*

Golden crab trap means any trap used or possessed in association with a directed fishery for golden crab in or from the EEZ, including any trap that contains a golden crab in or from the EEZ or any trap on board a vessel that possesses golden crab in or from the EEZ.

Off the southern Atlantic states means the waters off the east coast from 36°34′55″ N. lat. (extension of the Virginia/North Carolina boundary) to the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone 813–570–5301; or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Science Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305–361–5761; or a designee.

Whole, when referring to golden crab, means a crab that is in its natural condition and that has not been gutted or separated into component pieces, e.g., clusters.

§ 686.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

§ 686.4 Controlled access, permits, and fees.

(a) *Vessel permits—controlled access.* (1) *Applicability.* Vessel permits are subject to a controlled access program. For a person aboard a vessel to fish for golden crab in the EEZ, possess golden crab in or from the EEZ, off-load golden crab from the EEZ, or sell golden crab in or from the EEZ, a vessel permit for golden crab must be issued for the vessel and be on board. It is a rebuttable presumption that a golden crab on board or off-loaded from a vessel off the southern Atlantic states was harvested from the EEZ.

(2) *Initial Eligibility.* The owner of a vessel is eligible to receive an initial vessel permit to fish for, possess, offload, or sell golden crab if the owner meets the documentation requirements described in paragraph (a)(3) of this section substantiating his or her landings of golden crab harvested from the EEZ off the southern Atlantic states in quantities of at least 600 lb (272 kg) by April 7, 1995, or at least 2,500 lb (1,134 kg) by September 1, 1995. Only the owner of a vessel at the time landings occurred may use those landings to meet the eligibility requirements described in this paragraph (a)(2), except if that person transferred the right to use those landings to another person through a written agreement. If evidence of such agreement is provided to the Regional Director, the person who received the rights to the landings may use those landings to meet the eligibility requirements instead of the owner of the vessel at the time the landings occurred.

(3) *Documentation of eligibility.* The documentation requirements described in this paragraph are the only acceptable

means for an owner to establish eligibility for an initial vessel permit. Failure to meet the documentation requirements, including submission of data as required, will result in failure to qualify for an initial vessel permit. Acceptable sources of documentation include: Landings documented by the trip ticket systems of Florida or South Carolina as described in paragraph (a)(3)(i) of this section and data substantiating landings that occurred prior to establishment of the respective trip ticket systems or landings that occurred in North Carolina or Georgia as described in paragraph (a)(3)(ii) of this section.

(i) *Trip ticket data*. NMFS has access to records of golden crab landings reported under the trip ticket systems in Florida and South Carolina. No further documentation or submission of these records is required if the applicant was the owner of the harvesting vessel at the time of the landings documented by these records. Landings reported under these trip ticket systems and received by the respective states prior to December 31, 1995, are conclusive as to landings in the respective states during the period that landing reports were required or voluntarily submitted by a vessel. For such time periods, landings data from other sources will not be considered for landings in these states. An applicant will be given printouts of trip ticket records for landings made when the applicant owned the harvesting vessel. An applicant will have an opportunity to submit records they believe were omitted or to clarify allocation of landings.

(ii) *Additional landings data*. (A) An owner of a vessel that does not meet the criteria for initial eligibility for a vessel permit based on landings documented by the trip ticket systems of Florida or South Carolina may submit documentation of required landings that either occurred prior to the implementation of the respective trip ticket systems or occurred in North Carolina or Georgia. Acceptable documentation of such landings consists of trip receipts or dealer records that definitively show the species known as golden crab, the vessel's name, official number, or other reference that clearly identifies the vessel, and dates and amounts of golden crab landings. In addition, a sworn affidavit may be submitted to document landings. A sworn affidavit is a notarized written statement wherein the individual signing the affidavit affirms under penalty of perjury that the information presented is accurate to the best of his or her knowledge, information, and belief.

(B) Documentation by a combination of trip receipts and dealer records is acceptable, but duplicate records for the same landings will not result in additional credit.

(C) Additional data submitted under paragraph (a)(3)(ii) of this section must be attached to a Golden Crab Landings Data form, which is available from the Regional Director, and must be postmarked not later than 30 days after the publication date of the final rule implementing the FMP.

(iii) *Verification*. Documentation of golden crab landings and other information submitted under this section are subject to verification by comparison with state, Federal, and other records and information. Submission of false documentation or information may disqualify a person from initial participation under the golden crab controlled access program.

(4) *Application procedure*. Permit application forms are available from the Regional Director. An application for an initial vessel permit that is postmarked or hand-delivered after the date 30 days after publication of the final rule implementing the FMP will not be accepted. Application for renewal of an existing vessel permit may be submitted up to 2 months prior to expiration. Application for transfer of an existing vessel permit may be submitted at any time.

(i) An application for a vessel permit must be submitted and signed by the owner (in the case of a corporation, an officer or shareholder who meets the requirements of § 686.4(a)(2); in the case of a partnership, a general partner who meets these requirements) or operator of the vessel. All permits are mailed to owners, whether the applicant is an owner or an operator.

(ii) A permit applicant must provide the following information:

(A) A copy of the vessel's valid U.S. Coast Guard certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(B) Vessel name and official number.

(C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(D) Documentation of initial eligibility as specified in paragraphs (a)(2) and (a)(3) of this section.

(E) The designated fishing zone, as specified in paragraph (a)(8) of this section, in which the vessel will fish.

(F) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas requested by the Regional Director.

(G) Any other information that may be necessary for the issuance or administration of the permit, as requested by the Regional Director and included on the application form.

(5) *Issuance*. (i) Under the controlled access program, there will be only one period for the issuance of vessel permits, except for renewals or transfers of existing permits. The Regional Director will issue an initial vessel permit to an applicant no later than 90 days after publication of the final rule implementing the FMP if the application is complete and the eligibility requirements specified in paragraph (a)(2) of this section are met.

(ii) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the Regional Director's notification, the application will be considered abandoned.

(6) *Appeals*. (i) An appeal of the Regional Director's decision regarding initial permit eligibility will be addressed by an ad hoc appeals committee appointed by the South Atlantic Fishery Management Council.

(ii) The appeals committee is empowered only to deliberate whether the eligibility criteria specified in paragraph (a)(2) of this section were applied correctly to the appellant's application. In making that determination, the appeals committee will consider only disputed calculations and determinations based on documentation provided as specified in paragraph (a)(3) of this section, including transfers of such landings records. The appeals committee is not empowered to consider whether a person should have been eligible for a vessel permit because of hardship or other factors.

(iii) A written request for consideration of an appeal must be submitted within 30 days of an initial decision by the Regional Director denying permit issuance and must provide written documentation supporting the basis for the appeal. Such a request must contain the appellant's acknowledgment that the confidentiality provisions of the Magnuson Act at 16 U.S.C. 1853(d) and 50 CFR part 603 are waived with respect to any information supplied by the Regional Director to the Council and its advisory bodies for purposes of receiving the recommendations of the appeals committee members on the appeal. An appellant may also make a personal appearance before the appeals committee.

(iv) The appeals committee will meet only once to consider appeals submitted within the time period specified in paragraph (a)(6)(iii) of this section. Members of the appeals committee will provide their individual recommendations for each appeal to the Regional Director. Members of the appeals committee will comment upon whether the eligibility criteria, specified in the FMP and in paragraph (a)(2) of this section, were correctly applied in each case, based solely on the available record, including documentation submitted by the appellant. The Regional Director will decide the appeal based on the the initial eligibility criteria in paragraph (a)(2) of this section and the available record, including documentation submitted by the appellant and the recommendations and comments from members of the appeals committee. The Regional Director will notify the appellant of his decision and the reason therefore, in writing, normally within 30 days of receiving the recommendations from the appeals committee members. The Regional Director's decision will constitute the final administrative action by NMFS on an appeal.

(7) *Display*. A vessel permit issued pursuant to this section must be carried on board the vessel, and such vessel must be identified as provided for in § 686.6. The operator of a vessel must present the permit for inspection upon request of an authorized officer.

(8) *Designated fishing zones*. The EEZ is divided into three designated fishing zones. A vessel owner must indicate on the permit application which zone the vessel will fish. A vessel is restricted to fishing in the zone for which it is permitted. In the EEZ, golden crab may be possessed on board a vessel only in the zone for which the vessel is permitted, except that other zones may be transited if the vessel notifies NMFS Southeast Enforcement Division (telephone: 1–800–286–1116) in advance and does not fish in an unpermitted zone. It is a rebuttable presumption that all golden crab on board a vessel were harvested from the EEZ. The designated fishing zones are defined as follows:

(i) Northern zone—that portion of the EEZ north of 28°N. lat. to the North Carolina/Virginia boundary (36°34'55'' N. lat.).

(ii) Middle zone—that portion of the EEZ from 25°N. lat. to 28°N. lat.

(iii) Southern zone—that portion of the EEZ south of 25°N. lat. to the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter.

(9) *Transfer*. (i) A vessel permit may be transferred but, when reissued by the Regional Director for the vessel, it will be designated at the owner's request to authorize fishing for golden crab in either the fishing zone indicated on the original permit or in the northern zone.

(ii) An owner of a vessel with a valid golden crab permit may transfer the permit or for use with another vessel by returning the existing permit to the Regional Director along with an application for a permit for the replacement vessel.

(iii) To obtain a permit via permit transfer, the owner of the replacement vessel must submit to the Regional Director a valid permit for a vessel with a documented length overall or permits for vessels with documented aggregate length overall of at least 90 percent of the documented length overall of the replacement vessel.

(10) *Renewal*. (i) Vessel permits will be effective for 1 year. Application for permit renewal is required only every 2 years. In the interim years, a vessel permit will be renewed automatically (without application) if the renewal requirements under paragraph (a)(10)(ii) are met. A permitted vessel owner who does not meet the renewal requirements will be notified by the Regional Director approximately 2 months prior to the expiration of the current vessel permit. The notification will specify the reasons the owner is not eligible for permit renewal and will provide an opportunity for the owner to correct the deficiencies. For years in which permit renewal application is required, the Regional Director will mail an application form to each permitted vessel owner approximately 2 months prior to expiration of the current permit. Any vessel owner who does not receive a renewal application must contact the Regional Director to obtain a renewal application.

(ii) The vessel permit renewal requirements are:

(A) All reports required under the Magnuson Act for the vessel have been submitted;

(B) The Science and Research Director has received reports for the permitted vessel, as required by § 686.5(a), documenting that at least 5,000 lb (2,268 kg) of golden crab landed from the EEZ off the southern Atlantic states has been attributed to the permitted vessel during at least one of the two 12-month periods immediately prior to the expiration date of the current vessel permit; and

(C) The vessel permit has not been revoked, suspended, or denied under paragraph (e) of this section. (iii) An existing permit for a vessel meeting the minimum golden crab landing requirement specified in paragraph (a)(10)(ii) of this section may be renewed by following the procedure specified in paragraph (a)(4) of this section. However, documentation of the vessel's initial eligibility need not be resubmitted.

(b) *Dealer permits*. (1) *Applicability*. A dealer who receives from a fishing vessel golden crab harvested from the EEZ must obtain a dealer permit for golden crab.

(2) *Eligibility*. To be eligible for a dealer permit, an applicant must have a valid state wholesaler's license in the state where he or she operates, if such license is required in that state, and must have a physical facility at a fixed location in that state.

(3) *Application procedure*. (i) Permit application forms are available from the Regional Director. An application for a dealer permit must be submitted and signed by the dealer or an officer of a corporation acting as a dealer. The application must be submitted to the Regional Director at least 30 days prior to the desired effective date of the permit.

(ii) A permit applicant must provide the following information:

(A) A copy of each state wholesaler's license held by the dealer.

(B) Business name; mailing address, including zip code, of the principal office of the business; telephone number; employer identification number, if one has been assigned by the Internal Revenue Service; and date the business was formed.

(C) The address of each physical facility at a fixed location where the business receives golden crab.

(D) Applicant's name; official capacity in the business; address, including zip code; telephone number; and identifying information specified on the application form.

(E) If the acquired dealership is currently permitted, the application must be accompanied by the permit and a copy of a signed bill of sale or equivalent acquisition papers.

(F) Any other information requested by the Regional Director that may be necessary for the issuance or administration of the permit.

(4) *Issuance*. (i) The Regional Director will issue a dealer permit if the application is complete and the specific requirements for the requested permit have been met. An application is complete when the Regional Director has received all required forms, information, and documentation.

(ii) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the

deficiency within 30 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(5) *Display.* A dealer permit issued pursuant to this section must be available on the dealer's premises. A dealer must present the permit for inspection upon request of an authorized officer.

(6) *Transfer.* A dealer permit issued under this section is not transferable or assignable. A person who acquires a dealership who desires to conduct activities for which a permit is required must apply for a permit in accordance with the paragraph (b)(3) of this section.

(7) *Renewal.* Dealer permits will be effective for 1 year. Application for permit renewal is required only every 2 years. In the interim years, permits will be renewed automatically (without application) if the dealer has submitted all reports required under the Magnuson Act, and the dealer's permit has not been revoked, suspended, or denied under paragraph (e) of this section. A permitted dealer who does not meet the renewal requirements will be notified by the Regional Director approximately 2 months prior to the expiration of the current dealer permit. The notification will specify the reasons the dealer is not eligible for permit renewal and will provide an opportunity for the dealer to correct the deficiencies. For years in which permit renewal application is required, the Regional Director will mail an application form to each permitted dealer approximately 2 months prior to expiration of the current permit. Any dealer who does not receive a renewal application must contact the Regional Director to obtain a renewal application.

(c) *Fees.* A fee is charged for each permit application submitted pursuant to this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(d) *Duration.* A permit remains valid for the period for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(e) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(f) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(g) *Replacement.* The Regional Director may issue a replacement permit. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement permit.

(h) *Change in application information.* The owner or operator of a vessel with a permit for golden crab or a dealer with a permit issued pursuant to this section must notify the Regional Director within 15 days after any change in the application information required by paragraphs (a)(4) or (b)(2) of this section. The permit is void if any change in the information is not reported within 15 days.

§ 686.5 Recordkeeping and reporting.

(a) *Permitted vessels.* The owner or operator of a vessel for which a permit for golden crab has been issued, as required by § 686.4(a)(1), and that is selected by the Science and Research Director must maintain a daily logbook form for each fishing trip on a form available from the Science and Research Director. Among other things, information to be reported includes a record of fishing locations, time fished, fishing gear used, amount of golden crab caught, numbers of each species discarded, and such basic economic data as may be included on the form. Logbook forms must be submitted to the Science and Research Director, and must be delivered or postmarked not later than 30 days after sale of the golden crab off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the forms.

(b) *Dealers.* A dealer with a permit required by § 686.4(b)(1) who is selected by the Science and Research Director must provide information on receipts of golden crab and prices paid, to the Science and Research Director at monthly intervals, postmarked not later than 5 days after the end of each month. Such information must be submitted at more frequent intervals if requested by the Science and Research Director.

(c) *Additional data and inspection.* Additional data will be collected by authorized statistical reporting agents, as designees of the Science and Research Director, and by authorized officers. An owner or operator of a fishing vessel and a dealer possessing golden crab in or from the EEZ are required upon request to make golden crab, or parts thereof, available for inspection by the Science and Research Director or an authorized officer.

§ 686.6 Vessel and gear identification.

(a) *Official number.* The owner and operator of a vessel with a valid permit, as required under § 686.4, must ensure that the vessel's official number is displayed—

(1) On the port and starboard sides of the deckhouse or hull, and on a weather deck, so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches (45.7 cm) in height for fishing vessels over 65 ft (19.8 m) in length and at least 10 inches (25.4 cm) in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of a vessel with a valid vessel permit, as required under § 686.4, must—

(1) Keep the official number clearly legible and in good repair; and

(2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material aboard obstructs the view of the official number from an enforcement vessel or aircraft.

(c) *Traps.* Each golden crab trap used or possessed in the EEZ must have the vessel permit number permanently affixed. Trap tags with permit numbers are available from the Regional Director at cost, but they are not required. Any method of permanently affixing a legible permit number to a trap so as to be easily distinguished, located, and identified is acceptable.

(d) *Buoys.* The use of buoys to identify golden crab traps is not required. However, if a buoy is used to identify a trap, the buoy must display the vessel permit number so as to be easily distinguished, located, and identified. The permit number must be affixed to the buoy in legible figures at least 2 inches (5.1 cm) in height.

(e) *Presumption of ownership.* A golden crab trap in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to traps that are lost or sold if the owner reports the loss or sale within 15 days to the Regional Director.

(f) *Unmarked traps.* An unmarked golden crab trap deployed in the EEZ is illegal. It may be considered abandoned and may be disposed of in any appropriate manner by the Regional Director. If an owner of an unmarked or improperly marked trap can be determined, such owner is subject to appropriate civil penalties.

§ 686.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for, possess, or sell golden crab in or from the EEZ without a valid vessel permit, as specified in § 686.4(a)(1).

(b) As a dealer, receive golden crab from the EEZ without a valid dealer permit, as specified in § 686.4(b)(1).

(c) Falsify information specified in § 686.4(a)(4)(ii) or (b)(3)(ii) on an application for a permit.

(d) Fail to display or present a permit, as specified in § 686.4(a)(7) or (b)(5).

(e) Fish for or possess golden crab in or from the EEZ in a designated fishing zone other than the zone for which the vessel is permitted, except as specified in § 686.4(a)(8).

(f) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 686.5(a) through (c), or as may be required by § 686.25.

(g) Fail to make a golden crab in or from the EEZ, or parts thereof, available for inspection, as specified in § 686.5(c).

(h) Falsify or fail to display and maintain vessel and gear identification, as required by § 686.6(a) through (d).

(i) Fail to carry an observer on a trip when selected, as specified in § 686.10(a).

(j) Falsify or fail to provide requested information regarding a vessel's trip, as specified in § 686.10(b).

(k) Assault, resist, oppose, impede, harass, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(l) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

(m) Fail to provide an observer with the required food, accommodations, access, and assistance, as specified in § 686.10(c).

(n) Possess or land golden crab in or from the EEZ in other than whole condition, as specified in § 686.21(a).

(o) Possess on board a vessel or land female golden crabs in or from the EEZ in excess of the maximum amount specified in § 686.21(b).

(p) Possess any species of fish in the snapper-grouper fishery in whole, gutted, or filleted form on board a vessel fishing for or possessing golden crab in or from the EEZ, as specified in § 686.21(c).

(q) Engage in a directed fishery for golden crab in the EEZ with unauthorized gear or retain golden crab in or from the EEZ on board a vessel possessing or using unauthorized gear, as specified in § 686.22(a).

(r) Use or possess in the EEZ a golden crab trap in excess of the maximum size specified in § 686.22(b).

(s) Use or possess in the EEZ a golden crab trap not in conformance with the required escape mechanisms, as specified in § 686.22(c).

(t) Use a golden crab trap in the EEZ in depths less than the minimum depths specified in § 686.22(d).

(u) Pull or tend another person's golden crab trap, except as specified in § 686.22(e).

(v) Sell, trade, or barter or attempt to sell, trade, or barter golden crab harvested in the EEZ to a dealer who does not have a permit, as specified in § 686.23(b).

(w) Purchase, trade, or barter or attempt to purchase, trade, or barter golden crab harvested in the EEZ unless the harvesting vessel has a permit for golden crab, as specified in § 686.23(c).

(x) Sell, trade, or barter or attempt to sell, trade, or barter a female golden crab in or from the EEZ, as specified in § 686.23(d).

(y) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of golden crab.

(z) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

§ 686.8 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 686.9 Penalties.

See § 620.8 of this chapter.

§ 686.10 At-sea observer coverage.

(a) If a vessel's trip is selected by the Science and Research Director for observer coverage, the owner or operator of such vessel must carry a NMFS-approved observer.

(b) When notified in writing by the Science and Research Director that his or her vessel has been selected to carry an NMFS-approved observer, an owner or operator of a vessel for which a vessel permit has been issued under § 686.4 must advise the Science and Research Director in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time); and

(2) Expected landing information (port, dock, and date).

(c) An owner or operator of a vessel on which a NMFS-approved observer is embarked must—

(1) Provide accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store golden crab; and

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of golden crab for that trip.

Subpart B—Management Measures

§ 686.20 Fishing year.

The fishing year for golden crab begins on January 1 and ends on December 31.

§ 686.21 Harvest and possession limitations.

(a) *Carcass condition.* A golden crab possessed in or from the EEZ must remain in whole condition through landing.

(b) *Female crabs.* It is intended that no female golden crabs in or from the EEZ be retained on board a vessel and that any female golden crab in or from the EEZ be released in a manner that will ensure maximum probability of survival. However, to accommodate legitimate incidental catch and retention, a maximum incidental catch allowance is established. The number of female golden crabs in or from the EEZ retained on board a vessel may not exceed 0.5 percent, by number, of all golden crabs on board. See § 686.23(d) regarding the prohibition of sale of female golden crabs.

(c) *Snapper-grouper species.* No person aboard a vessel fishing for or possessing golden crab in or from the EEZ or possessing golden crab traps may possess any species of fish in the snapper-grouper fishery in whole, gutted, or filleted form. Only the head, fins, and backbone (collectively the ''rack'') of these species may be possessed for use as bait. See 50 CFR 646.2 for the definition of fish in the snapper-grouper fishery.

§ 686.22 Gear restrictions.

(a) *Authorized gear.* Traps are the only fishing gear authorized in the

directed golden crab fishery in the EEZ. Rope is the only material allowed to be used for mainlines and buoy lines, except that wire cable will be allowed for these purposes for 18 months after [publication of the final rule implementing the FMP]. Golden crab in or from the EEZ may not be retained on board a vessel possessing or using unauthorized gear.

(b) *Maximum trap size.* The maximum volume of a trap deployed or possessed in the EEZ is 64 cubic feet (ft^3) (1.81 cubic meters (m^3)) in the northern zone and 48 ft^3 (1.36 m^3) in the middle and southern zones. See § 686.4(a)(8) for a description of the respective zones.

(c) *Trap escape mechanisms.* (1) *Escape gaps.* Each trap must have at least one escape gap or escape ring on each of two opposite vertical sides. The minimum inside dimensions of an escape gap are 2.75 by 3.75 inches (6.99 by 9.53 cm); the minimum inside diameter of an escape ring is 4.5 inches (11.4 cm).

(2) *Biodegradable escape mechanism.* In addition to the escape gaps required by paragraph (c)(1) of this section, each trap, except as noted in paragraph (c)(3) of this section, must have a biodegradable escape panel or door measuring at least 12 by 12 inches (30.5 by 30.5 cm), located on at least one side, excluding top and bottom. The hinges and fasteners of each door or panel must be made of one of the following degradable materials:

(i) Ungalvanized or uncoated iron wire no larger than 19-gauge or 0.041-inch (0.10-cm) diameter;

(ii) Untreated cotton string of 3/1609inch (0.4809cm) diameter or smaller.

(3) *Traps constructed of webbing.* The provisions of paragraph (c)(2) of this section notwithstanding, traps constructed of webbing must have an opening (slit) at least 1 foot (30.5 cm) in length that may be closed (relaced) only with cotton string of 3/1609inch (0.4809cm) diameter or smaller.

(d) *Depth limitations.* In the northern zone, traps may not be deployed in waters of less than 900 ft (274 m) depth. In the middle and southern zones, traps may not be deployed in waters of less than 700 ft (213 m) depth. See § 686.4(a)(8) for a description of the respective zones.

(e) *Tending traps.* A golden crab trap may be pulled or tended only by a person (other than an authorized officer) aboard the vessel permitted to fish such trap, or aboard another vessel if such vessel has on board written consent of the vessel permit holder and possesses a valid golden crab vessel permit.

§ 686.23 Restrictions on sale.

(a) No person may purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a golden crab harvested in the EEZ by a vessel for which a valid permit has not been issued under § 686.4.

(b) No person may sell, trade, or barter, or attempt to sell, trade, or barter, a golden crab harvested in the EEZ by a vessel permitted under § 686.4 to a dealer who does not have a valid permit issued under § 686.4.

(c) No dealer who has a valid permit issued under § 686.4 may purchase, trade, or barter, or attempt to purchase, trade, or barter, a golden crab harvested in the EEZ from a vessel for which a valid permit has not been issued under § 686.4.

(d) The sale, trade or barter or attempted sale, trade, or barter of a female golden crab harvested from the EEZ is prohibited.

§ 686.24 Adjustment of management measures.

In accordance with the procedures and limitations of the FMP, the Regional Director may establish or modify the following items relating to the golden crab fishery: Maximum sustainable yield, acceptable biological catch, total allowable catch, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, and authority for the Regional Director to close the fishery when a quota is reached or is projected to be reached.

§ 686.25 Specifically authorized activities.

The Assistant Administrator may authorize, for the acquisition of information and data, activities otherwise prohibited by this part. In addition, the Regional Director may issue a permit for experimental fishing, provided that, as a condition of such permit, data on the gear used and fish caught in such experimental fishing is maintained and provided to the Science and Research Director.

[FR Doc. 96–9059 Filed 4–10–96; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 675

[Docket No. 960129019–6091–01; I.D. 040496A]

Groundfish of the Bering Sea and Aleutian Islands Area; Reserve Apportionment

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

ACTION: Apportionment of reserve; request for comments.

SUMMARY: NMFS proposes to apportion reserve to certain target species in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow for ongoing harvest and account for previous harvest of the total allowable catch (TAC). It is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

DATES: Comments must be received at the following address no later than 4:30 p.m., Alaska local time, April 25, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th, room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel.

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

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

The Director, Alaska Region, NMFS, has determined that the initial TACs specified for the following species need to be supplemented from the non-specific reserve in order to continue operations and account for prior harvest, as follows: For pollock in the Bering Sea subarea; for pollock in the Aleutian Islands subarea; for Atka mackerel in the combined Eastern Aleutian District and Bering Sea subarea; for Pacific ocean perch in the Eastern Aleutian District; for Atka mackerel and Pacific ocean perch in the Central and Western Aleutian Districts; and for Pacific cod, arrowtooth flounder, and the ''other species'' category in the BSAI.

Therefore, in accordance with § 675.20(b), NMFS proposes to apportion from the reserve to TACs for the following species: (1) Bering Sea subarea - 89,250 metric tons (mt) to pollock; (2) Aleutian Islands subarea - 2,670 mt to pollock; (3) Eastern Aleutian District and Bering Sea subarea - 4,005 mt to Atka mackerel; (4) Eastern Aleutian District - 454 mt to Pacific ocean perch; (5) Central Aleutian District - 5,040 mt to Atka mackerel and 454 mt to Pacific ocean perch; (6) Western Aleutian District - 6,879 mt to Atka mackerel and 907 mt to Pacific ocean perch; and (7) BSAI - 40,500 mt to Pacific cod, 1,350 mt to arrowtooth flounder and 3,019 mt to the ''other species'' category.

These proposed apportionments are consistent with § 675.20(a)(2)(i) and do not result in overfishing of a target species or the 'other species' category, because the revised TACs are equal to or less than specifications of acceptable biological catch.

Pursuant to § 675.20(a)(3)(i), the proposed apportionments of pollock are allocated between the inshore and offshore components: (1) For the Bering Sea subarea - 31,238 mt to vessels catching pollock for processing by the inshore component and 58,012 mt to vessels catching pollock for processing by the offshore component; and (2) for the Aleutian Islands subarea - 935 mt to vessels catching pollock for processing by the inshore component and 1,735 mt to vessels catching pollock for processing by the offshore component.

Pursuant to § 675.20(a)(3)(iv), the proposed apportionment of the BSAI Pacific cod TAC is allocated 810 mt to vessels using jig gear, 17,820 mt to vessels using hook-and-line or pot gear, and 21,870 mt to vessels using trawl gear.

In accordance with the Final 1996 Harvest Specifications for the BSAI (61 FR 4311, February 5, 1996), the allocation to hook-and-line/pot gear will result in seasonal apportionments as follows: For the period January 1 through April 30 - 94,118 mt, for the period May 1 through August 31 - 21,176 mt, and for the period September 1 through December 31 - 3,506 mt.

Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12866.

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

Dated: April 5, 1996.

Richard W. Surdi,

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

[FR Doc. 96–8995 Filed 4–10–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 71
Thursday, April 11, 1996

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

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Oregon Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on April 18, 1996 at the Roseburg Bureau of Land Management Office, 777 NW Garden Valley Blvd., Roseburg, Oregon. The meeting will begin at 9:30 a.m. and continue until 4:45 p.m. Agenda items to be covered include: (1) Monitoring subcommittee report; (2) Local area issues presentation; (3) Public forum; (4) Implementation monitoring; (5) Fire history; (6) Coarse wood standards; (7) Substitute volume, and (8) Province level restoration review. All Province Advisory committee meetings are open to the public, interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Kurt Austermann, Province Advisory Committee staff, USDI, Medford District, Bureau of Land Management, 3040 Biddle Rd., Medford, Oregon 97504, phone 541–770–2200.

Dated: April 3, 1996.

James T. Gladen,

Forest Supervisor, Designated Federal Official.

[FR Doc. 96–9017 Filed 4–10–96; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Bexar-Medina-Atascosa Water Conservation Plan Watershed, Texas

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for Bexar-Medina-Atascosa Water Conservation Plan, Bexar, Medina, and Atascosa Counties, Texas.

FOR FURTHER INFORMATION CONTACT:

Harry W. Oneth, State Conservationist, Natural Resources Conservation Service, 101 South Main Street, Temple, Texas, 76501–7682, telephone: (817) 774–1214.

SUPPLEMENTARY INFORMATION:

Preliminary studies indicate that the Federal financial assistance costs for this project will exceed $5 million. As a result of these findings, Harry W. Oneth, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a Public Law 83–566 plan for water conservation. Alternatives under consideration to reach these objectives include renovating and improving an existing canal system and implementing on-farm irrigation water management practices.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. A public meeting was held on March 18, 1996, at the Devine Community Center, Devine, Texas to request public input and discuss the current status of the project. Further information on the proposed action and plans for future scoping meetings may be obtained from Harry W. Oneth, State Conservationist, at the above address or telephone (817) 774–1214.

Dated: April 2, 1996.

Harry W. Oneth,

State Conservationist.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials).

[FR Doc. 96–9034 Filed 4–10–96; 8:45 am]

BILLING CODE 3210–16–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Headquarters United States Air Force, Housing, (HQ USAF/CEH).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of HQ USAF Housing announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by HQ USAF Housing by June 10, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent HQ USAF/CEH, Attn.: Ms. Kathryn Halvorson, 1260 Air Force Pentagon, Washington, DC 20330–1260.

FOR FURTHER INFORMATION CONTACT:

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call HQ USAF/CEH, at 703–695–1428.

Title, Associated Form, and OMB Number:

AF FORM 228, Furnishings Custody Receipt and Condition Report OMB NUMBER:

AF FORM 291, Unaccompanied Quarters Assignment—Termination Record OMB NUMBER:

Needs and Uses of AF Form 228: The information collection requirement is necessary to acknowledge receipt of linens, receipt and condition of all furnishings, and the condition of their assigned rooms by signing an AF Form 228. This form is kept on file until such time as the occupant terminates their assignment. At this time a survey is performed to determine the condition of all furnishings, and their assigned room(s).

Needs and Uses of AF Form 291: The information collection requirement is necessary to control the assignment and termination of unaccompanied housing. The office or unit making the assignment maintains a copy of this form and any determination that may have to be made by the installation commander. This form is kept on file until such time as the occupant terminates their assignment.

Affected Public: Representatives of businesses or other for profit; Small businesses or organizations.

Annual Burden Hours: 2,500 hours, each form.

Number of Respondents: 10,000.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are professionals, consultants of business organizations that may on occasion require to stay in Unaccompanied Housing that is located on USAF military installations. The information collected on AF Form 228 is to acknowledge receipt of linens, receipt and condition of all furnishings, and the condition of their assigned rooms by signing an AF Form 228. This form is kept on file until such time as the occupant terminates their assignment. At this time a survey is performed to determine the condition of all furnishings, and their assigned room(s). The information collected on AF Form 291 is to control the assignment and termination of unaccompanied housing. The office or unit making the assignment maintains a copy of this form and any determination that may have to be made by the installation commander. This form is kept on file until such time as the occupant terminates their stay or assignment.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–9035 Filed 4–10–96; 8:45 am]

BILLING CODE 3910–01–M

Defense Logistics Agency

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, Defense Reutilization and Marketing Service.

ACTION: Notice.

SUMMARY: In compliance with Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Logistics Agency, Defense Reutilization and Marketing Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received June 10, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Commander, Defense Reutilization and Marketing Service, ATTN: Ms. Phyllis Linard, 74 Washington Ave. N., Battle Creek, MI 49017–3092.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instructions, please write to the above address, or call DRMS, Office of Quality, at (616) 961–7233.

Title, Associated Form, and OMB Number: Defense Reutilization and Marketing Service Customer Comment Card.

Needs and Uses: The information collection requirement is necessary to obtain customer rating and comments on the service of a Defense Reutilization and Marketing store.

Affected Public: Individuals; businesses or other for profit; not-for-profit institutions; State, local or tribal government.

Annual Burden Hours: 200.

Number of Respondents: 800

Responses per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are customers who obtain, or visit a store to obtain, surplus or excess property. The customer comment card is a means for customers to rate and comment on aspects of the store's appearance, as well as aspects of its supply and sale services. The completed card is an agent for service improvement and determining whether there is a systemic problem.

Thomas J. Knapp,

Chief Information Officer, Defense Logistics Agency.

[FR Doc. 96–9036 Filed 4–10–96; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP92–237–024]

Alabama-Tennessee Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 5, 1996.

Take notice that on April 3, 1996, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet with a proposed effective date of April 1, 1996:

1st Substitute 9th Revised Sheet No. 4

Alabama-Tennessee states it is filing the above-referenced tariff sheet to eliminate the volumetric charge of $0.0027 per dekatherm from its rates pursuant to Article 1 of the general rate case settlement approved by the Commission in this docket on December 30, 1995. According to Alabama-Tennessee, on or before May 16, 1996, it will file the report required under this settlement of the amounts collected through this volumetric charge. Refunds, if necessary, to any customer from whom overcollections may have occurred will be made as a credit adjustment to that customer's bill to be rendered in May, 1996 covering services performed in April, 1996.

Alabama-Tennessee requests that the Commission grant a waiver of Section

154.22 of its regulations, 18 CFR 154.22, so that this rate reduction can be made effective on less than thirty days notice. Alabama-Tennessee also requests the Commission to grant any other waiver of its regulations that may be required in order to accept and approve Alabama-Tennessee's filing as submitted.

Alabama-Tennessee states that copies of the tariff filing have been served upon the Company's affected customers and interested public bodies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants a party to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8984 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 4376–001, 4437–000, 6984–000, 9787–000, 10100–000, 10269–000, 10311–000, 10416–000]

Order Granting Extension of Time

April 5, 1996.

In the matter of High Country Resources, Glacier Energy Company, The Cascade Group, Scott Paper Company and Washington Hydro Associates, Cascade River Hydro, Washington Hydro Development Corp., Skagit River Hydro, and Washington Hydro Development Corp.

On February 12, 1996, counsel for Cascade River Hydro, Skagit River Hydro, and Washington Hydro Development Corp. filed a motion requesting a 60 day extension of time for filing reply comments to fish and wildlife agency recommendations and terms and conditions for projects proposed in the Skagit River Basin, Washington. Because the reply comment due date of March 29, 1996 has already passed, I am granting an extension of time. However, it will not be for the full 60 days requested.

These movants also request that late-filed fish and wildlife agency letters containing recommendations and terms and conditions be considered under Section 10(a) of the Federal Power Act (FPA), pursuant to section 4.34 of the Commission's regulations.[1] Further, they request that a new schedule for filing comments be established under Section 10(a) of the FPA.

In a letter dated October 20, 1995, participants were requested to file recommendations and terms and conditions pursuant to Sections 4(e), 10(a), and 10(j) of the FPA, and prescriptions pursuant to Section 18 of the FPA by December 4, 1995. Any reply comments were due January 3, 1996.

The Washington Department of Fish and Wildlife filed timely recommendations and terms and conditions on December 4, 1995. The U.S. Fish and Wildlife Service (FWS) filed late terms and conditions and prescriptions on December 11, 1995. In a notice issued on January 29, 1996, the Commission, among other things, extended the time for filing reply comments until March 29, 1996.

The movants contend that they cannot fully comment on the proffered recommendations, terms, and conditions unless they know whether the Commission will treat those untimely filed as recommendations pursuant to Federal Power Act Section 10(a) or Sections 10(j) and 18. I disagree. The movants need only provide comments on whether they accept or oppose the recommendations, terms and conditions, and state the reasons therefore. The Commission's ultimate decision concerning the status of these recommendations need not be decided in order for the movants to assess their merit.

Therefore, there is no need to establish a new filing schedule pursuant to Section 10(a). Because the March 29 reply comment deadline has passed, I will allow the movants an additional 30 days to file those comments.

The Director orders:

(A) The deadline for filing reply comments to fish and wildlife agency recommendations, terms and conditions, and prescriptions is extended 30 days from the issuance date of this order, and the request for a new schedule for filing reply comments under section 10(a) of the FPA is denied.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR Section 385.713.

Fred E. Springer,

Director, Office of Hydropower Licensing.

[FR Doc. 96–8985 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[1] 18 CFR 4.34.

[Docket No. CP96–282–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

April 5, 1996.

Take notice that on March 27, 1996, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP96–282–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a sales tap to render service to an existing firm transportation customer, National Fuel Gas Distribution Corporation (Distribution) under National's blanket certificate issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

National proposes to construct and operate a new sales tap on its Line VM–72 in Elk County, Pennsylvania. The proposed annual quantity of gas at this sales tap is about 500 Mcf and is within the certificated entitlements of the customer. This tap will provide service to Distribution under National's EFT Rate Schedule. The estimated cost is $2,400, for which National will be reimbursed. The proposed sales tap will have a minimal impact on National's peak day or annual deliveries and there is sufficient capacity to accomplish deliveries without detriment or disadvantage to its existing customers. National states that its existing FERC Gas Tariff does not prohibit the addition of new sales taps or delivery points.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8986 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–204–000]

Tennessee Gas Pipeline Company; Notice of Tariff Filing

April 5, 1996.

Take notice that on April 3, 1996, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to be effective May 3, 1996:

Cover Page
Second Revised Sheet No. 301
Third Revised Sheet No. 406
Original Sheet No. 406A
Original Sheet No. 406B

Tennessee states that it is filing the instant tariff sheets to comply with the Commission's Order No. 582 governing the form and composition of interstate natural gas pipeline tariffs.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 88 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure 18 CFR 385.211 and 385.214. All such petitions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8987 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–1545–005, et al.]

Calpine Power Services Company, et al.; Electric Rate and Corporate Regulation Filings

April 4, 1996.

Take notice that the following filings have been made with the Commission:

1. Calpine Power Services Company

[Docket No. ER94–1545–005]

Take notice that on March 25, 1996, Calpine Power Marketing, Inc. submitted a letter stating that the name of this corporation has changed to Calpine Power Services Company.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Kiner-G Power Marketing Inc.

[Docket No. ER96–1139–000]

Take notice that on March 29, 1996, Kiner-G Power Marketing Inc. tendered for filing supplemental information to its February 22, 1996, filing in the above-referenced docket.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Alternate Power Source, Inc.

[Docket No. ER96–1145–000]

Take notice that on March 20, 1996, Alternate Power Source, Inc. tendered for filing supplemental information to its February 23, 1996, filing in the above-referenced docket.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Oklahoma Gas & Electric Company

[Docket No. ER96–1235–000]

Take notice that on March 21, 1996, Oklahoma Gas & Electric Company tendered for filing supplemental information to its March 1, 1996, filing in the above-referenced docket.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Cleveland Electric Illuminating Company

[Docket No. ER96–1383–000]

Take notice that on March 25, 1996, Cleveland Electric Illuminating Company (CEI) filed copies of Electric Power Service Agreements between CEI and:

Eastex Power Marketing, Inc.
Heartland Energy Services, Inc.
KCS Power Marketing, Inc.
Electric Clearinghouse, Inc.
Sonat Power Marketing, Inc.
International Utility Consultants, Inc.
Western Power Services, Inc.
Powernet Corp.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Louisville Gas and Electric Company

[Docket No. ER96–1391–000]

Take notice that on March 26 1996, Louisville Gas and Electric Company, tendered for filing a copy of a buy-sell agreement between Louisville Gas and Electric Company and Southeastern Power Administration under Rate GSS.

A copy of the filing has been mailed to the Kentucky Public Service Commission.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Green Mountain Power Corporation

[Docket No. ER96–1392–000]

Take notice that on March 26, 1996, Green Mountain Power Corporation (GMP) tendered for filing a Service Agreement for sales of capacity and energy under its FERC Electric Tariff, Original Volume No. 2 (Opportunity Transactions Tariff) to CNG Power Services Corporation. GMP has requested waiver of the notice requirements of the Commission's Regulations in order to permit the Service Agreement to be made effective as of March 26, 1996.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. UtiliCorp United Inc.

[Docket No. ER96–1393–000]

Take notice that on March 26, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, Missouri Public Service, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 10, with *KN Marketing, Inc.* The Service Agreement provides for the sale of capacity and energy by Missouri Public Service to *KN Marketing, Inc.* pursuant to the tariff, and for the sale of capacity and energy by *KN Marketing, Inc.* to Missouri Public Service pursuant to *KN Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *KN Marketing, Inc.*

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER96–1394–000]

Take notice that on March 26, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Colorado, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 11, with *KN Marketing, Inc.* The Service Agreement provides for the sale

of capacity and energy by WestPlains Energy-Colorado to *Cenergy Inc.* pursuant to the tariff, and for the sale of capacity and energy by *KN Marketing, Inc.* to WestPlains Energy-Colorado pursuant to *KN Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *KN Marketing, Inc.*

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. UtiliCorp United Inc.

[Docket No. ER96–1395–000]

Take notice that on March 26, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *KN Marketing, Inc.* The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *KN Marketing, Inc.* pursuant to the tariff, and for the sale of capacity and energy by *KN Marketing, Inc.* to WestPlains Energy-Kansas pursuant to *KN Marketing, Inc.'s* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *KN Marketing, Inc.*

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER96–1396–000]

Take notice that on March 26, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and Northern Indiana Public Service Company.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. CNG Power Services Corporation

[Docket No. ER96–1397–000]

Take notice that on March 25, 1996, CNG Power Services Corporation (CNGPS), tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) indicating that CNGPS has satisfied the requirements for WSPP membership. Accordingly, CNGPS requests that the Commission permit its participation in the WSPP.

CNGPS requests waiver of the 60-day prior notice requirement to permit its membership in the WSPP to become effective as of March 26, 1996, the day after the filing.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Duke Power Company

[Docket No. ER96–1398–000]

Take notice that on March 26, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Valero Power Services Company (Valero). Duke states that the TSA sets out the transmission arrangements under which Duke will provide Valero non-firm transmission service under its Transmission Service Tariff.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Duke Power Company

[Docket No. ER96–1399–000]

Take notice that on March 26, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Municipal Electric Authority of Georgia (MEAG). Duke states that the TSA sets out the transmission arrangements under which Duke will provide MEAG non-firm transmission service under its Transmission Service Tariff.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Duke Power Company

[Docket No. ER96–1400–000]

Take notice that on March 26, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Western Power Services, Inc. (WPS). Duke states that the TSA sets out the transmission arrangements under which Duke will provide WPS non-firm transmission service under its Transmission Service Tariff.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Duke Power Company

[Docket No. ER96–1401–000]

Take notice that on March 26, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and LG&E Power Marketing, Inc. (LPM). Duke states that the TSA sets out the transmission arrangements under which Duke will provide LPM non-firm transmission service under its Transmission Service Tariff.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Duke Power Company

[Docket No. ER96–1402–000]

Take notice that on March 26, 1996, Duke Power Company (Duke), tendered for filing a Service Agreement for Market Rate (Schedule MR) Sales between Duke and Sonat Power Marketing, Inc. and Schedule MR Transaction Sheets thereunder.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Northern Indiana Public Service Company

[Docket No. ER96–1403–000]

Take notice that on March 26, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Eastex Power Marketing, Inc.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Eastex Power Marketing, Inc. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Eastex Power Marketing, Inc. request waiver of the Commission's sixty-day notice requirement to permit an effective date of April 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Public Service Company of Oklahoma

[Docket No. ER96–1405–000]

Take notice that on March 26, 1996, Public Service Company of Oklahoma (PSO), tendered for filing Amendment 2 to the Contract for Electric Service, dated April 20, 1995, between PSO and Northeast Oklahoma Electric Cooperative, Inc. (NEO). Amendment 2 provides for an additional point of delivery.

PSO seeks an effective date of March 24, 1996, and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served on NEO and the Oklahoma Corporation Commission. Copies are also available for public inspection at PSO's offices in Tulsa, Oklahoma.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Lisco Inc.

[Docket No. ER96–1406–000]

Take notice that on March 27, 1996, Lisco Inc. tendered for filing a Petition for Blanket Authorizations, Certain Waivers, and Order Approving Rate Schedule Governing-Market Based Sales of Energy and Capacity.

Comment date: April 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Maine Public Service Company

[Docket No. ER96–1407–000]

Take notice that on March 27, 1996, Maine Public Service Company submitted an agreement under its Umbrella Power Sales Tariff.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Cinergy Services, Inc.

[Docket No. ER96–1408–000]

Take notice that on March 27, 1996, Cinergy Services, Inc. (CIN), tendered for filing on behalf of its operating company, PSI Energy, Inc. (PSI) a First Supplemental Agreement, dated March 1, 1996, to the Interconnection Agreement, dated June 1, 1993 between The City of Piqua, Ohio and PSI.

The First Supplemental Agreement revises the definitions for Emission Allowances and provides for Cinergy Services to act as agent for PSI. The following Exhibits have also been revised:

Exhibit	Title
I	Emergency sales.
II	Short-term power and energy.
III	Economy energy.
IV	Non-displacement energy.
V	Limited-term power and energy.

Copies of the filing were served on The City of Piqua, Ohio, the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Boston Edison Company

[Docket No. ER96–1409–000]

Take notice that on March 27, 1996, Boston Edison Company (Boston Edison), tendered for filing a letter agreement between Boston Edison and Cambridge Electric Light Company (CEL). The tendered letter agreement extends the terms and conditions of the Substation 402 Agreement to and including June 30, 1996. The Substation 402 Agreement is designated as Boston Edison's FERC Rate Schedule No. 149. Boston Edison requests an effective date of March 31, 1996.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Northeast Utilities Service Company

[Docket No. ER96–1411–000]

Take notice that on March 27, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement and a Certificate of Concurrence with Cambridge Electric Light Company (Cambridge) and under the NU System Companies System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to Cambridge.

NUSCO requests that the Service Agreement become effective on April 1, 1996.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Kansas City Power & Light Company

[Docket No. ER96–1412–000]

Take notice that on March 27, 1996, Kansas City Power & Light Company (KCPL), tendered for filing Amendatory Agreement No. 6 to the Municipal Participation Agreement between KCPL and the City of Independence, Missouri, dated May 17, 1995, and associated Service Schedule. KCPL states that this Agreement continues a capacity exchange service with the City of Independence which would otherwise expire.

KCPL requests an effective date of June 1, 1996.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Consolidated Edison Company of New York, Inc.

[Docket No. ER96–1413–000]

Take notice that on March 27, 1996, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing an agreement with MidCon Power Services Corp. (MidCon) to provide for the sale of energy and capacity. For energy the ceiling rate is 100 percent of the incremental energy cost plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power resource). The ceiling rate for capacity is $7.70 per megawatt hour. Energy and capacity sold by MidCon will be at market-based rates.

Con Edison states that a copy of this filing has been served by mail upon MidCon.

Comment date: April 19, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Robert O. Viets

[Docket No. ID–2400–003]

Take notice that on March 20, 1996, Robert O. Viets (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman of the Board and Chief Executive Officer—Central Illinois Light Company

Director—First of America Bank-Illinois, N.A.

Comment date: April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8977 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER96–1351–000, et al.]

Northern Indiana Public Service Company, et al.; Electric Rate and Corporate Regulation Filings

April 2, 1996.

Take notice that the following filings have been made with the Commission:

1. Northern Indiana Public Service Company

[Docket No. ER96–1351–000]

Take notice that on March 20, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Federal Energy Sales, Inc.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Federal Energy Sales, Inc. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepted for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Federal Energy Sales, Inc. request waiver of the Commission's sixty-day notice requirement to permit an effective date of April 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Entergy Power, Inc.

[Docket No. ER96–1357–000]

Take notice that on March 21, 1996, Entergy Power, Inc. (EPI), tendered for filing an Power Sales Agreement with PECO Energy Company.

EPI requests an effective date for the Power Sales Agreement that is one (1) day after the date of filing, and respectfully requests waiver of the notice requirements specified in § 35.11 of the Commission's Regulations.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power Corporation

[Docket No. ER96–1372–000]

Take notice that on March 22, 1996, Florida Power Corporation (FPC), tendered for filing Amendment No. 1 of its contract for interchange service between itself and the Utility Board of the City of Key West, Florida (City). The amendment provides for the addition of service schedule OS to the contract.

FPC requests Commission waiver of the 60-day notice requirement in order to allow the amendment to become effective on March 25, 1996. Waiver is appropriate because this filing does not change the rate under this Commission accepted, existing rate schedule.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Atlantic City Electric Company

[Docket No. ER96–1373–000]

Take notice that on March 22, 1996, Atlantic City Electric Company (ACE), tendered for filing an Agreement for the Sale and Exchange of PJM Installed Capacity Credits between ACE and Public Service Electric & Gas (PSE&G). Under the Agreement ACE and PSE&G will sell or exchange capacity credits pursuant to schedule 4.01 of the PJM Interconnection Agreement. ACE requests that the Agreement be accepted to become effective March 23, 1996.

Copies of the filing were served on PSE&G and the New Jersey Board of Regulatory Commissioners.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Cinergy Services, Inc.

[Docket No. ER96–1374–000]

Take notice that on March 22, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Power Sales Standard Tariff (the Tariff) entered into between Cinergy and the Central Illinois Public Service Company.

Cinergy and the Central Illinois Public Service Company are requesting an effective date of April 1, 1996.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power & Light Company

[Docket No. ER96–1375–000]

Take notice that on March 22, 1996, Florida Power & Light Company (FPL), tendered for filing a Network Service Agreement between FPL and the Florida Municipal Power Agency. That Agreement is filed under FPL's open-access network integration service transmission tariff, Tariff No. 4. FPL proposes to make the Agreement effective April 1, 1996.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER96–1376–000]

Take notice that on March 22, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Missouri Public Service, a Division of UtiliCorp United, Inc., will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Illinois Power Company

[Docket No. ER96–1377–000]

Take notice that on March 22, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Ohio Edison Company will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER96–1378–000]

Take notice that on March 25, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and Western Power Services, Inc.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. PECO Energy Company

[Docket No. ER96–1379–000]

Take notice that on March 25, 1996, PECO Energy Company (PECO) filed a Service Agreement dated March 13, 1996, with Southern Company Services, Inc., as representative for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (Southern Companies) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement

adds Southern Companies as a customer under the Tariff.

PECO requests an effective date of March 13, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to Southern Companies and to the Pennsylvania Public Utility Commission.

Comment date: April 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8978 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 11480 Alaska]

Haida Corporation; Notice of Scoping Pursuant to the National Environmental Policy Act of 1969

April 5, 1996.

The Energy Policy Act of 1992, allows applicants to prepare their own draft environmental assessment (EA) for hydropower projects and file it with the Federal Energy Regulatory Commission (Commission) along with their license application as part of the ''applicant-prepared EA'' process. InterMountain Energy, as agent for the Haida Corporation, intends to prepare an EA to file with the Commission for the Reynolds Creek Hydroelectric Project No. 11480. InterMountain Energy will hold two public scoping meetings, pursuant to the National Environmental Policy Act of 1969, to identify the scope of environmental issues that should be analyzed in the EA.

Scoping Meetings

The times and locations of the two scoping meetings are:

Agency Meeting

Date: Monday, May 6, 1996.

Place: City Council Chambers, 334 Front Street, Ketchikan, AK.

Time: 1:00 pm.

Public Meeting

Date: Monday, May 6, 1996.

Place: City Building, Hydaburg, AK.

Time: 6:00 pm.

At the scoping meetings, InterMountain Energy will (1) summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially qualified data, on the resources at issue; and (3) encourage statements from experts and the public on issues that should be analyzed in the EA.

All interested individuals, organizations, and agencies are invited and encouraged to attend either or both meetings to assist in identifying and clarifying the scope of environmental issues that should be analyzed in the EA.

To help focus discussions at the meetings, InterMountain Energy prepared and distributed Scoping Document 1 for this project. Copies of this scoping document can be obtained by calling Jack Goldwasser of InterMountain Energy at (541) 592–2187, or can be obtained directly at either meeting.

Site Visit

InterMountain Energy will also conduct a site visit for this project on Tuesday, May 7, 1996. Those planning to attend the site visit should contact Jack Goldwasser at (541) 592–2187 at least three days prior to that date.

Meeting Procedures

The meetings will be conducted according to the procedures used at Commission scoping meetings. Because this meeting will be a NEPA scoping meeting, the Commission will not conduct another NEPA scoping meeting when the application and draft EA are filed with the Commission.

Both meetings will be recorded by a stenographer, and thus will become a part of the formal record of the proceedings for this project.

Those who choose not to speak may instead submit written comments on the project. These comments should be mailed to Jack Goldwasser, InterMountain Energy, 115 Airport Drive, P.O. Box 421, Cave Junction, OR 97523. All correspondence should clearly show the following caption on the first page: Scoping Comments, Reynolds Creek Project, FERC No. 11480, Alaska.

For further information, please contact Jack Goldwasser at (541) 592–2187, or Mike Strzelecki of the Commission at (202) 219–2827.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8979 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6136–006 California]

Ordell O. and Rita A. Portwood; Notice of Availability of Environmental Assessment

April 5, 1996.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order 486, 52 FR 47897), the Commission's Office of Hydropower Licensing has reviewed an exemption surrender application for the Old Oak Ranch Project, No. 6136–006. The Old Oak Ranch Project is located on the North Fork of the Tule River in Tulare County, California. The exemptees are applying for a surrender of the exemption because they are unable to keep the project operating and have not been able to find a buyer. An Environmental Assessment (EA) was prepared for the application. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Commission's Reference and Information Center, Room 1C–1, 888 First Street, NE., Washington, DC 20426.

Please submit any comments within 20 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 6136–006 to all comments. For further information, please contact the project manager, Ms. Hillary Berlin, at (202) 219–0038.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8980 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Application Tendered for Filing With the Commission

April 5, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major License.

b. *Project No.:* 11437–001.

c. *Date filed:* March 15, 1996.

d. *Applicant:* Hydro Matrix Partnership, Ltd.

e. *Name of Project:* Jordan Hydroelectric Project.

f. *Location:* At the U.S. Army Corps of Engineers Dam on the Haw River near Moncure in Chatham County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* James B. Price, Ph.D., W.V. Hydro, Inc., 120 Calumet Ct., Aiken, SC 29803, (803) 642–2749.

i. *FERC Contact:* Julie Bernt (202) 219–2814.

j. *Comment Date:* 60 days from the filing date in paragraph C.

k. *Description of Project:* The proposed project would be located at the existing U.S. Army Corps of Engineers B. Everett Jordan Dam and would consist of: (1) 80 turbine generator units each rated at 100 kW installed in two modules places in slots on the existing intake tower for a total installed capacity of 8,000 kW; (2) a channel installed on the upstream face of the intake tower; (3) a 23 kV transmission line; and, (4) appurtenant facilities. The applicant estimates that the total average annual generation would be 28 GWh. The cost of constructing the project would be $5,950,000.

l. With this notice, we are initiating consultation with the *NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER (SHPO),* as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, at 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8981 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Land Management Plan

April 5, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Land Management Plan.

b. *Project Names and Nos:*

Manistee River Basin

P–2580–057 (Tippy Project)
P–2599–040 (Hodenpyl Project)

Muskegon River Basin

P–2451–033 (Rogers Project)
P–2452–041 (Hardy Project)
P–2468–033 (Croton Project)

Au Sable River Basin

P–2436–042 (Foote Project)
P–2447–040 (Alcona Project)
P–2448–050 (Mio Project)
P–2449–041 (Loud Project)
P–2450–039 (Cooke Project)
P–2453–039 (Five Channels Project)

c. *Date Filed:* January 16, 1996.

d. *Applicant:* Consumers Power Company.

e. *Location:* Lower Peninsula of Michigan.

f. *Filed pursuant to:* License orders issued on July 15, 1994. The Land Management Plans were required by article 411 or 412 (depending on the license). Part of the plans were filed pursuant to articles 103 and 104.

g. *Applicant Contact:* Mr. Thomas Bowes, 212 West Michigan Avenue, Jackson, MI 49201, (616) 779–5505.

h. *FERC Contact:* Brian Romanek, (202) 219–3076.

i. *Comment Date:* May 23, 1996.

j. *Description of the filing:* The Land Management Plans address eleven hydroelectric projects located in three different river basins in the lower peninsula of Michigan: the Manistee, Muskegon, and Au Sable River basins. Three separate, but similar, Land Management Plans were filed for projects located in each basin. The plans address buffer zone management, wildlife and forest management, bald eagle management, Indiana bat management, recreation development, and a land lease program. The plans also describe the implementation program for the Land Management Plan, coordination procedures with the resource agencies, and staffing and monitoring.

k. This notice also consists of the following standard paragraphs: B. C1, D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8982 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Declaration of Intention

April 5, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Declaration of Intention.

b. *Docket No:* DI96–6–000.
c. *Date Filed:* 2/20/96.
d. *Applicant:* South Fork Hydro, LLC.
e. *Name of Project:* South Fork Eagle River.
f. *Location:* On the South Fork Eagle River in South Central Alaska, approximately 14 miles northeast of Anchorage. (T. 14 N., R. 1 W., sec. 28, Seward Meridian, AK).
g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. §§ 817(b).
h. *Applicant Contact:* Phyllis Janke, President, South Fork Hydro, LLC, P.O. Box 770–567, Eagle River, AK 99577, (907) 694–2712.
i. *FERC Contact:* Diane M. Murray, (202) 219–2682.
j. *Comment Date:* May 6, 1996.
k. *Description of Project:* The project consists of: (1) a small diversion structure 6 feet high and 45 feet wide; (2) a 3,900-foot-long penstock; (3) a powerhouse containing a generator with a capacity of 1,100 kilowatts; and (4) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. Purpose of Project: The project will sell power to Matanuska Electric Association.

m. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8983 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–285–000, et al.]

Northwest Pipeline Corporation, et al.; Natural Gas Certificate Filings

April 4, 1996.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP96–285–000]

Take notice that on March 28, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP96–285–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.216) for authorization to abandon certain inefficient, undersized facilities at the Salem Meter Station in Marion County, Oregon, and to construct and operate upgraded replacement facilities at that station to better accommodate its existing firm maximum daily delivery obligations to Northwest Natural Gas Company (Northwest Natural) under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest proposes to modify the Salem Meter Station by replacing the 50 percent throttle plates in the existing regulators with 100 percent throttle plates and by replacing the existing 6-inch orifice meter and appurtenances with a new 4-inch turbine meter and appurtenances. Northwest states that as a result of these modifications, the maximum design capacity of the meter station will increase from 17,433 Dth per day to approximately 25,483 Dth per day at 400 psig.

Northwest states that it presently has firm maximum daily delivery obligations to deliver up to a total of 19,836 Dth per day, at a pressure of 400 psig, for Northwest Natural at the Salem delivery point under Rate Schedule TF–1 and TF–2 Transportation Agreements.

Northwest estimates the total cost of the proposed facility replacements at the Salem Meter Station to be approximately $52,004.

Comment date: May 20, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Northwest Pipeline Corporation

[Docket No. CP96–287–000]

Take notice that on March 29, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP96–287–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain facilities and to construct and operate replacement facilities under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest proposes to abandon certain facilities and to construct and operate replacement facilities in Lincoln County, Wyoming, in order to decrease capacity to 7,383 dth per day at 300 psig. It is stated that the total cost would be $21,144.

Comment date: May 20, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. Wyoming Interstate Company, Ltd.

[Docket No. CP96–288–000]

Take notice that on March 29, 1996, Wyoming Interstate Company, Ltd.

(WIC), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP96–288–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct and operate facilities to increase capacity on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

WIC proposes to construct and operate four new compressor stations in Wyoming and add one compressor unit to its existing Cheyenne-WIC compressor station in Weld County, Colorado. The total horsepower for the system expansion is about 28,212 hp. Also, WIC proposes two interconnects with Colorado Interstate Gas Company to provide additional supplies to the WIC system. The total cost is estimated to be $39,933,100.

WIC avers that the results of the open season has culminated in long term firm agreements with seven customers for a total of 205,271 Dth/d of transportation service. Such expansion would provide for these requirements. It is also proposed that WIC add a 2,700 hp unit at its Cheyenne-WIC Compressor Station to provide for system reliability in the event of compressor downtime at any of its mainline stations.

Comment date: April 25, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP96–291–000]

Take notice that on April 1, 1996, Transcontinental Gas Pipe Line Corporation (Transco), One Williams Center, Suite 4100, Tulsa Oklahoma 74172 filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order permitting and approving the abandonment of certain sales services provided to Long Island Lighting Company (LILCO) and Piedmont Natural Gas Company (Piedmont), to be effective March 31, 1997. The application is on file with the Commission and open to public inspection.

Transco states that on August 1, 1991, Transco entered into firm sales agreements under Rate Schedule FS with LILCO for 25,121 Mcf/day and with Piedmont for 20,000 Mcf/day.[1] The primary term of LILCO's FS Agreement will end on March 31, 1997. The primary term of Piedmont's FS Agreement ended March 31, 1995. The term of the Piedmont FS Agreement was extended in accordance with Paragraph 2 of Article II of the FS Agreement. Transco states that LILCO, by letter dated March 1, 1995, and Piedmont, by letter dated March 24, 1996, provided Transco with two-year notice to terminate their respective FS Agreements effective March 31, 1997.

Transco states that no facilities are proposed to be abandoned. Transco states that LILCO and Piedmont also continue to receive service under firm sales agreements under Rate Schedule FS with primary terms through March 31, 2001.

Comment date: April 25, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. Transcontinental Gas Pipe Line Corporation

[Docket No. CP96–295–000]

Take notice that on April 3, 1996, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251–1396, filed in Docket No. CP96–295–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.216) for authorization to expand an existing delivery point for Piedmont Natural Gas Company (Piedmont) in Forsyth County, North Carolina (Kernersville Delivery Point), under the blanket certificate issued in Docket No. CP82–426–000, pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco states that the proposed expansion would be accomplished by Transco's (1) removing and retiring the existing Kernersville Delivery Point, and (2) constructing and operating in its place a new and expanded meter station and a ten-inch tap on Transco's main line in Kernersville, Forsyth County, North Carolina. Transco estimates the cost of the facility expansion at $1,077,181, and indicates that the costs would be reimbursed by Piedmont.

Transco states that Piedmont receives transportation and storage services from Transco under Transco's Rate Schedules IT, FT, ESS, GSS, WSS and LG–A. Transco states that it is currently authorized to deliver up to 69,000 dt equivalent of natural gas per day to Piedmont at the Kernersville Delivery Point pursuant to Piedmont's delivery point entitlements. It is indicated that, as a result of the proposed expansion, Transco states that the capacity of the Kernersville Delivery Point would be expanded to 240,000 dt equivalent of natural gas per day. Transco states that any additional deliveries would be made on an interruptible basis or by shifting deliveries from other Piedmont delivery points within existing authorized and certificated entitlements. Transco states that it has sufficient system delivery flexibility to accomplish such additional deliveries without detriment or disadvantage to Transco's other customers.

Transco indicates that the total quantities to be delivered to Piedmont after the delivery point is installed would not exceed the total quantities authorized prior to the request. Transco also indicates that the installation of the proposed delivery point is not prohibited by its existing tariff, and that the expansion of the delivery point would have little or no impact on Transco's annual deliveries.

Comment date: May 20, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

[1] *See*, June 19, 1991 Order, in Docket No. CP88–391, *et al.*, as amended December 17, 1991.

unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–9012 Filed 4–10–96; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

DATE AND TIME: Wednesday, April 17, 1996 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, April 18, 1996 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor.)

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Advisory Opinion 1996–3: Irwin Gostin on behalf of The Breeden-Schmidt Foundation
Advisory Opinion 1996–9: Greg Pallas, Assistant Treasurer, Re-Elect Exon for U.S. Senate Committee
Advisory Opinion 1995–49: Kurt Arbuckle, Treasurer, Natural Law Party of Texas
Regulations: Final Rules and Explanation and Justification Regarding News Stories and Candidate Debates Staged by Cable Television Organizations (11 C.F.R. § 100.7(b)(2), § 100.8(b)(2), § 110.13 and § 114.4(f)
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 96–9178 Filed 4–9–96; 3:00 pm]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed extension to an existing information collection previously approved and assigned OMB Control Number 3067–0241. The current approval expires August 31, 1996.

Title: Evaluation Form for Fallen Firefighters Survivors Grief Seminar.

Type of Review: Extension of a currently approved information collection.

Form Numbers: FEMA Form 95–200, Grief Seminar Evaluation Form.

Abstract: The United States Fire Administration sponsors a national annual memorial service for fallen firefighters. This year the service will be held October 12, 1996, in Emmitsburg, Maryland. To better meet the needs of families of fallen firefighters, the USFA and its National Fire Academy will sponsor an educational grief seminar in conjunction with activities surrounding the October 12 memorial service. The one-day seminar will assist the families of fallen firefighters in dealing with the loss of their loved ones. The evaluation form will be used to evaluate the effectiveness of the speakers, facilitators, materials, and program format to better serve participants in future seminars.

Affected Public: Individuals or households.

Number of Respondents: 150.

Estimated Total Annual Burden Hours: 38.

COMMENTS: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Direct all comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection can be obtained by contacting the person listed in the **ADDRESSES** section of this notice.

Dated: April 3, 1996.

Mike Bozzelli,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–9030 Filed 4–10–96; 8:45 am]

BILLING CODE 6718–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed extension to an existing information collection previously approved and assigned OMB Control Number 3067–0021. The current approval expires May 31, 1996.

Title: Claims for National Flood Insurance Program (NFIP).

Type of Review: Extension of a currently approved information collection.

Form Numbers: FEMA Forms 81–40, 81–41, 81–41A, 81–42, 81–43, 81–44, 81–57, 81–58, 81–59, 81–63, and Mobile Home Worksheet.

Abstract: The National Flood Insurance Program (NFIP) is authorized by Public Law (P.L.) 90–448 (1968) and expanded by P.L. 93–234 (1973) and provides low-cost federally subsidized flood insurance for existing buildings exposed to flood risks. In return, communities must enact and administer construction safeguards to ensure that new construction in the flood plain will be built to eliminate or minimize future flood damage. In accordance with P.L. 93–234, the purchase of flood insurance is mandatory when Federal or federally-related financial assistance is being provided for acquisition or construction of buildings located or to be located within FEMA-identified special flood hazard areas of communities which are participating in the program.

The forms included in this collection of information provide the information that is necessary for the continued proper performance of the Agency's functions related to indemnifying policyholders for flood damages to their properties. The forms are described below:

(1) FEMA Form 81–40, Worksheet-Contents-Personal Property—used by the insured to assess personal property damage. Estimated time per response—2.5 hours.

(2) FEMA Form 81–41, Worksheet-Building—used by the adjuster to determine the scope of damage to a building. Estimated time per response—2.5 hours.

(3) FEMA Form 81–41A, Worksheet-Building (continued)—a continuation of FEMA Form 81–41. Estimated time per response—1 hour.

(4) FEMA Form 81–42, Proof of Loss—used to establish a settlement on the amount of the insured will receive. Estimated time per response—5 minutes.

(5) FEMA Form 81–43, Notice of Loss—used to gather loss information. Estimated time per response—4 minutes.

(6) FEMA Form 81–44, Statement as to Full Cost of Repair or Replacement Cost Coverage, Subject to the Terms and Conditions of this Policy—used by the insured to determine if the structure can be repaired or qualify for replacement cost. Estimated time per response—6 minutes.

(7) FEMA Form 81–57, National Flood Insurance Program Preliminary Report—used to identify the insured and the address of risk. Estimated time per response—4 minutes.

(8) FEMA Form 81–58 National Flood Insurance Program Final Report—used to document and review overall damages to the property, and to provide a breakdown of the claims information. Estimated time per response—4 minutes.

(9) FEMA Form 81–59, National Flood Insurance Program Narrative Report—used to write a narrative report on the loss. Estimated time per response—5 minutes.

(10) FEMA Form 81–63, Cause of Loss and Subrogation Report—used to identify a potential subrogation loss. Estimated time per response—1 hour.

(11) Mobile Home Worksheet—to obtain data to specifically identify the manufacturer, year, size, model, and serial number of the mobile home; the individual the mobile home was purchased from; and the repair or salvage value of the mobile home. The claim adjuster also uses the information to determine whether a mobile home will be repaired, replaced, or salvaged. Estimated time per response—30 minutes.

Burden Estimate Per Response. The average time required for the adjuster for each claim filed and the insured to list the items damaged in the flood and meet with the adjuster concerning the loss is estimated to be 3.8 hours. Burden hours are derived from the reports of the adjusters who meet with the insured, and from Federal Insurance Administration staff's personal experience handling claims.

Number of Respondents. 73,437.

Total Annual Burden Hours. 279,060.

Affected Public: Individuals and households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, and State, local or tribal governments.

COMMENTS: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Direct all comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection can be obtained by contacting the person listed in the **ADDRESSES** section of this notice.

Dated: April 2, 1996.

Mike Bozzelli,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–9031 Filed 4–10–96; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Revocations

The Federal Maritime Commission hereby gives notice that the following freight forwarder licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, effective on the corresponding revocation dates shown below:

License Number: 786.

Name: Darrell J. Sekin & Co. d/b/a Sekin Transport International.

Address: 1245 Royal Lane, Dallas-Ft. Worth Airport, TX 75261.

Date Revoked: February 10, 1996.

Reason: Failed to maintain a valid surety bond.

License Number: 1147.

Name: Gilscot Forwarding Company, Inc.

Address: 110 Veterans' Boulevard #208A, Metairie, LA 70005.

Date Revoked: February 20, 1996.

Reason: Surrendered license voluntarily.

License Number: 3739.

Name: US International Transport, Inc.

Address: 8377 N.W. 68th Street, Miami, FL 33166.

Date Revoked: March 8, 1996.

Reason: Surrendered license voluntarily.

License Number: 3256.

Name: Future Freight System, Inc.
Address: 48 Third Street, So. Kearny, NJ 07032.
Date Revoked: March 20, 1996.
Reason: Surrendered license voluntarily.

License Number: 3703.
Name: Transit-Trade Inc.
Address: 200 Winston Drive, Unit 305, Cliffside Park, NJ 07010.
Date Revoked: March 20, 1996.
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 96–9062 Filed 4–10–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 1, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Patricia N. Locke, Verona, Wisconsin; to acquire an additional 8.8 percent, for a total of 54.8 percent, of the voting shares of Northern Bandshares, Inc., McFarland, Wisconsin, and thereby indirectly acquire McFarland State Bank, McFarland, Wisconsin.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Gerry A. and Veryln Dunlap, Lincoln, Nebraska; to retain 34.05 percent; Michael S. Dunlap, Lincoln, Nebraska, to retain an additional 5.9 percent, for a total of 26.33 percent; and Angela L. Muhleisen, Lincoln, Nebraska, to retain an additional 6.04 percent, for a total of 26.92 percent, of the voting shares of Farmers and Merchants Investments, Inc., Millford, Nebraska, and thereby indirectly retain shares of Union Bank and Trust Company, Lincoln, Nebraska.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Hilmar D. Blumberg Trust, Sequin, Texas; to acquire an additional 19.5 percent, for a total of 33.3 percent, Edward A. Blumberg Trust, Seguin, Texas, to acquire an additional 19.5 percent, for a total of 33.3 percent, and Carla A. Blumberg Trust, Seguin, Texas, to acquire an additional 19.5 percent, for a total of 33.3 percent, of the voting shares of Blumberg BancUnits, L.P., Seguin, Texas, and thereby indirectly acquire Seguin State Bank and Trust Company, Seguin, Texas. Joe H. Bruns, Seguin, Texas is trustee of these trusts.

In connection with this application, Edward A. Blumberg, Seguin, Texas, has applied to acquire an additional 3.6 percent, for a total of 6.5 percent, Vanessa N. Blumberg, Trust, Seguin, Texas, to acquire an additional 3.6 percent, for a total of 6.5 percent, Joseph D. Bulmberg Trust, Seguin, Texas, to acquire an additional 3.6 percent, for a total of 6.5 percent, Hilmar D. Blumberg, Seguin, Texas, to acquire an additional 2.4 percent, for a total of 4.3 percent, Roland B. Blumberg Trust, Seguin, Texas, to acquire an additional 4.2 percent, for a total of 7.6 percent, Jordan T. Blumberg Trust, Seguin, Texas, to acquire an additional 4.2 percent, for a total of 7.6 percent, Hilmar D. Blumberg Trust, Seguin, Texas, to acquire an additional 10.2 percent, for a total of 18.02 percent, Edward A. Blumberg Trust, Seguin, Texas, to acquire an additional 10.2 percent, for a total of 18.2 percent, Carla A. Blumberg Trust, Seguin, Texas, to acquire an additional 10.2 percent, for a total of 18.2 percent, of the voting shares of Blumberg Family Partnership, L.P., Seguin, Texas, and thereby indirectly acquire Seguin State Bank and Trust Company, Seguin, Texas. James S. Frost, San Antonio, Texas, is the manager of the Partnership. Edward A. Blumberg, Irma Blumberg, Hilmar D. & Kaaren Blumberg, and Joe H. Bruns, are trustees of the various trusts.

Board of Governors of the Federal Reserve System, April 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-9013 Filed 4-10-96; 8:45 am]

BILLING CODE 6210-01-F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 6, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Grand Premier Financial, Inc., Wauconda, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Northern

Illinois Financial Corporation, Wauconda, Illinois, and thereby indirectly acquire Grand National Bank, Crystal Lake, Illinois; and Premier Financial Services, Inc., Freeport, Illinois; and thereby acquire First Bank North, Freeport, Illinois; First Bank South, Dixon, Illinois; and Premier Acquisition Company, Freeport, Illinois; and acquire First National Bank of Northbrook, Northbrook, Illinois; and First Security Bank of Cary-Grove, Cary, Illinois.

In connection with this application Keeco, Inc., Chicago, Illinois, has applied to acquire 5.33 percent, and Northland Insurance Agency, Inc., Chicago, Illinois, has applied to acquire 5.52 percent of the voting shares of Grand Premier Financial, Inc., Wauconda, Illinois.

In connection with this application Grand Premier Financial Inc., Wauconda, Illinois also has applied to acquire Premier Insurance Services, Inc., Warren, Illinois, and thereby engage in general insurance agency activities in those places with a population of under 5,000 in which a bank subsidiary of Applicant has a lending office, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-9014 Filed 4-10-96; 8:45 am]

BILLING CODE 6210-01-F

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 96-7053) published on pages 12073-12074 of the issue for Monday, March 25, 1996.

Under the Federal Reserve Bank of Boston heading, the entry for CFX Corporation, is revised to read as follows:

1. CFX Corporation, Keene, New Hampshire; to acquire 100 percent of the voting shares of The Safety Fund Corporation, Fitchburg, Massachusetts, and thereby indirectly acquire Safety Fund National Bank, Fitchburg, Massachusetts.

CFX Corporation has made concurrent applications pursuant to section 3(a)(3) of the Bank Holding Company Act, for prior approval to exercise, under certain conditions, an option to acquire up to 332,000 shares of authorized but unissued shares of The Safety Fund Corporation.

Comments on this application must be received by April 19, 1996.

Board of Governors of the Federal Reserve System, April 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-9016 Filed 4-10-96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The company listed in this notice has given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 25, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Commerce Corporation, New Orleans, Louisiana; to acquire 150 Baronne Street Limited Partnership, New Orleans, Louisiana, and thereby engage in community development investment activities through its investment in a proposed community development limited partnership, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-9015 Filed 4-10-96; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Childhood Lead Poisoning Prevention: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Committee on Childhood Lead Poisoning Prevention.

Times and Dates: 8:30 a.m.–5 p.m., April 29, 1996. 8:30 a.m.–12 noon, April 30, 1996.

Place: Holiday Inn Atlanta-Peachtree Corners, 6050 Peachtree Industrial Boulevard, NW., Norcross, Georgia 30071.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people.

Supplementary Information: In October 1991 the Secretary of Health and Human Services released the CDC policy statement, ''Preventing Lead Poisoning in Young Children.'' This statement is used by pediatricians and lead screening programs throughout the United States, and great progress has been made in implementing the statement. Copies of this statement may be requested from the contact person listed below.

Matters to be Discussed: Agenda items include: defining low-prevalence communities, effective targeted screening strategies, and the use of housing and prevalence data. The Committee will discuss issues related to drafting a revision of CDC's blood lead screening guidelines.

Agenda items are subject to change as priorities dictate.

Persons wishing to make written comments regarding the draft screening guidelines should provide such written comments to the contact person no later than April 19, 1996.

Opportunities will be provided during the meeting for oral comments. Depending on the

time available and the number of requests, it may be necessary to limit the time of each presenter.

Contact Person for More Information: Barbara Nelson, Program Analyst, Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE. (F42), Atlanta, Georgia 30341–3724, telephone 770/448–7330, FAX 770/488–7335.

Dated: April 4, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–9006 Filed 4–10–96; 8:45 am]

BILLING CODE 4163–18–M

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

Name: Reproductive Outcomes Among Female Flight Attendants.

Time and Date: 9 a.m.–4 p.m., May 14, 1996.

Place: Robert A. Taft Laboratories, Taft Auditorium, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 80 people.

Purpose: The purpose of this meeting is to obtain expert advice regarding technical and scientific aspects of the study, ''Reproductive Outcomes Among Female Flight Attendants'', being conducted at NIOSH. Participants on the Peer Review Panel will review the study protocol and provide advice on the conduct of the study. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

Contact Person for Additional Information: Elizabeth Whelan, Ph.D., NIOSH, CDC, M/S R–15, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513/841–4437.

Dated: April 5, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–9007 Filed 4–10–96; 8:45 am]

BILLING CODE 4163–19–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Biobehavioral Factors in Coronary Heart Disease.

Date: April 23–24, 1996.

Time: 7:30 p.m.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland.

Contact Person: Anthony M. Coelho, Jr., Ph.D., Two Rockledge Center, Room 7182, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0277.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: April 4, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–8996 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Notice of 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 meetings:

Purpose: To review grant applications.

Committee Name: National Institute of General Medical Sciences Special Emphasis Panel—Trauma and Burn.

Date: April 18, 1996.

Time: 10:30 a.m.–12 noon (teleconference).

Place: 45 Center Drive, Room 1AS–19K, Bethesda, Maryland 20892–6200.

Contact Person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS, 45 Center Drive, Room 1AS–19D, Bethesda, MD 20892–6200.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers [MARC]; and 93.375, Minority Biomedical Research Support [MBRS])

Dated: April 4, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–8997 Filed 4–10–96; 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 Institute 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: April 17, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: William H. Radcliffe, 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: April 17, 1996.

Time: 4 p.m.

Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 17, 1996.

Time: 3 p.m.

Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: W. Gregory Zimmerman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 23, 1996.

Time: 10 a.m.

Place: Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: William H. Radcliffe, 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: April 24, 1996.

Time: 2 p.m.
Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: W. Gregory Zimmerman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings 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: April 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, National Institutes of Health.

[FR Doc. 96–8998 Filed 4–10–96; 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 Institute 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: April 11, 1996.
Time: 1 p.m.
Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Rehana A. Chowdhury, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: April 15–April 16, 1996.
Time: 7 p.m.
Place: Holiday Inn, Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: William H. Radcliffe, 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: April 15, 1996.
Time: 11 a.m.
Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Rehana A. Chowdhury, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: April 5, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, National Institutes of Health.

[FR Doc. 96–8999 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; 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 Institute 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: April 24, 1996.
Time: 2 p.m.
Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Donna Ricketts, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301 443–3936.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: April 4, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, National Institutes of Health.

[FR Doc. 96–9000 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of 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 Institute 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: April 26, 1996.
Time: 4 p.m.
Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: W. Gregory Zimmerman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: May 7, 1996.
Time: 2 p.m.
Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: W. Gregory Zimmerman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: April 4, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–9061 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of a Partial Exclusive License: Recombinant Heregulin PE–40 Toxin Cancer Therapeutics Which Bind to the Ligand Binding Site of the erbB3 and/or erbB4 Proteins

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 203(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a partial exclusive license in the United States to practice the invention embodied in U.S. Patent Application Number 06/911,227 (issued

on January 9, 1990 as U.S. Patent No. 4,892,827) entitled ''Recombinant Pseudomonas Exotoxins: Construction of an Active Immunotoxin with Low Side Effects'', to The Cooperative Research Centre for Biopharmaceutical Research Pty., Ltd., having a place of business in Darlinghurst Australia. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use would be limited to recombinant heregulin PE–40 toxin cancer therapeutics which bind to the ligand binding site of the erbB3 and/or erbB4 proteins.

The present invention relates to modifications of recombinant Pseudomonas exotoxin with insertion of various targeting molecules specific for a given target site. The modified exotoxin of this invention may prove to be a valuable cancer therapeutic when fused to various target-specific cell recognition proteins. The modifications result in reduced non-specific cytotoxicity while increasing target specific cytotoxicity.

ADDRESSES: Requests for a copy of the subject issued patent, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Larry M. Tiffany, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852. Telephone: (301) 496–7056; Facsimile: (301) 402–0220. Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before June 10, 1996, will be considered. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 29, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–9001 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Gene Therapy for Cancer and Restenosis Applications

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a limited field of use exclusive license in the United States to practice the invention embodied in U.S. Patent Application Number 07/725,076 (issued on October 25, 1994 as U.S. Patent No. 5,358,866) entitled ''Cytosine Deaminase Negative Selection for Gene Transfer Techniques and Therapies'' and its divisional applications 08/271,874, 08/447,580, 08/447,393, 08/445,203, 08/447,487, 08/449,627, 08/448,867, 08/449,636 and U.S. Patent Serial No. 08/136,113 entitled ''Efficient and Selective Adenoviral-Mediated Gene Transfer into Vascular Neointima'' and its CIP filed via the PCT (No USSN has been assigned to date) designating only the US for examination, and all related foreign filings, to GenVec, Inc., having a place of business in Rockville, MD (USA). The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use would be limited to Gene Therapy for Cancer and Restenosis applications.

The present inventions relate to a modified bacterial gene for cytosine deaminase and a method of expressing DNA of choice in neointimal cells to reduce their proliferation after vascular injury. Specifically, the CD gene can be used as a negative selectable marker to transfect a targeted cell and deaminate a prodrug, 5-flourocytosine (''5FC''), into 5-flourouricil (''5FU'') which has cytotoxic effects on the targeted cell. This gene is complementary to the other technology contemplated in this notice by being able to be expressed in neointimal cells through an adenoviral vector. Such expression and subsequent administration of the prodrug results in the reduction in proliferation of the neointimal cells, particularly after vascular injury.

ADDRESSES: Requests for copies of the subject issued patent and pending patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Larry M. Tiffany, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852. Telephone: (301) 496–7056, ext. 206; Facsimile: (301) 402–0220. A signed Confidentiality Agreement will be required to receive copies of the pending patent applications. Applications for a license to the field of use described in this Notice will be treated as objections to the contemplated license. Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before June 10, 1996, will be considered. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 29, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–9002 Filed 4–10–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3644–C–03]

Office of the Assistant Secretary for Public and Indian Housing; Announcement of Funding Awards; Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages; Fiscal Year 1994; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards; correction.

SUMMARY: This notice corrects the Funding Awards Notice for Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages, published in the Federal Register on March 16, 1995 (60 FR 14293). The purpose of this document is to correct the listing of awardees that appeared in the March 16, 1995 notice.

FOR FURTHER INFORMATION CONTACT: Dom Nessi, Office of Native American Programs, Office of Public and Indian

Housing, Department of Housing and Urban Development, Room 8204 (L'Enfant Plaza), 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755–0032 (this is not a toll-free number). A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

Accordingly, FR Doc. 95–6507, the Notice of Funding Awards for Fiscal Year 1994 for Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages, published in the Federal Register on March 16, 1995 (60 FR 14293), is corrected on page 14293 of Appendix A as follows:

Appendix A—Fiscal Year 1994 Public and Indian Housing Recipients of Funding Decisions

Program Name: Community Development Block Grant; Program for Indian Tribes and Alaskan Native Villages.

Statute: Public Law 101–625.

NOFA Published: April 21, 1994.

Funding recipient (name and address)	Amount approved
Eastern Woodlands ONAP:	
Boise Forte, P.O. Box 16, Nett Lake, MN 55772	$300,000
Keweenaw Bay, Route 1—Box 45, Baraga, MI 49908	281,000
Lac Courte Oreilles, Route 2—Box 2700, Hayward, WI 54843	298,600
Lac Vieux Desert, P.O. Box 446, Watersmeet, MI 49969	300,000
Leech Lake, Route 3—Box 100, Cass Lake, MN 56633	300,000
Maliseet, P.O. Box 748, Houlton, ME 04730	300,000
Seneca, Route 438—Box 1490, Irving, NY 14081	164,000
Red Cliff, P.O. Box 529, Bayfield, WI 54814	300,000
White Earth, P.O. Box 418, White Earth, MN 56591	283,075
Ho-Chunk, P.O. Box 667, Black River Falls, WI 54615–0667	240,166
Narragansett, P.O. Box 268, Charleston, RI 02813	300,000
Southern Plains ONAP:	
Cherokee Nation, P.O. Box 948, Tahlequah, OK 74465	716,932
Chickasaw Nation, P.O. Box 1548, Ada, OK 74820	375,000
Comanche Tribe, P.O. Box 908, Lawton, OK 73502	700,000
Creek Nation, P.O. Box 580, Okmulgee, OK 74447	750,000
Iowa Tribe of OK, RR 1, Box 721, Perkins, OK 74059	336,186
Kiowa Tribe, P.O. Box 369, Carnegie, OK 73015	400,000
Miami Tribe, P.O. Box 1326, Miami, OK 74355	252,028
Ponca Tribe, Box 2, White Eagle, Ponca City, OK 74601	750,000
Prairie Band of Potawatomi, 14880 K Road, Mayetta, KS 66509	538,464
Sac and Fox of OK, Route 2, Box 246, Stroud, OK 74079	750,000
Seneca-Cayuga Tribe, P.O. Box 1283, Miami, OK 74355	400,255
Iowa Tribe of KS and NE, Route 1, Box 58–A, White Cloud, KS 66094	400,000
Kickapoo Tribe, Rt. 1, Box 157–A, Horton, KS 66439	400,000
Tonkawa Tribe, P.O. Box 70, Tonkawa, OK 74653	279,918
Wyandotte Tribe, P.O. Box 250, Wyandotte, OK 74370	647,750
Osage Nation, 627 Grandview, Pawhuska, OK 74056	200,000
Wichita Tribe, P.O. Box 729, Anadarko, OK 73005	148,953
Northern Plains ONAP:	
Assiniboine and Sioux (a.k.a. Ft. Peck), P.O. Box 1027, Poplar, MT 59255	100,000
Blackfeet, P.O. Box 850, Browning, MT 59417	800,000
Cheyenne River Sioux, P.O. Box 590, Eagle Butte, SD 59417	360,719
Fort Belknap, R.R. 1, P.O. Box 66, Harlem, MT 59526	800,000
Goshute, P.O. Box 6104, Ibapah, UT 84034	800,000
Northern Ponca, 3610 Dodge, Omaha, NE 68131	391,700
Rosebud Sioux, P.O. Box 430, Rosebud, SD 57570	388,928
Salish and Kootenai, P.O. Box 278, Pablo, MT 59855	205,000
Sisseton-Wahpeton, P.O. Box 509, Agency Village, SD 57262	255,000
Southern Ute, P.O. Box 737, Ignacio, CO 81137	800,000
Standing Rock, P.O. Box D, Ft. Yates, ND 58538	800,000
Turtle Mountain, P.O. Box 900, Belcourt, ND 58316	300,000
Ute Indian, P.O. Box 190, Ft. Duchesne, UT 84026	165,575
Winnebago, Winnebago, NE 68071	800,000
Southwest ONAP:	
Big Lagoon Rancheria, P.O. Box 3060, Trinidad, CA 95570	177,600
Campo Band of Mission Indians, 1779 Campo Truck Trail, Campo, CA 91906	450,000
Chemehuevi Indian Reservation, P.O. Box 1976, Chemehuevi Valley, CA 92363	450,000
Colusa Rancheria, P.O. Box 8, Colusa, CA 95932	255,866
Duckvalley Shoshone-Paiute Tribes, P.O. Box 219, Owyhee, NV 89832	450,000
Elk Valley Rancheria, P.O. Box 1042, Crescent City, CA 95531	450,000
Havasupai Indian Reservation, P.O. Box 10, Supai, AZ 86435	450,000
Hoopa Valley Tribe, P.O. Box 1348, Hoopa, CA 95546	550,000
Hopi Indian Reservation, P.O. Box 123, Kykotsmovi, AZ 86039	1,000,000
Hualapai Indian Reservation, P.O. Box 179, Peach Springs, AZ 86434	450,000
Jicarilla Apache Indian Reservation, P.O. Box 507, Dulce, NM 87528	359,732
Kaibab-Paiute Indian Reservation, H.C. 65 Box 2, Fredonia, AZ 86022	180,142
Karuk Tribe, P.O. Box 1016, Happy Camp, CA 96039	460,000
La Jolla Indian Reservation, Star Route Box 158, Valley Center, CA 92082	428,637
Mescalero Indian Reservation, P.O. Box 176, Mescalero, NM 88340	550,000

Funding recipient (name and address)	Amount approved
Pueblo of Nambe, Route 1, Box 117BB, Santa Fe, NM 87501	450,000
Quartz Valley Rancheria, 9117 Sniktaw Lane, Fort Jones, CA 96032	450,000
Navajo Nation, P.O. Box 9000, Window Rock, AZ 86515	3,368,743
Redding Rancheria, 2000 Rancheria Road, Redding, CA 96001	449,386
Redwood Valley Rancheria, P.O. Box 499, Redwood Valley, CA 95470	449,081
San Carlos Indian Reservation, P.O. Box 0, San Carlos, AZ 85550	305,966
San Juan Pueblo, P.O. Box 1099, San Juan Pueblo, NM 87566	203,577
Santa Ynez Indian Reservation, P.O. Box 517, Santa Ynez, CA 93460	449,732
Table Mountain Rancheria, P.O. Box 410, Friant, CA 93626	423,000
Trinidad Rancheria, P.O. Box 630, Trinidad, CA 95570	450,000
Taos Pueblo, P.O. Box 1846, Taos, NM 87571	450,000
Tohono O'odham Nation, P.O. Box 837, Sells, AZ 85634	1,821,780
Washoe Tribe, 919 Highway 395 South, Gardnerville, NV 89410	411,414
White Mountain Apache Tribe, P.O. Box 700, Whiteriver, AZ 85941	617,558
Yurok Tribe, 517 Third Street, Suite 21, Eureka, CA 95501	650,000
Zuni Pueblo, P.O. Box 339, Zuni, NM 87327	999,972
Northwest ONAP:	
Conf. Tribes of Umatilla, P.O. Box 638, Pendleton, OR 97801	120,000
Conf. Tribes of Warm Springs, P.O. Box C, Warm Springs, OR 97761	228,912
Muckleshoot Tribe, 39015—172nd SE., Auburn, WA 98092	270,000
Swinomish Tribe, P.O. Box 817, LaConner, WA 98157	270,000
Nisqually Tribe, 4820 She-Nah-Num Dr. SE., Olympia, WA 98503	250,000
Kalispel Tribe, P.O. Box 39, Usk, WA 99180	75,000
Chehalis Tribe, P.O. Box 536, Oakville, WA 98568	250,000
Port Gamble S'Klallam Tribe, 31912 Little Boston Road NE., Kingston, WA 98346	270,000
Squaxin Island Tribe, SE. 70, Squaxin Lane, Shelton, WA 98584	270,000
Lummi Tribe, 2616 Kwina Road, Bellingham, WA 98226	270,000
Anchorage ONAP:	
Akiachak Native Community, P.O. Box 70, Akiachak, AK 99551	415,320
Kivalina Native Village, P.O. Box 50051, Kivalina, AK 99750	450,000
Nanwalek Trad. Council, P.O. Box 8028, English Bay, AK 99603	152,025
New Stuyahok Trad. Council, P.O. Box 49, New Stuyahok, AK 99636	393,001
Orutsararmuit Native Council, P.O. Box 927, Bethel, AK 99559	409,900
Pedro Bay Village Council, P.O. Box 47020, Pedro Bay, AK 99647	499,999
Tanana Chiefs Conf. (Tetlin), 122 First Avenue, Ste 600, Fairbanks, AK 99701	500,000
Teller Traditional Council, P.O. Box 567, Teller, AK 99778	374,863
Village of Port Graham, P.O. Box 5510, Port Graham, AK 99603	300,891

Dated: April 8, 1996.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

[FR Doc. 96–9067 Filed 4–10–96; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Distribution of Fiscal Year 1996 Contract Support Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of method for distribution and use of FY 1996 contract support funds (CSF).

SUMMARY: The purpose of this Announcement is to issue the Bureau of Indian Affairs (BIA) administrative instructions for the implementation of Public Law (Pub. L.) 93–638 as amended by Public Law 103–413, the Indian Self-Determination Act Amendments of 1994 (the Act). These administrative instructions are designed to provide BIA personnel with assistance in carrying out their responsibilities. These instructions are not regulations establishing program requirements. In addition, these instructions are not intended to bind agency personnel. Instead, these instructions are intended to provide guidance to BIA personnel while allowing BIA personnel to apply judgement and prudence in individual circumstances.

DATES: The CSF Needs Reports for ongoing/existing and new and expanded contracts are due on July 15, 1996. All new and/or expanded contracts starting between October 1, 1995, and January 1, 1996, will be considered to have a January 1, 1996, start date. Current proposals for FY 1996 indirect cost rates must be pending before the Inspector General on or before July 1, 1996. The final distribution of CSF will be made on or about July 30, 1996.

ADDRESSES: Bureau of Indian Affairs, Division of Self-Determination Services, 1849 C Street, NW, MS–4627–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION: Please contact Jim Thomas (202) 208–3708.

Summary Statement

A total of $95,829,000 is available for contract support requirements (excluding construction contracts) during FY 1996. Of this amount $90,829,000 is available for contract support requirements associated with FY 1996 costs of ongoing self-determination and self-governance awards for programs under contract prior to FY 1996. The balance of $5,000,000 is provided to continue the Indian Self-Determination (ISD) Fund to provide contract support for new and expanded contracts first entered into in FY 1996. Each BIA Area Office and the Office of Self-Governance (hereinafter office) has the responsibility for tribes located within their respective area to work with the tribes in identifying existing and new and expanded contracts and reporting this information to the Division of Self-Determination Services as specified in this announcement. CSF shall be added to awards made under Sec. 102 and Title III of the Indian Self-Determination and

Education Assistance Act, as amended. Awards made under the authority of Sec. 103 of this Act shall not receive CSF to meet indirect costs, as contract support provisions do not apply to Sec. 103 grants.

Basis for Payment of CSF

BIA will utilize tribal indirect cost rates to determine the amount of CSF to be paid to eligible contracting tribes and tribal organizations. In determining legitimate FY 1996 indirect cost requirements each area director should fund only those contracting or compacting tribal organizations that have approved FY 1995 or 1996 indirect cost rates or current indirect cost proposals to be negotiated by the Inspector General. Current proposals mean proposals scheduled for active consideration which are submitted to the Inspector General prior to July 1, 1996.

Ongoing/Existing Contracts

Each area office will submit CSF need reports to the Central Office for ongoing contracts by July 15, 1996. A final distribution of contract support will be made on or about July 31, 1996. CSF will be provided to each area from the remaining available $90,829,000 based on these reports. If these area reports indicate that $90,829,000 will not be sufficient to cover the entire need, this amount will be distributed so that all areas receive the same percentage of their reported need. Also, should the amount provided for these existing contracts prove insufficient, a tribe or group of tribes may wish to reprogram funds to make up deficiencies necessary to recover full indirect costs. This tribal reprogramming authority is limited to funds for programs located in the Tribal Priority Allocation (TPA) portion of the tribal budget.

Congressional language does not provide authority for the Bureau to reprogram funds from other Bureau programs to meet any CSF shortfalls.

For programs other than TPA, tribes are not constrained from recovering full indirect costs from within the overall program and contract support funds awarded for each program. Congressional language sets a ceiling on the amount of CSF available in FY 1996.

Each office will be suballotted 75 percent of the total amount reported as contract support needs for FY 1995, as soon as possible. Accordingly, each office is to award 75 percent of required contract support to each award meeting the criteria established below. Contractors with approved FY 1995 indirect cost rates, but without current proposals pending before the Inspector General, are eligible for 50 percent of the required CSF for such awards.

An ongoing/existing contract is defined as a BIA program operated by the tribe or tribal organization on an ongoing basis which has been entered into prior to the current fiscal year. An increase or decrease in the level of funding from year to year for such contracts would not affect the designation of such contracts as being ongoing. Rather, an assumption of additional BIA program responsibilities would be required to trigger a change in designation as explained below.

New and Expanded Contracts

Each area office will submit CSF need reports to the Central Office for new and expanded contracts periodically throughout the year as new contracts are awarded or existing contracts are expanded. Funds will be provided to the areas as these reports are received and will be taken from the $5,000,000. These funds will be distributed on a first-come-first-serve basis at 100% of need using the area reports. In the event the $5,000,000 is depleted, new or expanded contracts awarded after this fund has been exhausted will not be provided any CSF during this fiscal year. Requests received after this fund has been exhausted will be considered first for funding in the following year, from funds appropriated for this purpose. It should be noted that there were a number of FY 1995 new and expanded contracts which were not funded during FY 1995, and, in line with the process outlined herein will be given priority for funding over FY 1996 new and expanded contracts.

Priority of Funding for New and Expanded Contracts

Contract support will be awarded from the ISD fund to all new and expanded contracts/compacts on a priority basis, based on the start date of the award, the application date, and then the approval date, on a first-come-first-served basis. An Indian Self-Determination Fund ''applicant roster'' shall be maintained, which shall list, in order of priority, the name of the tribe or tribal organization, the name of the program, the start date, the application date, the approval date, the amount of program funds, the program cost code(s), the amount of contract support funds required, and the date of the approved Indirect Cost Rate Agreement, or the date the indirect cost proposal was received by the Inspector General.

Start date means the date or commencement of operation of the new or expanded portion of the contract or compact by the tribe or tribal organization. However, the Self-Determination Act provides that contracts will be on a calendar year unless otherwise provided by the tribe, any start date on or prior to January 1 of each year shall be considered a January 1 start date.

Application date shall be the date of the request by the tribe which includes: (1) a tribal resolution requesting a contract or compact; (2) a summary of the program or portion thereof to be operated by the Tribe or Tribal organization; and (3) a summary identifying the source and amount of program or services funds to be contracted or compacted and contract support requirements. In the event that two tribes or tribal organizations have the same start date, application date, and approval date, then the next date for determination of priority shall be the date the fully complete application was received by the BIA. If all of the above are equal, and if funds remaining in the ISD fund are not adequate to fill the entire amount of each awards contract support requirement, then each will be awarded a proportionate share of its requirement and shall remain on the Indian Self-Determination Fund Roster in appropriate order of priority for future distributions.

New contract is defined as the initial transfer of a program, during the current fiscal year, previously operated by the BIA to the tribe or tribal organization.

An expanded contract is defined as a contract which has become enlarged, during the current fiscal year through the assumption of additional programs previously operated by the BIA.

Criteria for Determining CSF Need for Ongoing/Existing Contracts

CSF for ongoing and existing contracts will be determined using the following criteria:

1. All TPA contracted programs in FY 1995 and continued in FY 1996, including contracted programs moved to TPA in FY 1996, such as New Tribes, HIP, and Road Maintenance.

2. Direct program funding increases due to inflation adjustments and general budget increases.

3. TPA programs started or expanded in FY 1996 that are a result of a change in priorities from other already contracted programs.

4. CFS differentials associated with tribally operated schools that receive indirect costs through the application of the administrative cost grant formula. These differentials are to be calculated in accordance with the criteria prescribed in the Choctaw decision dated September 18, 1992, issued by the Contracting Officer, Eastern Area Office.

Copies of this decision can be obtained by calling the telephone number provided in this announcement. Tribes that received differential funding under this category in FY 1995 are eligible to receive funding from this account in FY 1996. Tribes that did not receive differential funding under this category in FY 1995 are eligible for funding from the ISD fund.

5. CSF will be distributed to the Office of Self-Governance for ongoing compacts, on the same basis as area offices. All additional CSF requirements will be met from the ISD fund in accordance with the criteria established below.

6. Funds available for Indian Child Welfare Act (ICWA) programs or reprogrammed from ICWA to other programs will be considered ongoing for the purposes of payment of contract support costs.

7. The use of CSF to pay prior year shortfalls is not authorized.

8. Programs funded from sources other than those listed above that were contracted in FY 1995 and are to be contracted in FY 1996 are considered as ongoing.

Criteria for Determining CSF Need for New and Expanded Contracts

CSF for new and expanded contracts will be determined using the following criteria:

1. All contracts initially entered into in FY 1995 that transfer the operation of a program that was operated by the BIA in the previous fiscal year to the tribe, and does not fall under the definitions described in numbers 3 and 6 above.

2. All expansions of existing contracts that call for the tribe to assume more or additional programs previously operated by the BIA.

3. CSF differentials associated with a grant school operated by the tribe that did not receive differential funding for the school in FY 1995.

4. New and expanded program assumptions under Self-Governance compacts.

Dated: April 8, 1996.

Ada E. Deer,

Assistant Secretary, Indian Affairs.

[FR Doc. 96–9029 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[OR–128–06–6332–00; GP6–0112]

Oregon: Supplementary Rules for Management of the New River Area of Critical Environmental Concern (ACEC) Management Plan

AGENCY: Coos Bay District Office, Bureau of Land Management, Interior.

ACTION: Coos Bay District is implementing restrictions, closures and prohibited acts as described in of the New River ACEC Management Plan which was approved on April 4, 1995.

SUMMARY: This notice supplements the established order, Federal Register, volume 48, No. 127, Thursday, June 30, 1983, which generally identifies New River ACEC. Pursuant to the authority of Federal Land Policy and Management Act of October 21, 1976 (Section 202(C)(3)) and 43 CFR 1601.6–7, only BLM administered public land within the following areas are designated as the New River ACEC. Supplementary rules are required to carry out the intent of the Management Plan, which incorporated public review and consideration of public comment prior to being approved. The Authority for implementing supplementary rules is 43 CFR 8365.1–6. These supplementary rules are the minimum necessary to implement the plan as published, and apply only to those BLM administered lands designated as the New River ACEC.

The New River ACEC is located five (5) miles south of Bandon, Oregon, on the southern Oregon Coast fronting the Pacific Ocean and east of New River, a partial estuarian stream. The ACEC encompasses 1168 acres of BLM administered public land. Management intent under the New River ACEC Management Plan and the Resource Management Plan (RMP) is protection of important plants, wildlife, natural and cultural values while providing for other compatible land uses.

The ACEC designation provides protection to the Federally endangered western lily and Federal Candidate species silver phacelia, as well as other plant species whose habitat is strictly limited to coastal sand dunes. The area also provides habitat for Federally Threatened avian species the Western Snowy Plover, Peregrine Falcon, Bald Eagle, Aluetian Canada Goose as well as the Federally Endangered brown pelican. A unique isolated beach-marsh-estuarine environment is found throughout the area. The sand dunes rest on a layer of peat which is not found in other dunes along the Oregon coast.

The New River ACEC Management Plan identifies restrictions, closures and prohibited acts necessary to manage recreational use and to protect on site resource values. These restrictions, closures and prohibited acts cover all current BLM administered New River ACEC lands and any future ACEC acquisitions.

New River ACEC

Willamette Meridian, Coos County, Oregon

Township 29 South Range 15 West
- Section 35
- Section 36

Township 30 South Range 15 West
- Section 2
- Section 3
- Section 10
- Section 11
- Section 15
- Section 21
- Section 22

Willamette Meridian, Curry County, Oregon

Township 30 South Range 15 West
- Section 28
- Section 32
- Section 33

Township 31 South Range 15 West
- Section 7
- Section 8

Prohibited Acts

1. OHV/Motor Vehicle Use

a. Operating any motorized vehicle within the ACEC except on River Road and the road/parking area at Storm Ranch.

b. Operating any motorized vehicle on River Road beyond the Storm Ranch administrative site outside of the anadromous inland salmonid fishing season as defined by Oregon Department of Fish and Wildlife regulations.

2. Seasonal Beach Closure

Entering by foot, horseback or any motorized or mechanical conveyance (include bicycles) the BLM administered beach immediately west of the posted areas of the foredune at Floras Lake encompassing public lands in Sections 7 and 8 Township 31 South Range 15 West, from March 15 through September 15.

3. Camping

Overnight camping within the boundary of the ACEC except for special purposes at the Storm Ranch by special permit signed by the Authorized Officer.

Definition—Authorized Officer—Area Manager or his/her designated representative.

For purposes of this notice, camping is defined as the erection and use of tents or shelters of natural or synthetic material, preparing a sleeping bag or

bedding material for use, mooring a vessel, or parking a vehicle or trailer for the apparent purpose of occupancy.

4. Collection of Forest Products/ Animals

Collection for commercial or personal use of any plants including mushrooms or animals except for educational and research purposes as authorized by a special permit signed by the Authorized Officer for educational and research purposes.

5. Pets

Allowing pets off leash (maximum length 8 feet) and not in physical control by owner.

6. Boating

Operation of any boat or water craft in violation of Oregon State Marine Board Regulations.

Exceptions

Personnel exempt from closures and restrictions include any Federal, State or local enforcement officers or any members of an organized fire or rescue operation or BLM employees in performance of their duties or any person authorized by permit in writing by the BLM Authorized Officer.

Penalties

Violation of the above supplementary rules are punishable by a fine not to exceed $1,000 and or imprisonment not to exceed 12 months. (43 CFR 8360.0–7)

EFFECTIVE DATE: April 12, 1996.

FOR FURTHER INFORMATION CONTACT: Earl Burke, Natural Resource Specialist, Coos Bay District, 1300 Airport Lane, North Bend, Oregon 97459, (541) 756–0100. The New River ACEC Management Plan and the Coos Bay District Resource Management Plan are on file at the above address.

SUPPLEMENTARY INFORMATION: These site specific restrictions and closures were established to assist the Bureau in protection of natural resources associated with New River ACEC.

This notice supersedes, in part camping limitations for the Coos Bay District outlined in Federal Register notice of March 15, 1994.

Dated: April 2, 1996.

Neal R. Middlebrook,

Acting District Manger.

[FR Doc. 96–9043 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–33–M

[AZ–930–1430–01; AZA 13014]

Public Land Order No. 7192; Partial Revocation of Secretarial Orders Dated July 2, 1902, August 26, 1902, and July 3, 1920; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes three Secretarial orders insofar as they affect 297.33 acres of public land withdrawn for the Bureau of Reclamation's Salt River Project. The land is no longer needed for the purpose for which it was withdrawn. The revocation is needed to allow title to pass to the city of Tempe in accordance with the sale provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976. The land is temporarily segregated by a pending sale proposal and will not be opened at this time. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Carol Kershaw, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0235.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Orders dated July 2, 1902, August 26, 1902, and July 3, 1920, which withdrew lands for the Bureau of Reclamation's Salt River Project, are hereby revoked insofar as they affect the following described land:

Gila and Salt River Meridian

T. 1 N., R. 4 E.,
Sec. 17, lots 1 and 2, W½NE¼, and NW¼.

The area described contains 297.33 acres in Maricopa County.

2. The land is temporarily segregated by a pending sale proposal and will not be opened by this order.

Dated: April 3, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96–9040 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–32–P

[AZ–055–96–1430–01; AZA 23973, AZA 24512, AZA 25991]

Arizona: Notice of Realty Action; Termination of Classifications in La Paz County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice partially terminates Recreation and Public Purposes (R&PP) Act classifications.

EFFECTIVE DATE: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Debbie DeBock, Realty Specialist, Yuma Resource Area Office, 3150 Winsor Avenue, Yuma, AZ 85365 (520) 726–6300.

SUPPLEMENTARY INFORMATION: The lands described below are a part of the public lands classified as suitable for lease/ conveyance under the R&PP Act under the following Notices:

AZA 23973 published July 5, 1989; AZA 24512 published May 23, 1990;
AZA 25991 published November 21, 1991, September 28, 1994, and January 25, 1996.

These lands were segregated from appropriation under the public land laws and the general mining laws. The public lands affected by this Notice are:

Gila and Salt River Meridian, La Paz County, Arizona

T. 4 N., R. 19 W.,
Sec. 15, SE¼SW¼NW¼, SW¼SE¼NW¼;
Sec. 20, N½SE¼SE¼SE¼.

Containing 25.00 acres.

The Parker Community Hospital and Quartzsite Southern Baptist Church, both nonprofit organizations, have requested direct sales. The Notice of Realty Action for the noncompetitive sales was published in the Federal Register on August 3, 1995 (60 FR 39770). The sale notice segregated the above-described public lands from appropriation under the public land laws, including the mining laws.

Effective April 11, 1996, the R&PP classifications on the above lands will be terminated.

Dated: April 1, 1996.

Maureen A. Merrell,

ADM, Administration/Acting District Manager.

[FR Doc. 96–9041 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–32–M

[CA–930–5410–00–B049; CACA 33012]

Conveyance of Mineral Interests in California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregation.

SUMMARY: The private land described in this notice, aggregating 2,811.23 acres, is segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine its suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal

Land Policy and Management Act of October 21, 1976. The mineral interests will be conveyed in whole or in part upon favorable mineral examination. The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Kathy Gary, California State Office, Federal Office Building, 2800 Cottage Way, Room E–2845, Sacramento, California 95825, (916) 979–2858.

Mount Diablo Meridian

T. 10 N., R. 5 W.,
Sec. 2, W½ of lot 2, and lots 3 and 4;
Sec. 3, lots 3 and 4, W½ of lot 8, N½SW¼, and SE¼SW¼;
Sec. 4, E½SE¼;
Sec. 5, lots 1, 2, 3, 6, 7, and 8, N½SW¼, and SE¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 8, and 9, NE¼SW¼, and N½SE¼;
Sec. 8, NW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 9, E½NE¼ and SW¼NE¼;
Sec. 10, S½NE¼.
T. 11 N., R. 5 W.,
Sec. 31, W½ and SE¼SE¼;
Sec. 35, SE¼SW¼.
T. 10 N., R. 6 W.,
Sec. 13, SW¼NE¼, NW¼, NE¼SW¼, E½SE¼SW¼, and W½SE¼.
T. 11 N., R. 6 W.,
Sec. 24, E½NW¼, and that portion of SW¼NW¼ as shown as the record of survey filed in Book 62, Record of Surveys, at page 12, at the office of the Lake County Recorder on February 13, 1995;
Sec. 25, S½SW¼;
Sec. 26, SE¼SE¼, and that portion of SW¼NE¼ and NW¼SE¼ as shown on the record of survey filed in Book 62, Record of Surveys, at page 11, at the office of the Lake County Recorder on February 13, 1995.

Counties—Lake and Napa
As Reservation—All coal and other minerals.

Upon publication of this Notice of Segregation in the Federal Register as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate by publication of an opening order in the Federal Register specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interest; or two years from the date of publication of this notice, whichever occurs first.

Dated: March 28, 1996.
David McIlnay,
Chief, Branch of Lands.
[FR Doc. 96–9038 Filed 4–10–96; 8:45 am]
BILLING CODE 4310–40–P

[CA–930–5410–00–B074; CACA 35970]

Conveyance of Mineral Interests in California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregation.

SUMMARY: The private land described in this notice, aggregating 365.00 acres, is segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine its suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976. The mineral interests will be conveyed in whole or in part upon favorable mineral examination. The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Kathy Gary, California State Office, Federal Office Building, 2800 Cottage Way, Room E–2845, Sacramento, California 95825, (916) 979–2858.

Mount Diablo Meridian

T. 7 S., R. 21 E.,
Sec 20, SE¼NW¼, S½NE¼, N½SW¼, N½SE¼
E½SW¼SE¼, SE¼SE¼,

Mount Diablo Meridian

T. 7 S., R. 21E.,
Sec 29, SE¼NE¼
County—Madera
As Reservation—All coal and other minerals.

Upon publication of this Notice of Segregation in the Federal Register as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate by publication of an opening order in the Federal Register specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interest; or two years from the date of publication of this notice, whichever occurs first.

Dated: March 28, 1996.
David McIlnay,
Chief, Branch of Lands.
[FR Doc. 96–9039 Filed 4–10–96; 8:45 am]
BILLING CODE 4310–40–P

[MT–020–06–1430–01; MTM–82115]

Notice of Realty Action—Exchange

AGENCIES: Bureau of Land Management, Montana, Miles City District, Powder River Resource Area, Interior.

ACTION: Notice of Realty Action MTM–82115. Exchange of public and private surface lands and acquisition of an exclusive public easement in Powder River County, Montana.

SUMMARY: The following described surface lands have been determined suitable for disposal by exchange to Gay Ranch, Incorporated under the authority of Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Selected public surface land to be acquired by Gay Ranch, Incorporated in Powder River County, Montana:

Principal Meridian, Montana

T. 6 S., R. 49 E.,
Sec. 25, SW¼NE¼, NW¼, S½;
Sec. 26, W½NE¼, NW¼;
Sec. 28, all;
Sec. 33, N½NE¼, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 35, S½NE¼, NW¼, S½.
T. 7 S., R. 49 E.,
Sec. 1, lot 1;
Sec. 4, lots 1 to 4, inclusive, SW¼NW¼, NW¼SW¼;
Sec. 5, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 12, lots 1 to 3, inclusive, [now lots 9 and 10]*;
T. 6 S., R. 50 E.,
Sec. 28, S½SW¼ (Portion N & W of River), [now lot 1]*;
Sec. 29, NE¼SW¼;
Sec. 30, Lots 3 and 4, E½SW¼, W½SE¼;
Sec. 31, Lots 1 to 4, inclusive, NW¼NE¼, E½NW¼;
Sec. 32, E½NE¼ (Portion N & W of River), [now lot 2]*.
T. 7 S., R. 50 E.,
Sec. 6, lots 5 and 11 [now lot 13 and Tract 37]*.

Approximately 3,379.84 acres.
* Final re-survey filed.

Offered surface estate to be acquired by the U. S. Government Bureau of Land Management in Powder River County, Montana:

Principal Meridian, Montana

T. 7 S., R. 48 E.,
Sec. 1, lots 1 to 7, inclusive; SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13, lot 4, SW¼SE¼.
T. 6 S., R. 49 E.,

Sec. 15, W½E½, E½W½;
Sec. 22, NE¼;
Sec. 23, all;
Sec. 24, all.
T. 6 S., R. 50 E.,
Sec. 17, N½NE¼, E½W½, S½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, N½NE¼, SW¼NE¼, SW¼;
Sec. 29, W½NW¼;
Sec. 30, E½NE¼.

Approximately 3,284.46 acres.

Exclusive Road Easement to be acquired by the U. S. Government, Bureau of Land Management from Gay Ranch, Incorporated in Powder River County, Montana:

Principal Meridian, Montana

T. 6 S., R. 50 E.,
Sec. 20, SE¼NE¼, SW¼SE¼.

DATES: Interested parties may submit comments to the District Manager, Bureau of Land Management, 111 Garryowen Road, Miles City, Montana 59301, until May 28, 1996.

Any adverse comments will be evaluated by the BLM Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange and the environmental assessment is available for review at the Bureau of Land Management, Powder River Resource Area, 111 Garryowen Road, Miles City, Montana 59301, phone (406) 232–4331.

SUPPLEMENTARY INFORMATION: The public lands described above are segregated from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from the mineral leasing laws nor from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, for a period of two years from the date of publication of this notice. The exchange will be made subject to:

1. A reservation to the United States of all mineral resources including the right to extract such minerals, a right-of-way for ditches or canals in accordance with 43 U.S.C. 945, and Montana Highway right-of-way reservation MTM–026230.

2. All valid existing rights of record including a road right-of-way to Powder River County, MTM–59941, and a power transmission line right-of-way to Tongue River Electric, Coop., MTM–57653.

3. Fair market value based on accepted appraisal methods.

4. The exchange must meet the requirements of 43 CFR 4110.4–2(b). The two-year grazing cancellation notice was mailed on April 7, 1993, and a Grazing Cancellation Waiver has been signed.

This exchange is consistent with BLM policies and the Powder River RMP/EIS and has been discussed with state and local officials. The public interest will be served by completion of this exchange because it will enable the BLM to consolidate federal lands and acquire access to a block of federal lands, and will increase management efficiency of public lands in the area.

Dated: April 4, 1996.

Glenn A. Carpenter,

District Manager.

[FR Doc. 96–9042 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–DN–P

Bureau of Reclamation

Garrison Diversion Unit

AGENCY: Bureau of Reclamation, Interior, in conjunction with Fish and Wildlife, Interior, and the North Dakota Game and Fish Department.

ACTION: Notice of availability and notice of public hearing on draft environmental impact statement DEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Reclamation, in conjunction with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department, has prepared a draft environmental impact statement (DEIS) on the proposed Arrowwood National Wildlife Refuge (NWR) mitigation project. The DEIS describes and presents the environmental effects of seven alternatives, including no action, for mitigating adverse impacts of Jamestown Reservoir operations on Arrowwood NWR. This mitigation is required by the Garrison Diversion Unit Reformulation Act of 1986 (Pub. L. 99–249) and the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 688dd). A public hearing will be held to receive comments from interested individuals and organizations on the environmental impacts of the proposal.

DATES: A 60-day public review period commences with the publication of this notice. The public hearing is scheduled as follows: Date: May 2, 1996, Time: 7:00 p.m., Loction: Law Enforcement Center, Jamestown, ND.

The hearing will be preceded by an open house beginning at 4:00 p.m. during which EIS team members will answer questions in an informal setting.

Copies of the DEIS are available for inspection at, or may be requested from, the following address: Area Manager, Bureau of Reclamation, Attention: DK–611, P.O. Box 1017. Bismarck, ND 58502–1017; telephone: (701) 250–4242.

Copies of the DEIS are available for inspection at the following libraries:

Carrington City Library,
Chester Fritz Library,
University of North Dakota,
Denver Office Library, U.S.,
Bureau of Reclamation,
Grand Forks Public Library,
Jamestown Public Library,
North Dakota State University Library,
Oakes School and Public Libraries,
Raugust Library, Jamestown College.

FOR FURTHER INFORMATION CONTACT: Greg Hiemenz, Arrowwood EIS Coordinator, Dakotas Area Office; telephone: (701) 250–4721.

SUPPLEMENTARY INFORMATION:

Arrowwood NWR is located on the James River in Stutsman and Foster Counties of North Dakota. The refuge has four impounded pools (Arrowwood Lake, Mud Lake, Jim Lake, and Depuy Marsh) which cover about 3,500 acres. Arrowwood NWR lies within the flood pool of Jamestown Reservoir, a component of the Garrison Diversion Unit, and has, on numerous occasions, been adversely affected by reservoir operations. Flood control operations of Jamestown Reservoir inundate the refuge pools for extended periods. The normal summer operating level of the reservoir causes backwater effects that limit water level management capability at the refuge. In addition, Jamestown Reservoir is a source of rough fish that invade the refuge, where they uproot aquatic plants and increase turbidity. The goal of the proposed action is to improve habitat management capability at the refuge during normal and dry years to offset impacts that result from flood storage in high runoff years. To date, the 2.8-mile Jim Lake drawdown channel (Final Finding of No Significant Impact and Environmental Assessment No. MS0150–91–09, August 1991) is the only mitigation measure that has been constructed.

Seven alternatives, including no action, are considered in the draft statement. The action alternatives comprise an incremental series of physical features, including water control structures and bypass channels, that could be constructed at Arrowwood NWR and Jamestown Reservoir to improve water management capability at the refuge. Fish barriers would be constructed below Arrowwood NWR to control movement of rough fish into the refuge. In addition, five of the six action

alternatives would lower the normal operating levels of Jamestown Reservoir and include measures to enhance the reservoir's sport fishery. The reservoir's summer target (top of joint-use pool) would be lowered from 1432.7 m.s.l. to 1431.0 m.s.l. The winter target (top of conservation pool) would be lowered from 1429.8 m.s.l. to 1428.0 m.s.l. Fishery enhancements would include planting of suitable vegetation in the upper end of Jamestown Reservoir to create additional spawning and nursery habitat. Three of the six action alternatives would require off-site mitigation, including acquisition of private lands for development as wildlife habitat, to fully mitigate impacts to the refuge.

The preferred alternative is the Mud and Jim Lakes Bypass—Lower Joint-use Pool Alternative. This is the least costly alternative that mitigates for all impacts without requiring any acquisition of private land. Principal new features of this alternative are:

* New water control structures at each of the four refuge pools.

* 7.0-mile channel along the east side of Mud Lake.

* 2.5-mile channel along the east side of Jim Lake.

* 3.1-mile channel improvement below Depuy Marsh.

* Three subimpoundments in Mud Lake and one subimpoundment in Jim Lake.

* Fish barriers at Depuy Dike and approximately 2 miles downstream.

* Improved road crossings at Mud Lake Dike and 2 miles downstream of Depuy Dike.

* Jamestown Reservoir joint-use pool lowered 1.8-feet.

* Fishery enhancements in Jamestown Reservoir.

The principal environmental consequences that would result from implementation of the preferred alternative include:

* Hydrology. Water management capability would improve at Arrowwood NWR. Jamestown Reservoir elevations would typically be about 2-feet lower during low to moderate flow periods. Flood storage capability in Jamestown Reservoir would increase slightly. There would be no significant change in releases from Jamestown Dam, or river flows in the city of Jamestown or downstream.

* Water Quality. Decreased depth of refuge pools could slightly increase eutrophication.

* Habitat. Increased water management capability at the refuge would improve habitat for migratory birds and other wildlife.

* Fish. Fishery enhancements would improve spawning and nursery habitat for sport fish in Jamestown Reservoir. Lower reservoir levels would slightly increase the probability of a fish kill occurring during a prolonged drought.

* Threatened and Endangered Species. Construction activities would not affect any species that are listed or are candidates for listing under the Endangered Species Act.

* Recreation. Lower reservoir levels could affect boat access during a drought. Reclamation would work with the North Dakota Game and Fish Department to ensure that boat ramps remain operational.

* Cultural Resources. Arrowwood Refuge has not been inventoried in its entirety. Construction would involve ground disturbance which could affect historic properties. Consultation would take place as required by the National Historic Preservation Act.

HEARING PROCESS INFORMATION:

Organizations and individuals wishing to present statements should contact the Bureau of Reclamation, Dakotas Area Office, at the above address, to announce there intention to participate. Requests for scheduled presentations will be accepted through 4 p.m. on April 30, 1996.

Oral comments at the hearing will be limited to 10 minutes. The hearing officer may allow any speaker to provide additional oral comments after all persons wishing to comment have been heard. Whenever possible, speakers will be scheduled according to the time preference mentioned in their letter or telephone requests. Speakers not present when called will lose their privilege in the scheduled order and will be recalled at the end of the scheduled speakers.

Written Comments from those unable to attend or those wishing to supplement their oral presentations at the hearing should be received by Reclamation's Dakota's Area Office at the Address above by May 10, 1996, for inclusion in the hearing record.

Dated: March 25, 1996.

J.L. Wedeward,

Acting Regional Director.

[FR Doc. 96–9058 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–09–P

Fish and Wildlife Service

Notice of Receipt of Application for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

PRT–813109

Applicant: Mr. Robert W. Criswell, Huntingdon, Pennsylvania.

The applicant requests a permit to take (capture for photography and release) spotfin chub, *Cyprinella monacha*, amber darter, *Percina antesella*, duskytail darter, *Etheostoma percnurum*, snail darter, *Percina tanasi*, and blue shiner, *Cyprinella caerulea*, throughout waters of Tennessee for the purpose of enhancement of survival of the species.

PRT–813108

Applicant: Dr. Brooks M. Burr and Mr. William J. Poly, Southern Illinois University, Carbondale, Illinois.

The applicants request a permit to take (capture, mark, and release; and sacrifice selected individuals for food habits and genetic studies) the endangered palezone shiner, *Notropis albizonatus*, from the Little South Fork Cumberland River, Wayne and McCreary Counties, Kentucky and from Paint Rock River, Jackson County, Alabama for the purpose of enhancement of survival of the species.

PRT–812344

Applicant: Mr. Wendell Pennington, Pennington and Associates, Inc., Cookeville, Tennessee.

The applicant requests an amendment to their current application to expand the scope of work to include take (capture, identify, and release) of federally listed fish, mollusks, and arthropods from throughout the species' ranges in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Texas, Florida, Wisconsin, Ohio, Pennsylvania, West Virginia, Iowa, Illinois, Missouri, Arkansas, Louisiana, and Kansas for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S.

Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: April 4, 1996.

Noreen K. Clough,

Regional Director.

[FR Doc. 96–9028 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–55–P

Silvio Conte National Fish and Wildlife Refuge Advisory Committee Meeting

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act, this notice announces a meeting of the Silvio O. Conte National Fish and Wildlife Refuge Advisory Committee established under the authority of The Silvio O. Conte National Fish and Wildlife Refuge Act.

DATES: The Silvio O. Conte National Fish and Wildlife Refuge Advisory Committee will meet from 10:00 a.m. to 2:00 p.m., Wednesday, May 15, 1996.

ADDRESSES: The meeting will be held in the auditorium of the Oliverian Valley Wildlife Preserve in the village of East Haverhill, New Hampshire.

Summary minutes of the meeting will be maintained in the office of the Coordinator for the Silvio Conte National Fish and Wildlife Refuge Advisory Committee at 38 Avenue A, Turners Falls, MA 01376.

FOR FURTHER INFORMATION CONTACT: Committee Coordinator Lawrence Bandolin at 413–863–0209, Fax 413–863–3070.

SUPPLEMENTARY INFORMATION: Committee members will be updated on the status of the Conte Refuge funding, on-going refuge activities, the final Environmental education outreach plan, and the Challenge Cost Share program.

The meetings are open to the public. Interested persons may make oral statements to the Committee or may file written statements for consideration. Summary minutes of the meeting will be available for public inspection during regular business hours (8:30–4:00) Monday through Friday within 30 days following the meeting at the committee coordinator's office listed above. Personal copies may be purchased for the cost of duplication.

Dated: April 2, 1996.

Ronald Lambertson,

Acting Regional Director, Region 5, Hadley, Massachusetts.

[FR Doc. 96–9037 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–55–M

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the continued collection of information on the initial regulatory program; the general requirements for surface coal mining and reclamation operations on Federal lands; and fee collection and coal production reporting for the abandoned mine reclamation fund.

DATES: Comments on the proposed information collection must be received by June 10, 1996, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 120–SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection proposal, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). The information collection that OSM will be submitting to OMB for extension is contained in 30 CFR 872, Abandoned mine land reclamation funds.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents, or programmatic changes. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on : (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collecting the information. A summary of the public comments received will accompany OSM's submission of the information collection request to OMB.

The following information is provided for the information collection: (1) Title of the information collection; (2) OMB control number: (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Abandoned mine land reclamation funds.

OMB Control Number: 1029–0054.

Summary: Sections 401 and 402 of the Surface Mining Control and Reclamation Act of 1977, P.L. 95–87, (the Act), provide for the creation of the Abandoned Mine Reclamation Fund and require the Secretary to make a determination regarding the use of allocated State/Indian tribe funds which have been granted but not expended within a three-year period. Granted funds that have not been expended within three years may be withdrawn if the Director finds in writing that the amounts involved are not necessary to carry out approved reclamation activities. This information collection and subsequent determinations serve as a safeguard to protect States/Indian tribes from automatic or indiscriminate withdrawal of funds.

Frequency of Collection: On occasion.

Description of Respondents: State regulatory authorities.

Total Annual Responses: 1.

Total Annual Burden Hours: 1.

Dated: April 5, 1996.

Gene E. Krueger,

Acting Chief, Office of Technology Development and Transfer.

[FR Doc. 96–9060 Filed 4–10–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Pursuant to 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *General Electric Co.*, Civil Action No. 96–10605–DPW, was lodged on March 22, 1996 with the United States District Court for the District of Massachusetts. The complaint in this action was filed against the General Electric Company (''GE''), pursuant to Section 113(d) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b). The complaint sought penalties and injunctive relief for violations by GE at its Lynn, Massachusetts facility

(''Lynn Facility'') of Section 165(a) of the Act, 42 U.S.C. 7475(a), the Prevention of Significant Deterioration (''PSD'') regulations found at 40 CFR § 52.21 (b) through (v), Section 111 of the Act, 42 U.S.C. 7411, and the New Source Performance Standards (''NSPS'') found at 40 CFR § 60.44(b). The complaint alleges that GE failed to obtain PSD permits in connection with the construction of two jet engine test cells in 1981 and 1982, the modification of two jet engine test cells in 1986 and 1987, the installation of a new steam-generating boiler in 1986. The complaint also alleges that the steam-generating boiler violated the NSPS limitations for the emission of nitrogen oxides (''NO_X'') during certain periods of time in 1991 and 1992.

Pursuant to the proposed consent decree, GE has agreed to pay a civil penalty of $225,000 and to implement a Supplemental Environmental Project that involves the replacement of an oil-based coolant with a water-based coolant for some of the lathing and milling machinery at the Lynn Facility. GE has also agreed to a cap on the overall annual NO_X emissions from its 29 jet engine test cells, as well as a cap on the overall annual NO_X and SO_2 emissions from its four steam-generating boilers.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *General Electric Co.*, DOJ Ref. # 90–5–2–1–1892.

The proposed Consent Decree may be examined at the New England office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts (contact Greg Dain at 617–565–3318) and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $14.00 ($0.25 per page reproduction costs) payable to the Consent Decree Library.

Joel M. Gross,

Section Chief, Environmental Enforcement Section.

[FR Doc. 96–8859 Filed 4–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Selleck, Inc. and Robert E. Schaefer,* Civil Action No. C93–1004Z, was lodged on March 29, 1996 with the United States District Court for the Western District of Washington in Seattle. The terms of the proposed Consent Decree provides as follows: (1) Defendants are required to pay a civil penalty of $20,000; (2) defendant Selleck is required to admit liability for violating an Emergency Administrative Order and for specified violations of the National Primary Drinking Water Regulations; (3) defendants agree to undertake a Supplemental Environmental Project with an estimated value in excess of $60,000; (4) defendant Schaefer is required immediately to resign from any and all positions he holds with Selleck and is permanently enjoined from participating in any operational or ownership capacity in connection with any other surface or ground water system; (5) defendants have agreed to substantial stipulated penalties for future violations of the National Primary Drinking Water Regulations and/or the deadlines and other provisions of the Consent Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Selleck, Inc. and Robert E. Schaefer,* DOJ Ref. #90–5–1–1–5029.

The proposed consent decree may be examined at the office of the United States Attorney, 800 Fifth Ave., Suite 3600, Seattle, WA 98102; the Region X Office of the Environmental Protection Agency, 1200 Sixth Ave., Suite 1503, Seattle, WA 98101; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $7.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–8860 Filed 4–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Consent Judgment Pursuant to the Resource Conservation and Recovery Act, and the Clean Water Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed Consent Decree in *United States* v. *Wormuth Brothers Foundry, Inc.*, Civil Action No. 96–CV–0520 (FJS) (N.D.N.Y), was lodged with the United States District Court for the Northern District of New York on March 29, 1996. The proposed Consent Decree resolves the United States' claims against Wormuth for multiple violations of the Resource Conservation and Recovery Act, as amended (''RCRA''), 42 U.S.C. § 6900 *et seq.*, and violations of the wetlands provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, at its iron smelting foundry in Athens, New York. The Consent Decree requires the Defendant to perform investigations and undertake corrective action to close the drum storage areas, grade and cap a filled area of wetlands, and monitor groundwater, surface water, and sediments at and around the foundry. The Consent Decree also provides that Wormuth will pay a civil penalty of $60,000, based on its financial ability.

The Department of Justice will receive, for a period of thirty (30 days from the date of this publication, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Wormuth Brothers Foundry, Inc.*, Civil Action No. 96–CV–0520 (FJS) (N.D.N.Y.), D.O.J. Ref. No. 90–7–1–707.

The proposed Consent Decree may be examined at the Office of the United States Attorney, James T. Foley Federal Building, 445 Broadway, Albany, New York 12207; at the Region II Office of the U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10278; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a

check in the amount of $10.50 (25 cents per page reproduction costs) payable to Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–8861 Filed 4–10–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act, One-Stop Workforce Development System-Building Demonstration Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Availability of Funds and Solicitation for Grant Application (SGA).

SUMMARY: All information required to submit a proposal is contained in this announcement. The U.S. Department of Labor, Employment and Training Administration (DOL/ETA), announces the availability of $1.9 million to award competitive grants for workforce development system-building demonstration projects. These grants are intended to test new and complementary approaches to the delivery of services in a One-Stop setting.

DATES: Application for grant awards will be accepted commencing April 11, 1996. The closing date for receipt of proposals at the Department of Labor shall be May 10, 1996, at 2:00 P.M., Eastern time. Any proposal not received at the designated place, date and time of delivery specified will not be considered.

ADDRESSES: Proposals shall be mailed to: Division of Acquisition and Assistance, Attention: Ms. Reda Harrison, Reference: SGA/DAA 96–005, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4203, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Reda Harrison, Division of Acquisition and Assistance. Telephone (202) 219–7300 (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: This announcement consists of three parts: Part I Background/Description, Part II Application Process, and Part III Evaluation Criteria for Award.

Part I—Background

A common frustration among job-seekers and employers today is the difficulty of finding quality information on available employment and training programs, and having to go from one place to another to actually receive information and services. The One-Stop Career Center System is the organizing vehicle for transforming this fragmented array of employment and training programs into an integrated service delivery system for job-seekers and employers. The U.S. Department of Labor, in partnership with the states and local jurisdictions, is working to transfer this vision of an integrated, high-quality delivery system into reality.

The Department began in late 1994 with the award of One-Stop Career Center grants to 25 states. Six states—Connecticut, Iowa, Maryland, Massachusetts, Texas and Wisconsin—received the first year grant of a three-year, multi-million dollar award to fully implement One-Stop systems, while nineteen others received one-year awards to support the planning and development of such systems.

In 1995, the Department added an additional 10 implementation states (Arizona, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, New Jersey, North Carolina, and Ohio) bringing the total to 16. In January 1996, the Department awarded an additional 23 planning grants to states and local jurisdictions. A total of 38 states are now receiving these planning resources. All States have now received either planning or implementation funding.

While the Department is supporting statewide system-building, it also recognizes that many local communities have made significant progress in consolidating service delivery in a One-Stop environment. In June 1995, The Department awarded grants to local entities to serve as ''learning laboratories'' for other jurisdictions across the country. While each state's One-Stop system will be designed in conjunction with local communities to best meet their particular needs, four principles are key to all One-Stop Career Center Systems—universality, customer choice, program and governance integration, and accountability for performance and outcomes.

This solicitation is intended to supplement the work underway through the One-Stop grants by filling in the gaps in a number of areas not yet addressed. The work accomplished under these grants should be transportable and replicable in any One-Stop or block-grant consolidated workforce delivery system. To achieve these objectives, the Department expects that all grantees under this solicitation would participate in system-building meetings, forums, and technical assistance exchanges with other departmental grantees involved in service delivery and continuous improvement.

Part II—Application Process

A. Eligible Applicants

This competition is open to all government entities, including our current One-Stop Grantees and local jurisdictions. It is also open to system-building partnerships and coalitions formed with governmental units and any of the following: unions, community-based organizations and/or private sector non-profit and for-profit entities. For the purposes of this solicitation, a ''system-building entity'' is any public agency or consortium of agencies (governmental, union, community-based organization, other private sector non-profit or for-profit entity).

For example, an application might describe a combined governmental-commercial effort to introduce emerging technological products and processes into the One-Stop service delivery setting. The resources under this solicitation are not intended to replace resources or support activities currently funded under existing One-Stop system-building grants. The application should contain letters of support and endorsement which reflect concurrence from other governmental partners, if applicable.

Entities described in section 501(c)(4) of the Internal Revenue Code who engage in lobbying activities are not eligible to receive funds under this SGA. The new Lobbying Disclosure Act of 1995, Public Law No. 104–65, 109 Stat. 691, which became effective January 1, 1996, prohibits the award of federal funds to these entities if they engage in lobbying activities.

B. Grant Awards

The Department has allocated approximately $1.9 million for grants awarded under this SGA and expects to award approximately 8 to 13 grants in a range of $100,000 to $250,000. This period of performance is 15 months from the date of award. The Department may elect to offer up to two ''option years'' if warranted and pending availability of funds.

C. Limitation on Use of Funds

These funds are not intended to replace resources or support activities currently funded under existing One-Stop system-building grants. Nor may these funds be used for new construction.

D. Closing Date

The closing date for receipt of proposals at the Department of Labor will be 2:00 p.m., Eastern time, May 10, 1996. Any proposal not received at the designated place, date, and time of delivery specified herein will not be considered.

E. Application Procedures

1. Submission of Proposal

An original and three (3) copies of the application shall be submitted. The application shall consist of two (2) separate parts:

Part I shall contain the Standard Form (SF) 424, ''Application for Federal Assistance,'' and ''Budget Information Sheet.'' All copies of the SF 424 shall have original signatures. In addition, the budget shall include—on a separate page(s)—a detailed cost break-out of each line item on Budget Information Sheet Standard Assurances and Certifications for Non-Construction will become a part of the award document. Finally, this section should include any private sector letters of support.

Part II shall contain technical data that demonstrates the local applicant's plan and capabilities in accordance with the contents of the application detailed below. (Part II, Section F, Statement of Work.)

2. Hand Delivered Proposals

Proposals should be mailed at least five (5) days prior to the closing date. However, if proposals are hand-delivered, they shall be received at the designated place by 2:00 p.m., Eastern Time by May 10, 1996. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time. Telegraphed and/or faxed proposals will not be honored.

Note: Failure to adhere to the above instructions will be a basis for a determination of nonresponsiveness.

3. Late Proposals

Any proposal received at the office designated in the solicitation, after the exact time specified for receipt, will not be considered unless it is received before award is made and was either:

(1) Sent by U.S. Postal Service registered or Certified Mail not later than the fifth (5th) calendar day before the date specified for receipt of application (e.g., an offer submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been mailed by the 15th).

(2) Or sent by U.S. Postal Service Express Mail Next Day Service—Post Office to addressee, not later than 5 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term ''working days'' excludes weekends and U.S. Federal holidays.

The only acceptable evidence to establish the date of mailing of a late proposal sent by either U.S. Postal Service Registered or Certified Mail is the U.S. postmark both on the envelope or wrapper and on the original receipt from the U.S. Postal Service. Both postmarks must show a legible date or the proposal shall be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. Postal Service on the date of mailing.

Therefore, applicants should request the postal clerk to place a legible hand cancellation ''bull's eye'' postmark on both the receipt and the envelope or wrapper.

4. Period of Performance

The period of performance is 15 months from the date the grant is executed. Awards are expected to be made in June 1996. The Department may elect to offer up to two ''option years'' if warranted and pending availability of funds.

F. Statement of Work/Grant Application

The applicant should describe proposed activities that will be conducted under this grant award, and the process by which success of the demonstration will be evaluated. The Department may also commission an independent evaluation of the demonstration under a separate solicitation.

While the Department will consider applications which contain activities originally included (but not subsequently funded) in a State's One-Stop grant, priority will be given to applications which emphasize innovations and approaches not yet thoroughly tested in a One-Stop setting. These demonstrations should have value to system-building activities, under current statutory authority, as well as under new workforce development legislation now being considered by the Congress.

Any demonstration topic which enhances the One-Stop system building effort will be considered. Potential ways for structuring the demonstration include but are not limited to:

- Internet or technology-based delivery of One-Stop unassisted services;
- Service delivery in rural areas;
- Universal Services to specific customer segments (e.g., out-of-school youth, disadvantaged) and/or specific industries;
- Fee-for-service (for services beyond the ''core'' services) for employers or job seekers in any of the following settings: public sector; for-profit; non-profit; consortium arrangement; for outreach and service provision to incumbent workers where the employer is confronted with emerging or changing skill needs; for specialized services for employers (e.g., task analysis of emerging jobs and the preparation and training requirements for current and future employees, or other services to industries facing global competition);
- Accelerated introduction of America's Labor Market Information System products and services;
- One-Stop connectivity to School-to-Work and/or Skill Standards pilot projects funded by the U.S. Departments of Labor and Education;
- Application of quality methodologies (e.g., continuous improvement, customer satisfaction) to facilitate integration of services, report cards or vendor services;
- Documentation of results from initial One-Stop efforts—e.g., common intake, self-service resource centers—what measurable outcomes have these efforts produced?
- Application and documentation of model designs for implementation of workforce development boards.

Areas of demonstration that advance learning of One-Stop features or hold promise of facilitating a smooth transition process to a new workforce development system, will also be given high priority. Where appropriate, public sector-private sector and/or union collaboration and leveraging of other than public resources is strongly encouraged.

In these 8 to 13 grants, the Department is seeking applicants who will support the broadest possible undertaking of system-building demonstrations, but application quality will be a principal determinant of award number and level of support. Evidence of matching support from State or local appropriations or private sources is another important criterion. (The complete evaluation criteria for award is found in Part III.) The proposal must identify the designated Program Entity and/or Fiscal Entity responsible for this grant.

Part III—Evaluation Criteria for Award

Prior to the formal review, applications will be screened to insure that *all* the information requested in this grant application is provided and complete. *Note.* Applications are not to exceed 10 pages in length (excluding attachments), and should be typed with a font size no smaller than 10cpi or 12pt print size, with 1 inch default margins (i.e., for top, bottom, left, and right margins).

Completed applications will be reviewed by a rating panel against the criteria listed below. The panels' recommendations are advisory in nature to the Grant Officer. Final selection will be based on overall proposal quality, significance of the topic to the Department, portability/replicability of results to other One-Stop or consolidation workforce development systems, and the best interests of the government.

A. Criteria for Evaluating Grant Applications

1. The technical merit, feasibility and soundness of the applicant's plan for carrying out the demonstration. (30 Points)

In evaluating this criterion, factors under consideration include:

♦ The quality of the demonstration design.

♦ The soundness of the plan for evaluating the demonstration.

♦ Professional qualifications of the staff.

2. The extent to which the demonstration would add value to the development of the national One-Stop Career Center system or consolidation workforce development system. (40 Points)

In evaluating this criterion, factors under consideration include:

♦ The degree of innovation—the demonstration topic fills a gap in current One-Stop/workforce development system knowledge base.

♦ Potential value for replication of specific topic/approach proposed for testing.

♦ The importance of the topic as an element of the One-Stop/workforce development system.

3. Involvement of union, community-based organizations and/or other private sector non-profit and for-profit entities as partners in developing One-Stop workforce development system design and operations. (30 Points)

In evaluating this criterion, consideration will be given to such factors as:

♦ Collaboration by identified partners in design and operation of the demonstration.

♦ Leveraging of State or local appropriated, union, or private resources in support of the demonstration.

♦ Matching resources.

Signed at Washington, DC, this 3rd day of April, 1996.

Janice E. Perry,

ETA Grant Officer.

Appendices

A. SF–424, Application for Federal Assistance

B. Budget Information Sheet

BILLING CODE 4510–30–M

APPENDIX A

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED:	Applicant Identifier:
1. TYPE OF SUBMISSION: Application Pre-Application /_/ Construction /_/ Construction /_/Non-Construction /_/ Non-Construction	3. Date Received By State 4. Date Received By Federal Agency
	State Application Identifier Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state and zip code).	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

8. TYPE OF APPLICATION:

/__/ New /__/ Continuation /__/ Revision

If Revision, enter appropriate letter (s) in box(es) /__/ /__/

A. Increase Award B. Decrease Award
C. Increase Duration D. Decrease Duration

Other: (specify)

7. Type of Applicant: (enter appropriate letter in box) /__/

A. State H. Independent School Dist.
B. County I. State Controlled Institution of Higher Learning
C. Municipal J. Private University
D. Township K. Indian Tribe
E. Interstate L. Individual
F. Intermunicipal M. Profit Organization
G. Special District N. Other (Specify)

9. Name of Federal Agency:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE:

NUMBER: 17.207

TITLE: One-Stop Workforce Dev. System-Bldg. Demo. Grs.

12. AREAS AFFECTED BY PROJECT (cities, counties, state, etc.)

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

13. PROPOSED PROJECT:	14. CONGRESSIONAL DISTRICTS OF:
START DATE: ENDING DATE:	A. APPLICANT B. PROJECT

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. Is application subject to review by State Executive Order 12372 Process?

A. YES. This Preapplication/application was made available to the State Executive Order 12372 Process for review on:

DATE:_____

B. NO. /__/ Program is not covered by EO 12372

NO. /__/ Or program has not been selected by State for review

17. Is the applicant delinquent on any Federal Debt?

/__/ Yes, If "YES" attach an explanation /__/ NO

18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Phone #
d. Signature of Authorized Representative		e. Date Signed

Standard Form 424 - OMB Approval No. 0348-0043

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which ave established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable)
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided. - "New" means a new assistance award. - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.
12.	List only the largest political entities affected (e.g., State, counties, cities.
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: *Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).*

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. ***Personnel:*** *Show salaries to be paid for project personnel.*

2. ***Fringe Benefits:*** *Indicate the rate and amount of fringe benefits.*

3. ***Travel:*** *Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. ***Equipment:*** *Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.*

5. ***Supplies:*** *Include the cost of consumable supplies and materials to be used during the project period.*

6. ***Contractual:*** *Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. ***Other:*** *Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. ***Total, Direct Costs:*** *Add lines 1 through 7.*

9. ***Indirect Costs:*** *Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. ***Training /Stipend Cost:*** *(If allowable)*

11. ***Total Federal funds Requested:*** *Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

[FR Doc. 96–9066 Filed 4–10–96; 8:45 am]
BILLING CODE 4510–30–C

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection of the ''State Unemployment Insurance (UI) Wage Records Quality Project.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 10, 1996.

BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE., Washington, DC 20212. Ms. Kurz can be reached on 202—606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Interest in developing a National Wage Record Database (NWRD) has been building for several years. The Northeast-Midwest Institute recommended that the quarterly records on individual wages (wage records) maintained by States for the administration of the UI program be more fully utilized by also using them for program evaluation and policy research purposes. The Institute sponsored a conference on the subject in 1989 and subsequently issued a report that recommended the creation of a NWRD.

The National Commission for Employment Policy (NCEP) also sponsored studies on various aspects of the use of wage records for evaluation of employment and training programs and in a report issued in June 1992, the NCEP recommended that the Department of Labor (DOL) use wage record data in lieu of the telephone survey data now used for Job Training Partnership Act (JTPA) performance standards on the basis of cost and quality. The NCEP recommendations envisioned a system of interstate data sharing through regional consortia to follow program participants who may have moved or who work in adjoining States. A requirement for a NWRD has been present in various versions of the JTPA amendments from 1989–1992.

The Carl D. Perkins Vocational and Applied Technology Education Act of 1990 mandated that the National Occupational Information Coordinating Committee (NOICC) establish a demonstration project to monitor education outcomes for vocational-technical education using wage and other records. NOICC commissioned a study by the National Governors' Association (NGA) to determine the extent to which States are currently using wage records to monitor vocational-technical education outcomes and to serve as a guide for the Institute for Family, Work, and Community to use wage records for program follow-up purposes.

In September 1992, Congress amended section 462(g) of the JTPA to require the Commissioner of Labor Statistics to determine appropriate procedures for establishing a national longitudinal wage record database containing information on the quarterly earnings, establishment and industry affiliation, and geographic location of employment for every individual for whom such information is collected and stored by the State Employment Security Agencies' (SESAs) UI files. Each employer's wage record lists the total wages and Social Security Number (SSN) of every employee of that employer during the quarter. Most States require the employer to submit these data along with their Quarterly Contribution Report and use the data to determine a worker's eligibility for UI. This database is intended to be used to obtain follow-up data for JTPA program completers, as well as a range of other educational programs including vocational education, community college programs, and adult education.

In 1994, Employment and Training Administration (ETA) launched the America's Labor Market Information System (ALMIS) to explore the technological advances available to improve the collection, processing and timely dissemination of accurate labor market information (LMI). A segment of ALMIS involves conducting research to explore the potential uses of State UI wage record databases as LMI tools. Research conducted by BLS suggests there are various problems with the quality of the UI wage record data in the SESAs. With limited staff resources and tight time constaints, many SESAs are only able to conduct cursory edits of the wage record data, and there is no set of standardized edits available to the SESAs at this time. For these reasons, the DOL report recommended that the ''Bureau of Labor Statistics (BLS) should establish a program, in conjunction with State agencies, to ensure the basic quality and standardization of maintenance of the State wage record files.'' As a component of ALMIS, BLS has been funded by ETA to begin work to improve the quality of State UI wage records.

In cooperation with ETA, the BLS requests OMB approval to collect information needed to develop a quality assurance program to improve the accuracy of individual wage records maintained by States for the administration of the UI program. The primary activity is to perform a one-time personal interview survey of all SESAs to determine current UI procedures involving wage records and verify the accuracy of State UI wage record keeping for the purposes of a NWRD. BLS will summarize the results; prepare an analysis of the findings; and, develop recommendations for any needed improvements to the State's maintenance of wage records. The report will be submitted to ETA.

II. Current Actions

No other information is available to assess State UI wage record maintenance procedures and determine the accuracy of the wage records for the development of a NWRD.

Type of Review: New collection.

Agency: Bureau of Labor Statistics.

Title: State Unemployment Insurance (UI) Wage Records Quality Project.

Affected Public: All State Employment Security Agencies (SESAs), including the District of Columbia, Puerto Rico, and the Virgin Islands.

Number of Respondents: 53.

Frequency: One time.

Average Time Per Response: 3 hours.

Etimated Total Burden Hours: 159 Hours.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

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

Signed at Washington, D.C., this 4th day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–9065 Filed 4–10–96; 8:45 am]

BILLING CODE 4510–24–M

Mine Safety and Health Administration

Mine Shift Atmospheric Conditions; Respirable Dust Sample

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice; extension of comment period; notice of public hearing; close of record.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the public comment period on the joint notice with the National Institute for Occupational Safety and Health (NIOSH) proposing a finding that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be measured accurately over a single shift. MSHA and NIOSH will conduct a public hearing.

DATES: Submit written comments on or before June 10, 1996.

During this time period MSHA and NIOSH will conduct a public hearing. The date, time, and location of the public hearing will be announced in a separate Federal Register notice.

ADDRESSES: Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631; Arlington, Virginia 22203. Commenters are encouraged to submit comments on a computer disk or via e-mail to psilvey@msha.gov along with an original hard copy.

FOR FURTHER INFORMATION CONTACT: Ronald J. Schell, Chief, Division of Health, Coal Mine Safety and Health, 703–235–1358.

SUPPLEMENTARY INFORMATION: On March 12, 1996 (61 FR 10012), MSHA and NIOSH published a notice in the Federal Register reopening the record for their joint notice proposing a finding that the average concentration of respirable dust to which each miner in the active workings of a coal mine is exposed can be measured accurately over a single shift. This finding is being made in accordance with section 202(f) of the Federal Mine Safety and Health Act of 1977. The Agencies reopened the record to submit a definition of accuracy, to supply new data and statistical analyses on the precision of coal mine respirable dust measurements obtained using approved sampling equipment, and to allow the public time to review and submit comments on this supplemental information. This additional information does not change the proposed findings. The comment period was scheduled to close on April 11, 1996. Commenters have requested additional time to review this information and prepare their comments.

The Agency, therefore, is extending the comment period until June 10, 1996. Interested parties are encouraged to submit their comments on or before that date.

Dated: April 9, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–9167 Filed 4–10–96; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorized agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before May 28, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parenthesis immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons

directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Agricultural Research Service (N1–310–96–1). Routine administrative records to support applications for residency waivers.

2. Department of Commerce, Patent and Trademark Office (N1–241–96–2). Records relating to computer security, telecommunications, and network operations and support services.

3. Department of Housing and Urban Development (N1–207–96–2). Housing grant case files and related records.

4. Department of Labor, National Commission for Employment Policy (N1–174–96–1). Seminar, conference, and training files; general correspondence files; miscellaneous video tapes and photographs.

5. Department of State, Bureau of Public Affairs (N1–59–95–25). Routine and facilitative records of the Office of Public Communications.

6. Department of the Treasury, Bureau of Public Debt (N1–53–96–2). Comprehensive schedule.

7. Department of the Treasury, United States Secret Service (N1–87–93–3). Administrative and operational reports produced by the White House Workers and Visitors Entrance System (the database and printed monthly visitors logs have been determined to have sufficient archival value to warrant permanent retention by the National Archives).

8. Department of the Treasury, United States Secret Service (N1–087–96–01). Background and working files created in the course of drafting and revising agency organization charts and functional statements.

9. National Archives and Records Administration (N1–64–95–2). Electronic records systems.

10. National Women's Business Council (N1–220–96–7). State files, rejected data collection proposals, and award files.

11. Office of Personnel Management (N1–146–96–2). Working papers of the Job Evaluation and Pay Review Task Force.

12. Pennsylvania Avenue Development Corporation (N1–220–96–3). Public use permit files and penalty mail reports.

Dated: April 4, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–9044 Filed 4–10–96; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Anthropological, Geographic Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following five meetings.

Name: Advisory Panel for Anthropological and Geographic Sciences #1757.

Date & Time: April 29, 1996; 8:30 a.m.–4:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 920, Arlington, VA 22230.

Contact Person: Dr. John Yellen, Program Director for Archaeometry, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.

Agenda: To review and evaluate Archaeometry proposals as part of the selection process for awards.

Date & Time: April 29–30, 1996; 8:00 a.m.–6:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

Contact Person: Dr. James Harrington, Program Director for Geography and Regional Science, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1769.

Agenda: To review and evaluate Geography and Regional Science proposals as part of the selection process for awards.

Date & Time: April 28–30, 1996; 8:30 a.m.–5:00 p.m.

Place: School of American Research, 660 Garcia Street, Sante Fe, New Mexico.

Contact Person: Dr. Stuart Plattner, Program Director for Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology Dissertation proposals as part of the selection process for awards.

Date & Time: May 12–14, 1996; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 365, Arlington, VA 22230.

Contact Person: Dr. Mark Weiss, Program Director for Physical Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Physical Anthropology Dissertation proposals as part of the selection process for awards.

Date & Time: May 17–18; 8:00 a.m.–5:00 p.m.

Place: Stanford University, Palo Alto, California.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology Senior proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

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. 552(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9046 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Astronomical Sciences (1186); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Astronomical Sciences (#1186).

Date and Time: April 30, 1996, 8:30 a.m. to 2:30 p.m.

Place: Room 1020, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Typing of Meeting: Closed.

Contact Person: Benjamin B. Snavely, Program Director, Division of Astronomical Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703/306–1820.

Purpose of Meeting: To provide advice and recommendations on proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate proposals in the 1996 Academic Research Infrastructure Program.

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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9047 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Special Emphasis Panel in Biological Sciences (#1754).

Date and Time: April 29–30, 1996, 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 630, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Drs. Deborah Joseph and Karl Koehler, Program Directors, Computational Biology Activities, Room 615, National Science Foundation, 4201 Wilson Boulevard, VA 22230. Telephone: (703) 306–1469.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted in response to the Computational Biology Activities Program solicitation (NSF 92–62).

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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9048 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Cell Biology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cell Biology (1136)—(Panel B).

Date and Time: May 1–3, 1996, 8:30 a.m. to 6:00 p.m.

Place: Room 380, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Dr. Eve Barak and Dr. Randolph Addison, Program Directors for the Cell Biology Program, National Science Foundation, Room 655 South, Arlington, VA 22230. Telephone: 703/306–1442.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Cellular Organization Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9049 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemical & Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical & Transport Systems (#1190).

Date: May 3, 1996, 8:00 am to 5:30 pm.

Place: Room 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. M.C. Roco, Program Director, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703/306–1370.

Purpose of Meetings:

Agenda: To review and evaluate Academic Research Infrastructure proposals submitted to the Chemical and Transport Systems Division 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. The matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government Sunshine Act.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9050 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Computer and Information Science and Engineering; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Computer and Information Science and Engineering; Committee of Visitors (1115).

Date and Time: April 29, 1996; 8:00 a.m. to 5:00 p.m.

Place: Room 1150, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Michael Foster, Program Director, Microelectronic Information Processing Systems Division, National Science Foundation, Rm. 1155, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1936.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of several MIPS Programs.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9051 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation (#1194).

Date and Time: April 29, 1996, 8:30 a.m.–5:00 p.m.

Place: Room 730, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. G. Patrick Johnson, SBIR Program Manager, (703) 306–1391 and Dr. Jack Scalzi, CMS/ENG Program Manager, (703) 306–1360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Civil and Mechanical Systems Phase II 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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9052 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Earth Sciences Proposal Review Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Earth Sciences Proposal Review Panel (#1569).

Date and Time: April 29–May 1, 1996; 8:30 a.m. to 6:00 p.m.

Place: Woods Hole Oceanographic Institution, Woods Hole, MA 02543

Type of Meeting: Closed.

Contact Person: Dr. Daniel F. Weill, Program Director, Instrumentation & Facilities Program, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230, (703) 306–1558.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Instrumentation & Facilities 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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9053 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Engineering, Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub.L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering, Committee of Visitors (#1170).

Date: May 2–3, 1996, 8:30 am to 5:00 pm.

Place: Room 530, National Science Foundation 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Drs. Deborah Kaminski and Milton Linevsky, Program Directors, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: 703/306–1370.

Purpose of Meetings: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Thermal Transport and Thermal Processing Program and Combustion and Thermal Plasma Program.

Reason for Closing: The meetings are closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government Sunshine Act would be improperly disclosed.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9054 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date and Time: April 16, 1996: 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 815, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Wand E. Ward, Staff Associate, 4201 Wilson Blvd., Suite 815, Arlington, VA 22230. Telephone: 703/306–1602.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Presidential Awards for Excellence in Science, Mathematics, and Engineering Mentoring Program.

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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9055 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Information, Robotics and Intelligent Systems (#1200).

Date and Time: April 30–May 2, 1996, 8:30 a.m. to 5:00 p.m.

Place: The Doubletree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Deputy Division Director, Robotics and Intelligent Systems, room 1115N, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1929.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Database and Expert Systems 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: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9056 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Social, Behavioral and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Social, Behavioral and Economic Sciences (1171).

Date and Time: May 3 & 4, 1996; 9:00 to 5:00 on May 3; 9:00 to 12:00 on May 4.

Place: Room 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Cathy Hines, Staff Associate, Room 905, National Science Foundation, 4201 Wilson Boulevard,

Arlington, VA 22230, telephone: (703) 306–1741.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To provide a forum for expert advice on directions in the social, behavioral and economic sciences at NSF.

Agenda: Presentations by NSF staff on program status and discussion and recommendations from advisory committee members.

Dated: April 8, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9057 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

Notice of Workshop

The National Science Foundation (NSF) will hold a one day workshop April 18, 1996. The workshop will take place at the NSF headquarters, 4201 Wilson Boulevard, Arlington, VA 22230. Sessions will be held from 8:00 a.m.–5:00 p.m. on April 18th.

The goal of the workshop is to provide a forum for gathering the views and input of leaders in the undergraduate education community on the feasibility and utility of a national ''clearinghouse'' for undergraduate science education resources.

The workshop will not operate as an advisory committee. It will be open to the public. Participants will include 10–12 leaders in various science, engineering, mathematics, and technology fields with knowledge of and experience with the issues of managing information resources.

For additional information, contact Dr. Herbert H. Richtol, Program Director, Division of Undergraduate Education, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1667.

Dated: April 4, 1996.

Robert F. Watson,

Division Director, Division of Undergraduate Education.

[FR Doc. 96–9063 Filed 4–10–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Power Company; Notice of Denial of Amendment to Facility Operating License and Opportunity For Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a portion of a request by Consumers Power Company (the licensee) for an amendment to Facility Operating License No. DPR–20 issued to the licensee for operation of the Palisades Plant located in Van Buren County, Michigan. Notice of Consideration of Issuance of this amendment was published in the Federal Register on November 27, 1995 (60 FR 58399).

The purpose of the licensee's amendment request was to revise the Facility Operation License (FOL) to reference 10 CFR Part 40, allow the use of source materials as reactor fuel, delete references to specific amendments and specific revisions in the listed titles of the Physical Security Plan, Suitability Training and Qualification Plan, and the Safeguards Contingency Plan, delete paragraph 2.F on reporting requirements, and make minor editorial changes to the license. The Technical Specifications (TS) would also be revised to: (1) Modify TS 3.1.2 to change the pressurizer cooldown limit from 100°F to 200°F/hour; (2) relocate the shield cooling system requirements to the Final Safety Analysis Report; (3) make minor editorial changes and corrections; and (4) revise several TS bases pages.

The NRC staff has concluded that the licensee's request to delete paragraph 2.F of the FOL cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated April 5, 1996.

By May 13, 1996, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated October 17, 1995, and (2) the Commission's letter to the licensee dated April 5, 1996.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 5th day of April 1996.

For the Nuclear Regulatory Commission.

Mark F. Reinhart,

Acting Project Director, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–9023 Filed 4–10–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 70–0925]

Environmental Assessment, Finding of No Significant Impact, and Notice of Opportunity for a Hearing; Release of Parts of Cimarron Site for Unrestricted Use; Cimarron Corporation

The U.S. Nuclear Regulatory Commission is considering the release for unrestricted use of approximately 695 acres of the 840 acre Cimarron site currently under NRC License SNM–928. There is no history of licensed activities within this 695 acre area. The licensee has performed systematic measurements in the area to confirm that the concentration of licensed material in the soil is below NRC's guidelines for unrestricted use.

Introduction

The Cimarron Corporation, a subsidiary of Kerr-McGee Corporation, operated two plants, near Crescent, Oklahoma, for the manufacture of enriched uranium and mixed oxide reactor fuels. Fuel manufacturing operations ceased in 1975, at which time decommissioning activities were initiated. The ultimate goal of the decommissioning effort is to release the entire 840 acre site for unrestricted use. To facilitate remediating and releasing the site, the licensee has divided the 840 acre Cimarron site into three areas, designated as Phase I, Phase II, and Phase III areas.

After any necessary remediation is complete in each of these three areas, the licensee will perform final status surveys in the area. Assuming that the surveys demonstrate that any residual contamination meets NRC guidelines, the licensee intends to request NRC to release the area for unrestricted use, and remove the area from the license. The release of the 695 acre Phase I area for unrestricted use is the proposed licensing action addressed in this environmental assessment.

Proposed Action

The proposed action is the release for unrestricted use, and the removal from

License SNM–928, of approximately 695 acres of land. This area has been designated by the license as the ''Phase I'' area. The boundaries of the Phase I area are defined in Drawing No. 95MOST—RF3 in the licensee's November 13, 1995, letter to NRC.

The Need for Proposed Action

The licensee seeks to release property that is currently under license for unrestricted use. This action is requested in order to remove the current limitations on the future use of the property.

Alternatives to Proposed Action

The only alternative to the proposed action is to not release the Phase I area for unrestricted use and keep the area under license. Maintaining an NRC license for the Phase I area would provide negligible, if any, environmental benefit, but would significantly reduce options for future use of the property.

Environmental Justice

There are no environmental justice issues associated with this proposed action.

Environmental Impacts of Proposed Action

Based upon a review of the Cimarron site history, the licensee concluded that the Phase I area was not used for licensed activities. To support the historical site assessment conclusions, the licensee references the results of its 1979 scoping survey of the Cimarron site. This scoping survey included exposure rate measurements systematically made over the site. The exposure rates measured within the Phase I area were within the range of natural background. In addition, in 1990, the licensee conducted a soil sampling program in the areas surrounding the uranium building to further define the extent of contamination on the site. No areas identified as contaminated during the 1990 survey are included in the Phase I area. The results of both the 1979 and 1990 characterization surveys are included in the licensee's ''Radiological Characterization Report for Cimarron Corporation's Former Nuclear Fuel Fabrication Facility, Crescent, Oklahoma,'' October 1994 (Cimarron Characterization Report).

Based on the historical site assessment and characterization results, the licensee classified the Phase I area as unaffected. An unaffected area, as defined in NUREG/CR–5849, ''Manual for Conducting Radiological Surveys in Support of License Termination,'' is an area not expected to contain residual radioactivity from licensed operations. The license submitted the ''Final Survey Plan for Unaffected Areas,'' in October 1994 (Final Survey Plan). Following the guidance in NUREG/CR–5849, the Final Survey Plan provided the methods to be used to conduct the final survey and provide documentation that the Phase I area meets NRC unrestricted use criteria. After the licensee responded satisfactorily to NRC comments on the Final Survey Plan, the plan was approved on May 1, 1995.

The licensee completed the final survey of the Phase I area, in accordance with the approved plan, and submitted the results to NRC in the ''Final Status Survey Report, Phase I Areas at the Cimarron Facility,'' July 1995 (Final Survey Report). After the licensee acceptably responded to NRC's September 5, 1995, comments, the Final Survey Report was deemed acceptable by NRC to demonstrate that the Phase I areas meet NRC's guidelines for unrestricted use. A confirmatory survey was performed by an NRC contractor, the Oak Ridge Institute for Science and Education (ORISE), during the period October 17 through 19, 1995. ORISE conducted independent, random, measurements in the Phase I area. The ORISE results were consistent with the licensee's results and support the conclusion that the Phase I area meets NRC guidelines.

The unrestricted use guidelines for enriched uranium and thorium for the Cimarron Phase I area were the Option 1 guidelines in the 1981 Branch Technical Position on ''Disposal or Onsite Storage of Thorium or Uranium Wastes From Past Operations'' (46 FR 52061) (1981 BTP). The Option 1 guidelines are 30 pCi/g for enriched uranium and 10 pCi/g for thorium. In the April 1992 ''SDMP Action Plan'' (57 FR 13389), the Commission instructed the staff to use the 1981 BTP guidelines, and ALARA, as the unrestricted release criteria for decommissioning pending the final rule on radiological criteria for decommissioning. Although thorium was never processed at the Cimarron site, thorium concentrations in soil were also evaluated during final survey.

The average enriched uranium activity measured in soil samples collected during the final survey of the Cimarron Phase 1 area, as reported in the Final Survey Report, was 4.9 pCi/g. After subtracting the Cimarron enriched uranium background value of 4.0 pCi/g, the net average total uranium activity measured was 0.9 pCi/g. Note that the 4.0 pCi/g background value includes a correction factor to estimate total uranium assuming 2.7 percent enrichment, by weight, of U–235. The licensee uses the corrected background since all of the sample results also contain the correction factor. The licensee estimates that the natural uranium background at the Cimarron site, not including the correction factor, is 1.8 pCi/g. Less than 1.3 percent of the individual sample results were statistically greater than background. The maximum individual net concentration of enriched uranium identified in the final survey samples was 8.4 pCi/g. The area containing this sample was separated from the Phase I area and will be further evaluated during the Phase II final status survey. Although it is unlikely that the 0.9 pCi/g net concentration represents a statistically significant concentration above background, the staff conservatively assumed that the 0.9 pCi/g did represent a concentration above background and estimated the dose to a member of the public from this concentration. Using the RESRAD pathway analysis/dose assessment code, (Manual for Implementing residual Radioactive Material Guidelines Using RESRAD, Version 5.0, ANL/EAD/LD–2, September 1993), version 5.05, the staff estimated that the dose to a member of the public would be less than 1 mrem. All of the individual thorium soil sample results were within the range of natural background.

Other Agencies or Persons Consulted

No agencies or persons outside of the Nuclear Regulatory Commission were consulted during the preparation of this EA.

Conclusions

The NRC finds that because the NRC's unrestricted release criteria have been met, there is no significant impact on the environment, and the property can be released for unrestricted use.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment (EA) related to the proposed unrestricted release, and removal from license SNM–928, of 695 acres of property on the Cimarron site in Crescent, Oklahoma. On the basis of the EA, the Commission has concluded that this licensing action would not significantly effect the quality of the human environment and has determined not to prepare an environmental impact statement for the proposed action.

The above documents related to this proposed action are available for public inspection and copying, at the Commission's Public Document Room

in the Gelman Building, 2120 L Street NW., Washington, DC.

Opportunity for a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Cimarron Corporation, 123 Robert S. Kerr, MT–2006, Oklahoma City, OK, 73102, Attention: Mr. Jess Larsen, and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 4th day of April, 1996.

For the U.S. Nuclear Regulatory Commission.

Robert A. Nelson,

Acting Chief; Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, NMSS.

[FR Doc. 96–9024 Filed 4–10–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Docket No. MC96–2; Order No. 1107]

Mail Classification Schedule Classification Reform II (Nonprofit Mail); Notice and Order on Filing of Major Revisions to Domestic Mail Classification Schedule Provisions Affecting Preferred Rate (Nonprofit) Mailers (Including Related Postal Rate Changes)

Issued: April 5, 1996.

Notice is hereby given that on April 4, 1996, the United States Postal Service filed a request with the Postal Rate Commission pursuant to section 3623 of the Postal Reorganization Act [39 U.S.C. 3623] for a recommended decision on proposed changes in provisions of the domestic mail classification schedule (DMCS) affecting preferred rate (nonprofit) mailers, with the exception of those mailing at the library rate. The proposed revisions also generally entail changes in the rates that will be paid by affected preferred rate mailers, other than Within-county mailers. See Request of the United States Postal Service for a Recommended Decision on Further Classification Reform of Preferred Rate Standard Mail and Periodicals (April 4, 1996) (referred to herein as ''Request'').

Contents of the filing. The Service's Request is supported by the testimony of 10 witnesses. It also includes proposed DMCS changes, proposed rate schedule changes, and additional documentation required by the Commission's rules of practice. The latter includes certification of the accuracy of costs and data underlying the request; a copy of audited financial statements (for FY 1995); and a statement regarding compliance with certain information filing requirements. The Request also incorporates a motion seeking expedition (primarily through the settlement process) and waiver of provisions related to the use of financial data more recent than that relied upon in Docket No. MC95–1. The Request and related documents are on file in the Commission's docket room. Information on reviewing this material, either in person or electronically, appears later in this notice.

Background. The Service identifies this proposal as the second phase of fundamental reform of the nation's longstanding approach to mail classification. It addresses the preferred (nonprofit) rate counterparts of the regular (or commercial) rate segments of Periodicals and Standard Mail (formerly known as second- and third-class mail). Proposals for restructuring the referenced regular rate segments were considered, along with proposed revisions to First-Class Mail, in Docket No. MC95–1. The Service notes that MC95–1, which constituted the initial phase of its reclassification effort, culminated in the Governors' recent approval of all but two of the Commission's recommendations. (The exceptions are not material to the instant request.) Changes related to the first phase of classification reform are scheduled to take effect July 1, 1996.

Nature and extent of proposed changes. The Service states that this phase of reform seeks the Commission's recommendation of classification and rate treatment for preferred rate mail within former second- and third-class mail ''comparable to the treatment recommended [by the Commission] for regular rate mail in Docket No. MC95–1.'' Request at 2. The Service indicates that this requires the establishment of subclasses and rate categories for preferred mail parallel to those which will soon take effect for the regular rate components of Periodicals and Standard Mail. In addition, the Service contends that comparability also suggests that rates and discounts for the new categories generally should be based on the same principles and methodologies the Commission applied in Docket No. MC95–1. Id. at 2–3 (footnote omitted). This contention underlies, in part, the Service's motion for waiver of rule 54(f) (discussed in more detail below).

Specific changes. The specific structural changes the Service seeks are (1) the establishment of a Nonprofit Enhanced Carrier Route Subclass within Standard Mail; (2) the establishment of rate categories in the Nonprofit subclass within Standard Mail parallel to those in the Regular subclass; and (3) the establishment of rate categories and rate discounts for Preferred Rate Periodicals parallel to those for Regular Periodicals. Id. at 1. Suggested rate changes related to the proposed changes in the DMCS are included in an attachment to this notice. Interested parties are encouraged

to carefully review these changes. The Service contends that the proposed changes are in the public interest and in accordance with the policies and applicable criteria of title 39, United States Code.

Impact on Within-county and Classroom mail. For both the Within-county and Classroom subclasses of Periodicals, the Service proposes elimination of the little-used ZIP + 4 Letter rate category and related discount. Id. at 3. It indicates that its proposals for these two subclasses otherwise reflect two exceptions to comparability with methodologies based on Docket No. MC95–1. With respect to the Within-county subclass, the Service contends that it has identified ''no apparent need to change rate or discount levels at this time.'' Id. at 3 (fn. 2). With respect to the Classroom subclass, it proposes adjusting advertising rates in accordance with 39 U.S.C. 3626(a). Id.

Effect on, and assumptions related to, postal costs, volumes and revenues. The Service notes that postal costs, volumes and revenues for the affected subclasses will necessarily change as the result of the proposed classification changes and associated rate changes. Request at 3. It also notes that rates are designed so that each preferred subclass would, as nearly as possible, meet the appropriate target cost coverage for Test Year (TY) 1995 indicated by recent preferred rate legislation. Id. at 3–4. The Service generally refers to the main assumptions underlying its proposal as contribution neutrality and the statutory target cost coverage goal. In addition, the Service notes that except as adjusted in Docket No. MC95–1, all assumptions made or implicit in the Docket No. R94–1 Recommended Decision are intended to continue for purposes of evaluating this Request.

Motion for waiver of certain filing requirements. In support of its motion for waiver, the Service invokes the ''close relationship between this case and Docket No. MC95–1 * * *.'' Request at 6. Specifically, it seeks to be excused from incorporating into its filing any of the more recent financial and operating information that otherwise would be required by rule 54(f) and other related provisions. The Service justifies its request for waiver on the aforementioned close relationship of this case to MC95–1. Id. at 6. It notes that the objective of providing comparable treatment to both regular rate and nonprofit mailers requires reliance on comparable data from the same time period. It says that ''more recent information will continue to be provided in a timely fashion'' pursuant to the Commission's periodic reporting rules, but asserts that those data will not be relevant to the Postal Service's request in this proceeding. Accordingly, it asks to be excused from providing any information supplemental to that provided in Docket No. MC95–1, except that which is necessary to allow the Commission to evaluate the proposed extension of parallel rate and classification treatment to nonprofit Periodicals and Standard Mail. Id. at 6–7.

The Commission seeks the participants' reaction to the Service's request for waiver by May 1, 1996. The waiver request will also be a topic at the prehearing conference.

DMCS provisions related to Standard Mail. The Request includes two versions of proposed DMCS changes for Standard Mail. The Service explains that one version (Attachment A1, Sections 1–3) is limited to ''a straightforward extension of the Regular and Enhanced Carrier Route subclass provisions, as recommended in Docket No. MC95–1, to the Nonprofit and Nonprofit Enhanced Carrier Route subclasses.'' Id. at 2 (fn. 1). The other version (Attachment A2, Alternative Sections 2 and 3), according to the Service, consists of ''nonsubstantive editorial changes in several provisions recommended in Docket No. MC95–1 for the Regular subclass, with parallel provisions to be applicable to the Nonprofit subclass.'' Id. The Service asserts that the advantage of the alternative version is that it ''would allow beneficial improvements in the structure of the commercial subclass, before those structures are then extended to the nonprofit subclass.'' Id. The Service indicates the benefit of the alternative version lies in making the structure of Standard Mail portion of the DMCS more consistent with the DMCS provisions the Commission recommended in Docket No. MC95–1 for First-Class Mail. The Service indicates it would prefer that the Commission recommend the alternative DMCS provisions, but notes that it does not want consideration of the alternative language to interfere with expeditious consideration of the case as a whole. Id.

Request for expedition through encouragement of settlement. The Service further expresses its interest in expedition by asking that this Notice emphasize the need for parties, in their intervention pleadings, either to affirmatively request hearings, or affirmatively state their willingness to forgo hearings. It also asks that the Commission direct intervenors who anticipate some need for hearings to identify with as much specificity as possible the issues on which they perceive hearings might be required, and issues on which they would be willing to proceed on a stipulated record, without hearings. See generally id. at 6–7.

In support of this request, the Service notes that it has attempted to construct its proposal so as to minimize, if not eliminate, controversy by resolving many potential issues by reference either to the Commission's treatment of similar issues in Docket No. MC95–1 or to explicit statutory requirements. Id. at 7. It also indicates that it has worked closely with many members of the nonprofit community, particularly past participants in Commission proceedings, in developing its proposals. Based on these efforts, the Service represents that it believes that full or partial settlement might be possible. It also states that even without full settlement on all legal issues, it may be possible to stipulate either all or most of the Service's testimony into the record, without the need for discovery or hearings. Id.

The Commission generally supports the Service's interest in expedition, and is willing to authorize settlement negotiations of as many issues as circumstances warrant. At the same time, it believes that no firm commitment can be made on this important matter until all participants have an opportunity to comment. The Commission appreciates the efforts the Service has taken to garner support for its proposal and to minimize the potential for conflict. In recognition thereof, it strongly encourages intervenors to address, in their notices of intervention, the issues essential to orderly consideration of potential proposals for partial or complete settlement of issues in this proceeding. If intervenors are unable to address this matter in their notices of intervention, they are directed to respond no later than May 1, 1996.

Notwithstanding the Commission's willingness to consider the possibility of settlement, it asks that participants also anticipate the possibility that hearings may have to be held. If so, the Commission expects evidentiary hearings to begin by mid-June. In the same vein, the Commission notes that its issuance of proposed special rules is not made in derogation of attempts at settlement, but simply to deal with as many eventualities as possible at an early stage of the proceeding.

Intervention. Participation in Commission proceedings generally takes the form of either full intervention or limited participation. *See* Commission rules 20 and 20a (39 CFR 3001.20 and

20a). Commenter status is available for persons wishing to express their views informally, without incurring the obligations that attach to the two other forms of participation. *See* Commission rule 20b (39 CFR 3001.20b). Those wishing to be heard in this matter as either a full intervenor or limited participant are directed to file a written notice of intervention identifying the status they intend to assume and affirmatively stating how actively they expect to participate. Limited participants are advised that Commission rules of practice impose an obligation to respond to discovery requests under certain circumstances.

Notices should be sent to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street NW, Washington, DC 20268–0001, and are to be filed on or before May 1, 1996. Commenter status does not require a notice of intervention.

Representation of the general public. In conformance with section 3624(a) of title 39, the Commission designates W. Gail Willette, Director of the Commission's Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding. The OCA shall be separately served with three copies of all filings, in addition to and contemporaneous with, service on the Commission of the 24 copies required by section 10(c) of the rules of practice (39 CFR 3001.10(c)).

Special rules of practice. The Commission proposes conducting this proceeding pursuant to the special rules of practice set forth in Attachment C. These rules, for the most part, are the same as those successfully employed in Docket No. MC95–1. However, experience under the rules in that proceeding, as well as the Commission's increased ability to make documents available to participants in electronic format, appears to warrant several changes. Therefore, the following proposed amendments to the rules are noted. One involves service of the list of designated written cross-examination, notices of intent to conduct oral cross-examination, and notices of intent to participate in oral argument. Special Rule No. 3.B. allows these to be served only upon the Commission, the OCA, the complementary party, and those filing special requests for service. In addition, Special Rule No. 4.A. has been amended to indicate that the Secretary will prepare a cover sheet for designations of written cross-examination that facilitates easier review by interested persons. In addition, Special Rule No. 4.A. has been amended to return to the practice of allowing parties to file their list of designated cross-examination three days before the witness's scheduled appearance. The Commission notes that this change will increase the amount of time parties have to review answers to interrogatories by setting the deadline closer to the relevant benchmark, which is the witness's appearance date. This change, as well as the anticipated change in the format of the Commission-prepared cover sheet, is intended to reduce delay in the hearing room and make the designation process run more smoothly. It is not intended to make any substantive evidentiary changes.

In addition, a provision has been added to as Special Rule No. 3.D. encouraging, but not requiring, participants to file electronic versions of written documents filed with the Commission. The electronic version would operate as a supplement to, rather than replacement of, the requirement that a written version (and the requisite number of copies thereof) be served on the Commission. No party will be penalized for not providing an electronic version. The Commission also asks that participants be prepared to discuss electronic filing at the prehearing conference.

Participants are encouraged to carefully review the terms of all the rules, with special attention to the changes noted above. Participants are encouraged to suggest any additional changes they believe would be beneficial.

Initial prehearing conference: date, location, and agenda. The Commission will convene a prehearing conference at 9:30 a.m. on Friday, May 3, 1996, in the Commission's hearing room at 1333 H Street NW, Suite 300, in Washington, DC. The Commission asks that persons attending the conference be prepared to discuss procedural and scheduling matters pertinent to the Service's filing. The Commission is especially interested in the potential for settlement of any issues or other opportunities for expedition.

In the interest of conducting a comprehensive conference, participants are to file a notice of issues they would like to raise for consideration no later than 7 days before the prehearing conference. Suggestions need not be limited to procedural matters, but may include substantive issues to the extent that considering them at this stage may contribute to expedition of the entire proceeding. A final agenda incorporating participants' suggestions will be distributed at the beginning of the prehearing conference. The Presiding Officer may schedule additional prehearing conferences if circumstances warrant.

Docket room operations. Documents may be filed with the Commission's docket section Monday through Friday between 8 a.m. and 5 p.m. Questions about docket room operations, including electronic filing or electronic access, should be directed to Ms. Peggie Brown (at 202–789–6847) or Ms. Joyce Taylor (at 202–789–6846).

It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed no later than May 1, 1996. Intervenors are strongly encouraged to indicate their position on the possibility of settlement of all, or part, of the issues in this proceeding. They are also encouraged to identify with specificity the issues they believe may require a hearing, as well as those issues they believe can be addressed by proceeding with a stipulated record.

3. A prehearing conference will be held Friday, May 3, 1996 at 9:30 a.m. in the Commission's hearing room.

4. Participants are directed to file notices of issues to be addressed at the prehearing conference not later than 7 days prior to the conference.

5. Comments on the proposed special rules of practice set out in Attachment C should be filed by May 1, 1996.

6. Answers to the Service's motion for waiver of rule 54(f) and related provisions are due on or before May 1, 1996.

6. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the interests of the general public in this proceeding.

7. The Secretary shall cause this Notice and Order to be published in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Proposed Set of Changes in the Domestic Mail Classification Schedule

In this request, the Postal Service is proposing that the Commission recommend certain changes in the Domestic Mail Classification Schedule (DMCS). The current DMCS is reprinted at 39 CFR 3001.68, Appendix A (July 1, 1995). The current DMCS, however, was

extensively revised by the Governors' Decision of March 4, 1996, acting upon the Commission's Recommended Decision in Docket No. MC95–1 of January 26, 1996. The changes recommended by the Commission and approved by the Governors have been scheduled by the Board of Governors to take effect on July 1, 1996. In this attachment, the changes proposed in the instant request are shown relative to the revised DMCS approved by the Governors on March 4, 1996, even though the revisions approved at that time have not yet been formally implemented. This provides a much more useful basis for comparison than any which could be made with the existing DMCS language that has already been superseded by the Governors' Decision.

Also for purposes of convenience, the proposed changes have been placed in four groups, consisting of (1) a new section to establish a Nonprofit Enhanced Carrier Route subclass within Standard Mail, (2) substantive changes in certain other provisions for Standard Mail, (3) conforming changes in cross-references within Standard Mail, and (4) changes in the provisions for Periodicals. Within each of the last three groups, proposed additions are italized, and proposed deletions are set off with brackets and presented in bold type.

The changes shown in this attachment are structured to take the language recommended by the Commission for the commercial portion of Standard Mail (weighing less than 16 ounces) and, without alteration, insert identical provisions in the preferred rate portions. Substantively, this will be sufficient to create a structure that allows parallel treatment of preferred rate and commercial rate mail. However, there are nonsubstantive editorial changes that the Postal Service believes could be made in the commercial portion which would improve the organization of the DMCS. Ideally, it would be better to propose such changes for the commercial sector first, before extending the commercial provisions to the nonprofit sector. This attachment includes no such changes. Instead, they have been presented in Attachment A2, Alternative Set of Changes in the Domestic Mail Classifiction Schedule. The Postal Service would prefer that the Commission recommend the alternative set of DMCS changes shown in Attachment A2. This attachment, in contrast, is included to indicate what would appear to be the minimum changes the Commission could recommend to allow parallel treatment of commercial and nonprofit Standard Mail.

The proposed changes shown in this attachment are:

1. In The Standard Mail Classification Schedule, the Following New Section 321.5 Is Proposed

321.5 Nonprofit Enhanced Carrier Route Subclass

321.51 Definition

321.511 *General.* The Nonprofit Enhanced Carrier Route subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.3, 321.4 or 323, that is mailed by authorized nonprofit organizations or associations (as defined in sections 321.411 and 321.412) under the terms and limitations stated in section 321.413, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is prepared, marked, and presented as prescribed by the Postal Service;

c. Is presorted to carrier routes as prescribed by the Postal Service;

d. Is sequenced as prescribed by the Postal Service; and

e. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

321.52 Basic Rate Category. The basic rate category applies to Nonprofit Enhanced Carrier Route subclass mail not mailed under section 321.53, 321.54 or 321.55.

321.53 Basic Pre-Barcoded Rate Category. The basic pre-barcoded rate category applies to letter-size Nonprofit Enhanced Carrier Route subclass mail which bears a barcode representing not more than 11 digits (not including ''correction'' digits), as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

321.54 High Density Rate Category. The high density rate category applies to Nonprofit Enhanced Carrier Route subclass mail presented in walk-sequence order and meeting the high density requirements prescribed by the Postal Service.

321.55 Saturation Rate Category. The saturation rate category applies to Nonprofit Enhanced Carrier Route subclass mail presented in walk-sequence order and meeting the saturation requirements prescribed by the Postal Service.

321.56 Destination Entry Discounts. Destination entry discounts apply to Nonprofit Enhanced Carrier Route subclass mail prepared as prescribed by the Postal Service and addressed for delivery within the service area of the BMC (or auxiliary service facility), sectional center facility (SCF), or destination delivery unit (DDU) at which it is entered, as defined by the Postal Service.

2. In the Standard Mail Classification Schedule, the Following Substantive Changes Are Proposed in Sections 321.411, 321.42, 321.43, and 370 (Additions italicized, deletions bracketed)

321.4 Nonprofit Subclass

321.41 Definition

321.411 *General.* The Nonprofit subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.3, *321.5* or 323, and that is prepared in *a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces* [quantities of at least 50 pounds or 200 pieces], *is* presorted, [and] marked, *and presented* as prescribed by the Postal Service, *meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service,* and *is* mailed by authorized nonprofit organizations or associations of the following types:

a. Religious,
b. Educational,
c. Scientific,
d. Philanthropic,
e. Agricultural,
f. Labor,
g. Veterans',
h. Fraternal,
i. Qualified political committees.

* * * * *

321.42 Nonprofit Rate Categories

321.421 *Basic Sortation Rate Category.* Mailers must sort Nonprofit subclass mail as prescribed by the Postal Service. Mail which is not presorted to three-digit or five-digit ZIP Code areas or to carrier routes qualifies for the basic rates in Rate Schedule 321.4*A*.

[321.422 *Basic Sortation, ZIP + 4 Rate Category.* The basic sortation, ZIP + 4 rate category applies to mail mailed under section 321.421 which bears a proper ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.]

321.422[3] *Basic Sortation, Pre-Barcoded Rate Category.* The basic sortation, pre-barcoded rate category applies to mail mailed under section 321.41[421] which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability,

addressing, and [barcoding specifications and] other preparation requirements prescribed by the Postal Service.

321.423[4] *Three- and Five-Digit Presort Level Rate Category.* The three- and five-digit presort level rate category applies to Nonprofit subclass mail [which is] presorted to *single or multiple* three-[digit or] *and* five-digit ZIP Code *destinations, as* [areas. The mail must be prepared in the manner] prescribed by the Postal Service.

[321.425 *Three- and Five-Digit Presort Level, ZIP + 4 Rate Category.* The three- and five-digit presort level, ZIP + 4 rate category applies to mail mailed under section 321.424 which bears a proper ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.]

321.424[6] *Three-Digit Presort Level, Pre-Barcoded Rate Category.* The three-digit presort level, pre-barcoded rate category applies to *letter-size* mail mailed under section 321.*41*[424] which is presorted to three digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

321.425[7] *Five-Digit Presort Level, Pre-Barcoded Rate Category.* The five-digit presort level, pre-barcoded rate category applies to *letter-size* mail mailed under section 321.*41*[424] which is presorted to five digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications, and other preparation requirements prescribed by the Postal Service.

[321.428 *Carrier Route Presort Level Rate Category.* The carrier route presort level rate category applies to Nonprofit subclass mail which is presorted to a carrier route, with at least 10 pieces to each carrier route. The mail must be prepared in the manner prescribed by the Postal Service.]

321.426[9] *Three- and Five-Digit Presort Level, Pre-barcoded [Flats] Rate Category.* The *three- and five-digit presort level,* pre-barcoded [flats] rate category applies to *flat-size mail mailed under section 321.41* [Nonprofit subclass flat size pieces] which *is* [are properly prepared and] presorted *to single or multiple three- and five-digit ZIP Code destinations as prescribed by the Postal Service, which bears*[, bear] a barcode *representing not more than 11 digits (not including ''correction'' digits)* as prescribed by the Postal Service, and *which meets the* [meet the flats] machinability, *addressing, and barcoding* [and address readability] specifications *and other preparation requirements prescribed by* [of] the Postal Service. [Such flats must be presented for mailing in a manner which does not require cancellation.]

321.43 *Destination Entry Discounts* [Nonprofit Subclass Discounts

321.431 *Saturation Discount.* The saturation discount applies to Nonprofit subclass mail presented in a carrier route presort mailing which is walk sequenced and which meets the saturation and preparation requirements prescribed by the Postal Service.

321.432 *125–Piece Walk-sequence Discount.* The 125-piece walk-sequence discount applies to Nonprofit subclass mail presented in a carrier route presort mailing which is walk sequenced and contains a minimum of 125 pieces per carrier route, and which meets the preparation requirements prescribed by the Postal Service.

321.433 *Destination Entry Discount.* The destination entry discounts apply[ies] to Nonprofit subclass mail *prepared as prescribed by the Postal Service and addressed* [which is destined] for delivery within the service area of the BMC (or auxiliary service facility), *or* sectional center facility (SCF), [or destination delivery unit (DDU)] at which it is entered, as defined by the Postal Service.

* * * * *

370 Rates and Fees

The rates and fees for Standard Mail are set forth as follows:

	Schedule
a. Single Piece subclass	321.1
b. Regular subclass	321.2
c. Enhanced Carrier Route subclass.	321.3
d. Nonprofit subclass	321.4
e. Nonprofit Enhanced Carrier Route subclass.	321.5
f **[e].** Parcel Post subclass	
Basic	322.1A
Destination BMC	322.1B
g **[f].** Bound Printed Matter subclass	
Single Piece	322.3A
Bulk and Carrier Route	322.3B
h **[g].** Special subclass	323.1
i **[h].** Library subclass	323.2
j **[i].** Fees	1000

3. In the Standard Mail Classification Schedule, the Following Conforming Cross-References Are Proposed in Sections 321.11, 321.21, 321.31, 331, 341, 344.1, 344.21, 353.1, 361, and 381 (Additions italicized, deletions bracketed)

321.1 Single Piece Subclass

321.11 Definition. The Single Piece subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under sections 321.2, 321.3, 321.4, *321.5* or 323.

* * * * *

321.2 Regular Subclass

321.21 Definition. The Regular subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under sections 321.1, 321.3, 321.4, *321.5* or 323, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service; and

c. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

* * * * *

321.3 Enhanced Carrier Route Subclass

321.31 Definition. The Enhanced Carrier Route subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.4, *321.5* or 323, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is prepared, marked, and presented as prescribed by the Postal Service;

c. Is presorted to carrier routes as prescribed by the Postal Service;

d. Is sequenced as prescribed by the Postal Service; and

e. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

* * * * *

330 Physical Limitations

331 Size

Standard Mail may not exceed 108 inches in length and girth combined. Additional size limitations apply to individual Standard Mail subclasses. The maximum size for mail presorted to carrier route in the Enhanced Carrier Route *and Nonprofit Enhanced Carrier Route* subclass*es* is 14 inches in length, 11.75 inches in width, and 0.75 inch in thickness. For merchandise samples

mailed with detached address cards, the carrier route maximum dimensions apply to the detached address cards and not to the samples.

* * * * *

340 Postage and Preparation

341 Postage

Postage must be paid as set forth in section 3000. When the postage computed at a Single Piece, Regular, Enhanced Carrier Route, [or] Nonprofit *or Nonprofit Enhanced Carrier Route Standard* rate is higher than the rate prescribed in any of the Standard subclasses listed in 322 or 323 for which the piece also qualifies (or would qualify, except for weight), the piece is eligible for the applicable lower rate. All mail mailed at a bulk or presort rate must have postage paid in a manner not requiring cancellation.

* * * * *

344 Attachments and Enclosures

344.1 Single Piece, Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route Subclasses (section 321)*

* * * * *

344.21 General. First-Class Mail or Standard Mail from any of the subclasses listed in section 321 (Single Piece, Regular, Enhanced Carrier Route, [or] Nonprofit *or Nonprofit Enhanced Carrier Route)* may be attached to or enclosed in Standard Mail mailed under sections 322 and 323. The piece must be marked as prescribed by the Postal Service. Except as provided in sections 344.22 and 344.23, additional postage must be paid for the attachment or enclosure as if it had been mailed separately. Otherwise, the entire combined piece is subject to the First-Class or section 321 Standard rate for which it qualifies (unless the rate applicable to the host piece is higher), or, if a combined piece with a section 321 Standard Mail attachment or enclosure weighs 16 ounces or more, the piece is subject to the Parcel Post rate for which it qualifies.

* * * * *

353.1 Single Piece, Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* Subclasses (section 321)

Undeliverable-as-addressed Standard Mail mailed under section 321 will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined First-Class and Standard pieces will be returned as prescribed by the Postal Service. The Single Piece Standard rate is charged for each piece receiving return only service. Charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. The charge for those returned pieces is the appropriate Single Piece Standard rate for the piece plus that rate multiplied by a factor equal to the number of section 321 Standard pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

* * * * *

360 Ancillary Services

361 All Subclasses

All Standard Mail will receive the following services upon payment of the appropriate fees:

Service	Schedule
a. Address correction	SS–1
b. Certificates of mailing indicating that a specified number of pieces have been mailed.	SS–4

Certificates of mailing are not available for Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* subclass mail when postage is paid by permit imprint.

* * * * *

380 Authorizations and Licenses

381 Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* Subclasses

A mailing fee as set forth in Rate Schedule 1000 must be paid once each year by mailers of Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* subclass mail.

4. In the Periodicals Classification Schedule, New Sections 423.6 and 423.7 are Proposed to be Added, and New Section 423.8 is Proposed to be Substituted for Old Section 423.6 (Additions italicized, deletions bracketed)

423 Preferred Rate Periodicals

* * * * *

423.6 Preferred Rate Pound Rates

For Preferred Rate Periodicals entered under sections 423.3, 423.4 and 423.5, an unzoned pound rate applies to the nonadvertising portion. A zoned pound rate applies to the advertising portion and may be reduced by applicable destination entry discounts. The pound rate postage is the sum of the nonadvertising portion charge and the advertising portion charge. For Preferred Rate Periodicals entered under section 423.2, one pound rate applies to the pieces presorted to carrier route to be delivered within the delivery area of the originating post office, and another pound rate applies to all other pieces.

423.7 Preferred Rate Piece Rates

423.71 Basic Rate Category. The basic rate category applies to all Preferred Rate Periodicals not mailed under section 423.72 or 423.73.

423.72 Three-Digit City and Five-Digit Rate Category. The rates for this category apply to Preferred Rate Periodicals entered under sections 423.3, 423.4. or 423.5 that are presorted to three-digit cities and five-digit ZIP Code destinations as prescribed by the Postal Service.

423.73 Carrier Route Rate Category. The carrier route rate category applies to Preferred Rate Periodicals presorted to carrier routes as prescribed by the Postal Service.

[423.6 Preferred Rate Discounts

423.61 Destination Entry Discounts. Copies of any Preferred Rate Periodicals class mail which are destined for delivery within the destination sectional center facility (SCF) area or the destination delivery unit (DDU) area in which they are entered, as defined by the Postal Service, qualify for the applicable discount as set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.62 ZIP + 4 and Pre-barcoded Letter Discounts. Copies of any automation compatible Preferred Rate Periodicals class mail which bear a proper ZIP + 4 code, or which bear a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meet the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service qualify for the applicable ZIP + 4 or pre-barcoding discounts as set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.63 125-piece Walk-sequence Discount. Copies of Preferred Rate Periodicals class mail presented in mailings which are walk sequenced and contain a minimum of 125 pieces per carrier route and which meet the preparation requirements prescribed by the Postal Service are eligible for the applicable discount set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.64 Saturation Discount. Saturation Preferred Rate Periodicals class mail presented in mailings which are walk sequenced and which meet the saturation and preparation requirements prescribed by the Postal Service qualifies for the applicable discount set

forth in Rate Schedules 423.2, 423.3, and 423.4.

423.65 Pre-barcoded Flats Discounts. Pre-barcoded Preferred Rate Periodicals class flats which are properly prepared and presorted, which bear a barcode as prescribed by the Postal Service, and which meet the flats machinability and address readability specifications of the Postal Service, are eligible for the applicable discounts for pre-barcoded flats set forth in Rate Schedules 423.2, 423.3, and 423.4.]

423.8 Preferred Rate Discounts

423.81 Barcoded Letter Discounts. Barcoded letter discounts apply to letter size Preferred Rate Periodicals mailed under sections 423.71 and 423.72 which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

423.82 Barcoded Flats Discounts. Barcoded flats discounts apply to flat size Preferred Rate Periodicals mailed under sections 423.71 and 423.72 which bear a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and meet the flats machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

423.83 High Density Discount. The high density discount applies to Preferred Rate Periodicals mailed under section 423.73, presented in walk sequence order, and meeting the high density and preparation requirements prescribed by the Postal Service.

423.84 Saturation Discount. The saturation discount applies to Preferred Rate Periodicals mailed under section 423.73, presented in walk-sequence order, and meeting the saturation and preparation requirements prescribed by the Postal Service.

423.85 Destination Entry Discounts. Destination entry discounts apply to Preferred Rate Periodicals which are destined for delivery within the service area of the destination sectional center facility (SCF) or the destination delivery unit (DDU) in which they are entered, as defined by the Postal Service. The DDU discount only applies to Carrier Route rate category mail; the SCF discount is not available for mail entered under section 423.2.

423.86 Nonadvertising Discount. The nonadvertising discount applies to Preferred Rate Periodicals entered under sections 423.3, 423.4, and 423.5 and is determined by multiplying the proportion of nonadvertising content by the discount factor set forth in Rate Schedules 421, 423.3 or 423.4 and subtracting that amount from the applicable piece rate.

Alternative Set of Changes in the Domestic Mail Classification Schedule

In this request, the Postal Service is proposing that the Commission recommend certain changes in the Domestic Mail Classification Schedule (DMCS). The current DMCS is reprinted at 39 CFR § 3001.68, Appendix A (July 1, 1995). The current DMCS, however, was extensively revised by the Governors' Decision of March 4, 1996, acting upon the Commission's Recommended Decision in Docket No. MC95–1 of January 26, 1996. The changes recommended by the Commission and approved by the Governors have been scheduled by the Board of Governors to take effect on July 1, 1996. In this attachment, the changes proposed in the instant request are shown relative to the revised DMCS approved by the Governors on March 4, 1996, even though the revisions approved at that time have not yet been formally implemented. This provides a much more useful basis for comparison than any which could be made with the existing DMCS language that has already been superseded by the Governors' Decision.

In contrast to the changes shown in Attachment A1, the changes shown in this attachment are structured to include nonsubstantive editorial changes to section 321.2 regarding the Regular subclass, before proposing to extend identical provisions to the Nonprofit subclass. Not only will this allow parallel treatment of preferred rate and commercial rate mail, but these changes would also improve the organization of the DMCS. Specifically, the changes proposed for section 321.2 would make that section more consistent with section 221 (regarding First-Class letters) by grouping the definitions of the presort rate categories and the automation rate categories separately. The Postal Service would prefer that the Commission recommend the alternative set of DMCS changes shown in this attachment, as opposed to those shown in Attachment A1.

The requested changes shown in this attachment have been placed in five groups, consisting of 1) a new section to establish a Nonprofit Enhanced Carrier Route subclass within Standard Mail, 2) nonsubstantive editorial changes in certain provisions for Regular subclass Standard Mail, 3) substantive changes in certain other provisions for Nonprofit subclass Standard Mail, 4) conforming changes in cross-references within Standard Mail, and 5) changes in the provisions for Periodicals. Within each of the last four groups, proposed additions are underlined, and proposed deletions are set off with brackets and presented in bold type.

The five groups of requested changes in this attachment compare with the four groups in Attachment A1 as follows. The first group, the new Nonprofit Enhanced Carrier Route Subclass, is the same, except for one change in a cross-reference to the Limitation on Authorization provision (321.412 or 321.413). The second group, nonsubstantive changes in the Regular subclass, has no counterpart in Attachment A1. The third group, substantive changes regarding the Nonprofit subclass, is different from its counterpart in Attachment A1 because it tracks the Regular subclass changes shown in group 2), rather than the Regular subclass provisions recommended by the Commission in Docket No. M95–1. The fourth and fifth groups are identical to their Attachment A1 counterparts.

The requested changes shown in this attachment are:

1. In The Standard Mail Classification Schedule, the Following New Section 321.5 is Proposed

321.5 Nonprofit Enhanced Carrier Route Subclass

321.51 Definition

321.511 *General.* The Nonprofit Enhanced Carrier Route subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.3, 321.4 or 323, that is mailed by authorized nonprofit organizations or associations (as defined in sections 321.41) under the terms and limitations stated in section 321.412, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is prepared, marked, and presented as prescribed by the Postal Service;

c. Is presorted to carrier routes as prescribed by the Postal Service;

d. Is sequenced as prescribed by the Postal Service; and

e. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

321.52 Basic Rate Category. The basic rate category applies to Nonprofit Enhanced Carrier Route subclass mail not mailed under section 321.53, 321.54 or 321.55.

321.53 Basic Pre-Barcoded Rate Category. The basic pre-barcoded rate category applies to letter-size Nonprofit Enhanced Carrier Route subclass mail which bears a barcode representing not more than 11 digits (not including ''correction'' digits), as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

321.54 High Density Rate Category. The high density rate category applies to Nonprofit Enhanced Carrier Route subclass mail presented in walk-sequence order and meeting the high density requirements prescribed by the Postal Service.

321.55 Saturation Rate Category. The saturation rate category applies to Nonprofit Enhanced Carrier Route subclass mail presented in walk-sequence order and meeting the saturation requirements prescribed by the Postal Service.

321.56 Destination Entry Discounts. Destination entry discounts apply to Nonprofit Enhanced Carrier Route subclass mail prepared as prescribed by the Postal Service and addressed for delivery within the service area of the BMC (or auxiliary service facility), sectional center facility (SCF), or destination delivery unit (DDU) at which it is entered, as defined by the Postal Service.

2. In the Standard Mail Classification Schedule, the Following Editorial Revisions to Section 321.2 are Proposed (Additions italicized, deletions bracketed)

321.2 Regular Subclass

321.21 *General.* [Definition.] The Regular subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under sections 321.1, 321.3, 321.4, or 323. [, and that:]

321.22 **[Regular]** *Presort* Rate Categories.

321.221 General. The presort rate categories apply to Regular subclass mail that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service; and

c. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

321.222[1] Basic [Sortation] Rate Categor[y]*ies. The basic rate categories apply to presort rate category mail not mailed under section 321.223.* [Mailers must sort Regular subclass mail as prescribed by the Postal Service. Mail which is not presorted to three-digit or five-digit ZIP Code areas or to carrier routes qualifies for the basic rates in Rate Schedule 321.2A.]

321.223 Three- and Five-Digit [Presort Level] Rate Categor[y]*ies.* The three- and five-digit [presort level] rate categor[y]*ies* appl[ies]*y* to *presort rate category* [Regular subclass] mail presorted to single or multiple three- and five-digit ZIP Code destinations[,] as prescribed by the Postal Service.

321.23 *Automation Rate Categories*

321.231 General. The automation rate categories consist of Regular subclass mail that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service;

c. Bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service;

d. Meets the machinability, addressing, barcoding, and other preparation requirements prescribed by the Postal Service.

[321.222] *321.232* Basic [Sortation, Pre-]Barcoded Rate Category. The basic [sortation, pre-]barcoded rate category applies to *letter-size automation rate category mail not mailed under section 321.233 or 321.234.* [mail mailed under section 321.21 which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications, and other preparation requirements prescribed by the Postal Service.]

[321.224] *321.233* Three-Digit [Presort Level, Pre-]Barcoded Rate Category. The three-digit [presort level, pre-]barcoded rate category applies to letter-size *automation rate category* mail [mailed under section 321.21 which is] presorted to *single or multiple three-digit ZIP Code destinations as prescribed by the Postal Service. [three digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.]*

[321.225] *321.234* Five-Digit [Presort Level, Pre-]Barcoded Rate Category. The five-digit [presort level, pre-]barcoded rate category applies to letter-size *automation rate category* mail [mailed under section 321.21 which is] presorted to *single or multiple five-digit ZIP Code destinations as prescribed by the Postal Service.* [five digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.]

321.235 Basic Barcoded Flats Rate Category. The basic barcoded flats rate category applies to flat-size automation rate category mail not mailed under section 321.236.

[321.226] *321.236* Three- and Five-Digit [Presort Level, Pre-]Barcoded *Flats* Rate Category. The three- and five-digit [presort level, pre-]barcoded *flats* rate category applies to flat-size *automation rate category* mail [mailed under section 321.21 which is] presorted to single or multiple three- and five-digit ZIP Code destinations as prescribed by the Postal Service. [,which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.]

[321.23] *321.24* Destination Entry Discounts. Destination entry discounts apply to Regular subclass mail prepared as prescribed by the Postal Service and addressed for delivery within the service area of the BMC (or auxiliary service facility), or sectional center facility (SCF), at which it is entered, as defined by the Postal Service.

3. In The Standard Mail Classification Schedule, the Following Substantive Changes are Proposed in Sections 321.4 and 370 (Additions italized, deletions bracketed)

321.4 Nonprofit Subclass

321.41 [Definition

321.411] General. The Nonprofit subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.3, *321.5* or 323, and that is [prepared in quantities of at least 50 pounds or 200 pieces, presorted and marked as prescribed by the Postal Service, and] mailed by authorized nonprofit organizations or associations of the following types:

a. Religious,

b. Educational,

c. Scientific,

d. Philanthropic,

e. Agricultural,

f. Labor,

g. Veterans',

h. Fraternal,

i. Qualified political committees.

321.411[2] *Nonprofit Organizations and Associations.* Nonprofit organizations or associations are organizations or associations not organized for profit, none of the net income of which benefits any private stockholder or individual, and which meet the qualifications set forth below for each type of organization or association. The standard of primary purpose applies to each type of organization or association, except veterans' and fraternal. The standard of primary purpose requires that each type of organization or association be both organized and operated for the primary purpose. The following are the types of organizations or associations which may qualify as authorized nonprofit organizations or associations.

a. Religious. A nonprofit organization whose primary purpose is one of the following:

i. To conduct religious worship;

ii. To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

iii. To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

b. Educational. A nonprofit organization whose primary purpose is one of the following:

i. The instruction or training of the individual for the purpose of improving or developing his capabilities;

ii. The instruction of the public on subjects beneficial to the community. An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

c. Scientific. A nonprofit organization whose primary purpose is one of the following:

i. To conduct research in the applied, pure or natural sciences;

ii. To disseminate systematized technical information dealing with applied, pure or natural sciences.

d. Philanthropic. A nonprofit organization primarily organized and operated for purposes beneficial to the public. Philanthropic organizations include, but are not limited to, organizations which are organized for:

i. Relief of the poor and distressed or of the underprivileged;

ii. Advancement of religion;

iii. Advancement of education or science;

iv. Erection or maintenance of public buildings, monuments, or works;

v. Lessening of the burdens of government;

vi. Promotion of social welfare by organizations designed to accomplish any of the above purposes or:

(A) To lessen neighborhood tensions;

(B) To eliminate prejudice and discrimination;

(C) To defend human and civil rights secured by law; or

(D) To combat community deterioration and juvenile delinquency.

e. Agricultural. A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits or the harvesting of marine resources; the rearing, feeding, and management of livestock, poultry, and bees, or other activities relating to agricultural interests. The term agricultural nonprofit organization also includes any nonprofit organization whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

f. Labor. A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment and working conditions.

g. Veterans'. A nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

h. Fraternal. A nonprofit organization which meets all of the following criteria:

i. Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

ii. Is organized under a lodge or chapter system with a representative form of government;

iii. Follows a ritualistic format; and

iv. Is comprised of members who are elected to membership by vote of the members.

i. Qualified political committees. The term ''qualified political committee'' means a national or State committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic National Congressional Committee, and the National Republican Congressional Committee:

i. The term ''national committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level; and

ii. The term ''State committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level.

321.412[3] *Limitation on Authorization.* An organization authorized to mail at the nonprofit Standard rates for qualified nonprofit organizations may mail only its own matter at these rates. An organization may not delegate or lend the use of its permit to mail at special Standard rates to any other person, organization or association.

321.42 [Nonprofit] *Presort* Rate Categories

321.421 General. The presort rate categories apply to Nonprofit subclass mail that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service; and

c. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

321.422[1] *Basic [Sortation] Rate Categories[y]. The basic rate categories apply to presort rate category mail not mailed under section 321.423.* [Mailers must sort Nonprofit subclass mail as prescribed by the Postal Service. Mail which is not presorted to three-digit or five-digit ZIP Code areas or to carrier routes qualifies for the basic rates in Rate Schedule 321.4.]

[321.422 *Basic Sortation, ZIP + 4 Rate Category.* The basic sortation, ZIP + 4 rate category applies to mail mailed under section 321.421 which bears a proper ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.]

321.423[4] *Three- and Five-Digit [Presort Level] Rate Categories[y].* The three- and five-digit [presort level] rate categor*ies*[y] apply[ies] to *presort rate category* [Nonprofit subclass] mail [which is] presorted to *single or multiple* three-[digit or] *and* five-digit ZIP Code *destinations* [areas. The mail

must be prepared in the manner] *as* prescribed by the Postal Service.

321.43 Automation Rate Categories

321.431 General. The automation rate categories consist of Nonprofit subclass mail that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service;

c. Bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service;

d. Meets the machinability, addressing, barcoding, and other preparation requirements prescribed by the Postal Service.

321.432[23] *Basic [Sortation, Pre-] Barcoded Rate Category.* The basic [sortation, pre-]barcoded rate category applies to *letter-size automation rate category* mail *not* mailed under section *321.433 or 321.434.* [321.421 which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.]

[321.425 *Three- and Five-Digit Presort Level, ZIP + 4 Rate Category.* The three- and five-digit presort level, ZIP + 4 rate category applies to mail mailed under section 321.424 which bears a proper ZIP + 4 code and which meets the machinability, address readability and other preparation requirements prescribed by the Postal Service.]

321.433[26] *Three-Digit [Presort Level, Pre-]Barcoded Rate Category.* The three-digit [presort level, pre-]barcoded rate category applies to *letter-size automation rate category* mail [mailed under section 321.424 which is] presorted to *single or multiple three-digit ZIP Code destinations* [three digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements] *as* prescribed by the Postal Service.

321.434[27] *Five-Digit [Presort Level, Pre-]Barcoded Rate Category.* The five-digit [presort level, pre-]barcoded rate category applies to *letter-size automation rate category* mail [mailed under section 321.424 which is] presorted to *single or multiple five-digit ZIP Code destinations* [five digits, which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications, and other preparation requirements] *as* prescribed by the Postal Service.

[321.428 *Carrier Route Presort Level Rate Category.* The carrier route presort level rate category applies to Nonprofit subclass mail which is presorted to a carrier route, with at least 10 pieces to each carrier route. The mail must be prepared in the manner prescribed by the Postal Service.]

321.435[29] *Basic Barcoded [Pre-barcoded] Flats Rate Category. The basic barcoded flats rate category applies to flat-size automation rate category mail not mailed under section 321.436.* [The pre-barcoded flats rate category applies to Nonprofit subclass flat size pieces which are properly prepared and presorted, bear a barcode as prescribed by the Postal Service, and meet the flats machinability and address readability specifications of the Postal Service. Such flats must be presented for mailing in a manner which does not require cancellation.]

321.436 Three- and Five-Digit Barcoded Flats Rate Category. The three- and five-digit barcoded flats rate category applies to flat-size automation rate category mail presorted to single or multiple three- and five-digit ZIP Code destinations as prescribed by the Postal Service.

[321.43 Nonprofit Subclass Discounts

321.431 *Saturation Discount.* The saturation discount applies to Nonprofit subclass mail presented in a carrier route presort mailing which is walk sequenced and which meets the saturation and preparation requirements prescribed by the Postal Service.

321.432 *125–Piece Walk-sequence Discount.* The 125-piece walk-sequence discount applies to Nonprofit subclass mail presented in a carrier route presort mailing which is walk sequenced and contains a minimum of 125 pieces per carrier route, and which meets the preparation requirements prescribed by the Postal Service.]

321.44[33] *Destination Entry Discounts.* [The d]*D*estination entry discounts apply[ies] to Nonprofit subclass mail *prepared as prescribed by the Postal Service and addressed* [which is destined] for delivery within the service area of the BMC (or auxiliary service facility)[,] *or* sectional center facility (SCF) [, or destination delivery unit (DDU)] at which it is entered, as defined by the Postal Service.

* * * * *

370 Rates and Fees

The rates and fees for Standard Mail are set forth as follows:

	Schedule
a. Single Piece subclass	321.1
b. Regular subclass	321.2
c. Enhanced Carrier Route subclass.	321.3
d. Nonprofit subclass	321.4
e. Nonprofit Enhanced Carrier Route subclass.	*321.5*
f[e] Parcel Post subclass	
Basic	322.1A
Destination BMC	322.1B
g[f] Bound Printed Matter subclass	
Single Piece	322.3A
Bulk and Carrier Route	322.3B
h[g] Special subclass	323.1
i[h] Library subclass	323.2
j[i] Fees	1000

4. In The Standard Mail Classification Schedule, the Following Conforming Cross-References are Proposed in Sections 321.11, 321.21, 321.31, 331, 341, 344.1, 344.21, 353.1, 361, and 381 (Additions italicized, deletions bracketed)

321.1 Single Piece Subclass

321.11 Definition. The Single Piece subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under sections 321.2, 321.3, 321.4, *321.5* or 323.

* * * * *

321.2 Regular Subclass

321.21 Definition. The Regular subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under sections 321.1, 321.3, 321.4, *321.5* or 323, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is presorted, marked, and presented as prescribed by the Postal Service; and

c. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

* * * * *

321.3 Enhanced Carrier Route Subclass

321.31 Definition. The Enhanced Carrier Route subclass consists of Standard Mail weighing less than 16 ounces that is not mailed under section 321.1, 321.2, 321.4, *321.5* or 323, and that:

a. Is prepared in a mailing of at least 200 addressed pieces or 50 pounds of addressed pieces;

b. Is prepared, marked, and presented as prescribed by the Postal Service;

c. Is presorted to carrier routes as prescribed by the Postal Service;

d. Is sequenced as prescribed by the Postal Service; and

e. Meets the machinability, addressing, and other preparation requirements prescribed by the Postal Service.

* * * * *

330 Physical Limitations

331 Size

Standard Mail may not exceed 108 inches in length and girth combined. Additional size limitations apply to individual Standard Mail subclasses. The maximum size for mail presorted to carrier route in the Enhanced Carrier Route *and Nonprofit Enhanced Carrier Route* subclass*es* is 14 inches in length, 11.75 inches in width, and 0.75 inch in thickness. For merchandise samples mailed with detached address cards, the carrier route maximum dimensions apply to the detached address cards and not to the samples.

* * * * *

340 Postage and Preparation

341 Postage

Postage must be paid as set forth in section 3000. When the postage computed at a Single Piece, Regular, Enhanced Carrier Route, [or] Nonprofit *or Nonprofit Enhanced Carrier Route Standard* rate is higher than the rate prescribed in any of the Standard subclasses listed in 322 or 323 for which the piece also qualifies (or would qualify, except for weight), the piece is eligible for the applicable lower rate. All mail mailed at a bulk or presort rate must have postage paid in a manner not requiring cancellation.

* * * * *

344 Attachments and Enclosures

344.1 Single Piece, Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* Subclasses (section 321)

* * * * *

344.21 General. First-Class Mail or Standard Mail from any of the subclasses listed in section 321 (Single Piece, Regular, Enhanced Carrier Route, [or] Nonprofit *or Nonprofit Enhanced Carrier Route*) may be attached to or enclosed in Standard Mail mailed under sections 322 and 323. The piece must be marked as prescribed by the Postal Service. Except as provided in sections 344.22 and 344.23, additional postage must be paid for the attachment or enclosure as if it had been mailed separately. Otherwise, the entire combined piece is subject to the First-Class or section 321 Standard rate for which it qualifies (unless the rate applicable to the host piece is higher), or, if a combined piece with a section 321 Standard Mail attachment or enclosure weighs 16 ounces or more, the piece is subject to the Parcel Post rate for which it qualifies.

* * * * *

353.1 Single Piece, Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* Subclasses (section 321)

Undeliverable-as-addressed Standard Mail mailed under section 321 will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined First-Class and Standard pieces will be returned as prescribed by the Postal Service. The Single Piece Standard rate is charged for each piece receiving return only service. Charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. The charge for those returned pieces is the appropriate Single Piece Standard rate for the piece plus that rate multiplied by a factor equal to the number of section 321 Standard pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

* * * * *

360 Ancillary Services

361 All Subclasses

All Standard Mail will receive the following services upon payment of the appropriate fees:

Service	Schedule
a. Address correction	SS–1
b. Certificates of mailing indicating that a specified number of pieces have been mailed.	SS–4

Certificates of mailing are not available for Regular, Enhanced Carrier Route, [and] Nonprofit *and Nonprofit Enhanced Carrier Route* subclass mail when postage is paid by permit imprint.

* * * * *

380 Authorizations and Licenses

381 Regular, Enhanced Carrier Route [and] Nonprofit *and Nonprofit Enhanced Carrier Route* Subclasses

A mailing fee as set forth in Rate Schedule 1000 must be paid once each year by mailers of Regular, Enhanced Carrier Route [and] Nonprofit *and Nonprofit Enhanced Carrier Route* subclass mail.

5. In The Periodicals Classification Schedule, New Sections 423.8 and 423.7 are proposed to be Added, and New Section 423.8 is Proposed to be Substituted for Old Section 423.6 (Additions italicized, deletions bracketed)

423 Preferred Rate Periodicals

* * * * *

423.6 Preferred Rate Pound Rates

For Preferred Rate Periodicals entered under sections 423.3, 423.4 and 423.5, an unzoned pound rate applies to the nonadvertising portion. A zoned pound rate applies to the advertising portion and may be reduced by applicable destination entry discounts. The pound rate postage is the sum of the nonadvertising portion charge and the advertising portion charge. For Preferred Rate Periodicals entered under section 423.2, one pound rate applies to the pieces presorted to carrier route to be delivered within the delivery area of the originating post office, and another pound rate applies to all other pieces.

423.7 Preferred Rate Piece Rates

423.71 Basic Rate Category. The basic rate category applies to all Preferred Rate Periodicals not mailed under section 423.72 or 423.73.

423.72 Three-Digit City and Five-Digit Rate Category. The rates for this category apply to Preferred Rate Periodicals entered under sections 423.3, 423.4 or 423.5 that are presorted to three-digit cities and five-digit ZIP Code destinations as prescribed by the Postal Service.

423.73 Carrier Route Rate Category. The carrier route rate category applies to Preferred Rate Periodicals presorted to carrier routes as prescribed by the Postal Service.

423.6 Preferred Rate Discounts

423.61 Destination Entry Discounts. Copies of any Preferred Rate Periodicals class mail which are destined for delivery within the destination sectional center facility (SCF) area or the destination delivery unit (DDU) area in which they are entered, as defined by the Postal Service, qualify for the applicable discount as set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.62 ZIP + 4 and Pre-barcoded Letter Discounts. Copies of any automation compatible Preferred Rate Periodicals class mail which bear a proper ZIP + 4 code, or which bear a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meet the machinability, addressing, and barcoding specifications

and other preparation requirements prescribed by the Postal Service qualify for the applicable ZIP + 4 or pre-barcoding discounts as set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.63 125-piece Walk-sequence Discount. Copies of Preferred Rate Periodicals class mail presented in mailings which are walk sequenced and contain a minimum of 125 pieces per carrier route and which meet the preparation requirements prescribed by the Postal Service are eligible for the applicable discount set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.64 Saturation Discount. Saturation Preferred Rate Periodicals class mail presented in mailings which are walk sequenced and which meet the saturation and preparation requirements prescribed by the Postal Service qualifies for the applicable discount set forth in Rate Schedules 423.2, 423.3, and 423.4.

423.65 Pre-barcoded Flats Discounts. Pre-barcoded Preferred Rate Periodicals class flats which are properly prepared and presorted, which bear a barcode as prescribed by the Postal Service, and which meet the flats machinability and address readability specifications of the Postal Service, are eligible for the applicable discounts for pre-barcoded flats set forth in Rate Schedules 423.2, 423.3, and 423.4.]

423.8 Preferred Rate Discounts

423.81 Barcoded Letter Discounts. Barcoded letter discounts apply to letter size Preferred Rate Periodicals mailed under sections 423.71 and 423.72 which bears a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and which meets the machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

423.82 Barcoded Flats Discounts. Barcoded flats discounts apply to flat size Preferred Rate Periodicals mailed under sections 423.71 and 423.72 which bear a barcode representing not more than 11 digits (not including ''correction'' digits) as prescribed by the Postal Service, and meet the flats machinability, addressing, and barcoding specifications and other preparation requirements prescribed by the Postal Service.

423.83 High Density Discount. The high density discount applies to Preferred Rate Periodicals mailed under section 423.73, presented in walk sequence order, and meeting the high density and preparation requirements prescribed by the Postal Service.

423.84 Saturation Discount. The saturation discount applies to Preferred Rate Periodicals mailed under section 423.73, presented in walk-sequence order, and meeting the saturation and preparation requirements prescribed by the Postal Service.

423.85 Destination Entry Discounts. Destination entry discounts apply to Preferred Rate Periodicals which are destined for delivery within the service area of the destination sectional center facility (SCF) or the destination delivery unit (DDU) in which they are entered, as defined by the Postal Service. The DDU discount only applies to Carrier Route rate category mail; the SCF discount is not available for mail entered under section 423.2.

423.86 Nonadvertising Discount. The nonadvertising discount applies to Preferred Rate Periodicals entered under sections 423.3, 423.4, and 423.5 and is determined by multiplying the proportion of nonadvertising content by the discount factor set forth in Rate Schedules 421, 423.3 or 423.4 and subtracting that amount from the applicable piece rate.

Requested Changes in Rate Schedules

In conjunction with the requested changes to the Domestic Mail Classification Schedule set forth in Attachment A, the Postal Service is also requesting that the Commission recommend corresponding changes in the attendant Rate Schedules. The attached Rate Schedules, which show the current and proposed full rates, reflect the changes in organizational format recommended by the Commission on January 26, 1996, and approved by the Governors on March 4, 1996, even though the effective date for formal implementation of those changes is July 1, 1996. Attached following the full rate Rate Schedules are the Phasing Schedules, showing proposed rates at each level from Step 2 to Step 6. (There are no phasing schedules attached for Within County or Classroom Periodicals, because there are no proposed changes in the phased rate elements for those subclasses. Thus, the phasing schedules for Within County and Classroom are proposed to stay the same as those established by Docket No. R94–1.)

The current and proposed Rate Schedules are as follows:

Standard Mail Rate Schedule 321.4 Nonprofit Subclass [1]

Current Full Rates

Letter size	Piece rate (cents)
Piece Rate	13.5
Discounts (per piece)	
Destination Entry	
BMC	1.2
SCF	1.8
Delivery Office [2]	2.3
Presort Level	
3/5 Digit	1.3
Carrier Route	3.8
Saturation	4.1
Automation [3]	
ZIP + 4 [4]	.....
Basic	0.7
3/5 Digit [5]	0.4
Barcode [4]	
Basic	1.8
3–Digit [5]	1.0
5-digit [5]	1.8

Current Full Rates

Non-letter size	Piece rate (cents)	Pound rate (cents)
Piece rate [6]		19.3
Discounts (per piece):		
Destination Entry:		
BMC		1.2
SCF		1.8
Delivery Office [2]		2.3
Presort Level:		
3/5 Digit		1.4
Carrier Route		4.7
125-Piece Walk Sequence		4.9
Saturation		5.4
Automation [7]		
Barcode [4]		
Basic		2.6
3/5 Digit		1.8
Pound rate [6]	Piece rate (cents)	Pound rate (cents)
Pound Rate plus Per-Piece Rate	7.9	54.7
Discounts:		
Destination Entry (per pound):		
BMC	.....	6.0
SCF	.....	8.4
Delivery Office [2]	.....	10.8
Presort Level (per piece):		
3/5 Digit	1.4	.....
Carrier Route	4.7	.....
125-Piece Walk Sequence	4.9	.....
Saturation	5.4	.....
Automation (per piece) [7]		
Barcode [4]		
Basic	2.6	.....
3/5 Digit	1.8	.....

Current Schedule 321.4 Notes

[1] A fee of $85.00 must be paid once each 12-month period for each bulk mailing permit.

[2] Applies only to carrier route presort, 125-piece walk sequence and saturation mail.

[3] For letter-size pieces meeting applicable Postal Service regulations.

[4] Among ZIP+4 and barcode discounts, only one discount may be applied.

[5] Deducted from otherwise applicable 3/5-digit rate.

[6] Mailer pays either the piece or the pound rate, whichever is higher.

[7] For flat-size pieces meeting applicable Postal Service regulations.

Standard Mail Rate Schedule 321.4A Nonprofit Subclass: Presort Categories [1]

Proposed Full Rates

	Proposed rate (cents)
Letter Size:	
Piece Rate:	
Basic	13.8
3/5-Digit	12.0
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
Non-Letter Size:	
Piece Rate:	
Minimum per Piece: [2]	
Basic	20.1
3/5-Digit	14.9
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
Pound Rate [2]	48.4
Plus per Piece Rate:	
Basic	10.0
3/5-Digit	4.8
Destination Entry Discount per Pound:	
BMC	6.2
SCF	8.8

Schedule 321.4A Notes

1 A fee of $85.00 must be paid once each 12-month period for each bulk mailing permit.

2 Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

Standard Mail Rate Schedule 321.4B Nonprofit Subclass: Automation Categories [1]

Proposed Full Rates

	Proposed rate (cents)
Letter Size: [2]	
Piece Rate:	
Basic Letter [3]	10.5
3–Digit Letter [4]	10.1
5–Digit Letter [5]	8.8
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
Flat Size: [6]	
Piece Rate;	
Minimum per Piece: [7]	
Basic Flat [8]	17.7
3/5-Digit Flat [9]	12.5
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
Pound Rate [7]	48.4
Plus per Piece Rate:	
Basic Flat	7.6
3/5-Digit Flat	2.4
Destination Entry Discount per Pound;	
BMC	6.2
SCF	8.8

Proposed Schedule 321.B Notes

1 A fee of $85.00 must be paid once each 12-month period for each bulk mailing permit.

2 For letter-size automation pieces meeting applicable Postal Service regulations.

3 Rate applies to letter-size automation mail not mailed at 3-digit, 5-digit or carrier route rates.

4 Rate applies to letter-size automation mail presorted to single or multiple three-digit ZIP Code destinations as prescribed by the Postal Service.

5 Rate applies to letter-size automation mail presorted to single or multiple five-digit ZIP Code destinations as prescribed by the Postal Service.

6 For flat-size automation mail meeting applicable Postal Service regulations.

7 Mailer pays minimum piece rate or pound rate, whichever is higher.

8 Rate applies to flat-size automation mail not mailed at 3/5-digit rate.

9 Rate applies to flat-size automation mail presorted to single or multiple three- and five-digit ZIP Code destinations as specified by the Postal Service.

Standard Mail Rate Schedule 321.5; Nonprofit Enhanced Carrier Route Subclass [1]

Proposed Full Rates

	Proposed Rate (cents)
Letter Size:	
Piece Rate:	
Basic	9.9
Basic Automated Letter [2]	8.5
High Density	9.3
Saturation	8.7
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
DDU [3]	2.4
Non-Letter Size:	
Piece Rate:	
Minimum per Piece: [4]	
Basic	10.7
High Density	10.0
Saturation	9.4
Destination Entry Discount per Piece:	
BMC	1.3
SCF	1.8
DDU [3]	2.4
Pound Rate [4]	45.1
Plus per Piece Rate:	
Basic	1.3
High Density	0.6
Saturation	0.0
Destination Entry Discount per Pound:	
BMC	6.2
SCF	8.8
DDU [3]	11.4

Proposed Schedule 321.5 Notes

1 A fee of $85.00 must be paid each 12-month period for each bulk mailing permit.

2 Rate applies to letter-size automation mail presorted to routes specified by the Postal Service.

3 Applies only to enhanced carrier route mail.

4 Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

Periodicals Rate Schedule 423.2 Within County

(Full Rates)

	Current rate (cents)	Proposed rate (cents)
Per Pound:		
General	12.6	12.6
Delivery Office [1]	11.6	11.6
Per Piece:		
Required Presort	8.2	8.2
Carrier Route Presort	4.4	4.4
Per Piece Discounts:		
Delivery Office [2]	0.3	0.3
High Density (formerly 125 pc.) [3]	0.5	0.5
Saturation	0.7	0.7
Automation Discounts for Automation Compatible Mail [4] From Required:		
ZIP + 4 Letter size	0.4	N/A
3-digit Prebarcoded Letter size	0.4	0.4
5–Digit Prebarcoded Letter size	1.7	1.7
3/5–Digit Prebarcoded Flats	1.5	1.5

1 Applicable only to the pound charge of carrier route (including high density and saturation) presorted pieces to be delivered within the delivery area of the originating post office.

2 Applicable only to carrier presorted pieces to be delivered within the delivery area of the originating post office.

3 Applicable to high density mail, deducted from carrier route presort rate.

4 For automation compatible pieces meeting applicable Postal Service regulations.

Periodicals Rate Schedule 423.3
Publications of Authorized Nonprofit Organizations [10]

Full Rates

	Postage rate unit	Current rate [1] (cents)	Proposed rate [1] (cents)
Per Pound:			
Nonadvertising portion	Pound	14.3	14.2
Advertising portion: [9]			
Delivery Office [2]	Pound	18.0	16.9
SCF [3]	Pound	19.1	19.0
1&2	Pound	21.2	21.4
3	Pound	22.3	22.4
4	Pound	25.0	25.1
5	Pound	29.2	29.2
6	Pound	33.5	33.6
7	Pound	38.8	38.8
8	Pound	43.2	43.2
Per Piece: Less Nonadvertising Factor of: [4]		4.2	4.2
Required Preparation [5]	Piece	21.3	21.9
Presorted to 3-digit city/5-digit	Piece	16.2	17.4
Presorted to Carrier Route	Piece	11.7	10.7
Discounts:			
Prepared to Delivery Office [2]	Piece	0.6	1.2
Prepared to SCF [3]	Piece	0.4	0.6
High Density (formerly 125-pc.) [6]	Piece	0.2	0.7
Saturation [7]	Piece	0.8	2.1
Automation Discounts for Automation Compatible Mail: [8]			
From Required:			
ZIP + 4 Letter size	Piece	0.8	N/A
Pre-barcoded Letter size	Piece	2.0	3.0
Pre-barcoded Flats	Piece	2.7	2.4
From 3/5 Digit:			
ZIP + 4 Letter size	Piece	0.5	N/A
3-Digit Pre-barcoded Letter size	Piece	1.2	2.3
5-Digit Pre-barcoded Letter size	Piece	2.0	2.3
Pre-barcoded Flats	Piece	1.8	2.4

Schedule 423.3 Notes

[1] Charges are computed by adding the appropriate per-piece charge to the sum of the nonadvertising portion and the advertising portion, as applicable.

[2] Applies to carrier route (including high density and saturation) mail delivered within the delivery area of the originating post office.

[3] Applies to mail delivered within the SCF area of the originating SCF office.

[4] For postage calculation, multiply the proportion of nonadvertising content by this factor and subtract from the applicable piece rate.

[5] Mail presorted to 3-digit (other than 3-digit city), SCF, states, or mixed states.

[6] Applicable to high density mail, deducted from carrier route presort rate.

[7] Applicable to saturation mail, deducted from carrier route presort rate.

[8] For automation compatible mail meeting applicable Postal Service regulations.

[9] Not applicable to publications containing 10 percent or less advertising content.

[10] If qualified, nonprofit publications may use Within-County rates for applicable portions of a mailing.

Periodicals Rate Schedule 423.4
Classroom Publications [10]

Full Rates

	Postage rate unit	Current rate [1] (cents)	Proposed rate [1] (cents)
Per Pound:			
Nonadvertising portion	Pound	11.3	11.3
Advertising portion: [9]			
Delivery Office [2]	Pound	18.0	16.9
SCF [3]	Pound	19.1	19.0
1&2	Pound	21.2	21.4
3	Pound	22.3	22.4
4	Pound	25.0	25.1
5	Pound	29.2	29.2
6	Pound	33.5	33.6
7	Pound	38.8	38.8
8	Pound	43.2	43.2

	Postage rate unit	Current rate [1] (cents)	Proposed rate [1] (cents)
Per Piece: Less Nonadvertising Factor of: [4]		3.5	3.5
Required Preparation [5]	Piece	17.1	17.1
Presorted to 3-digit city/5-digit	Piece	12.8	12.8
Presorted to Carrier Route	Piece	9.0	9.0
Discounts:			
Prepared to Delivery Office [2]	Piece	0.5	0.5
Prepared to SCF [3]	Piece	0.3	0.3
High Density (formerly 125-pc.) [6]	Piece	0.2	0.2
Saturation [7]	Piece	0.7	0.7
Automation Discounts for Automation Compatible Mail [8]			
From Required:			
ZIP + 4 Letter size	Piece	0.7	N/A
Pre-barcoded Letter size	Piece	1.7	1.7
Pre-barcoded Flats	Piece	2.3	2.3
From 3/5 Digit:			
ZIP + 4 Letter size	Piece	0.4	N/A
3-Digit Pre-barcoded Letter size	Piece	1.0	1.0
5-Digit Pre-barcoded Letter size	Piece	1.7	1.7
Pre-barcoded Flats	Piece	1.5	1.5

Schedule 423.4 Notes

[1] Charges are computed by adding the appropriate per-piece charge to the sum of the nonadvertising portion and the advertising portion, as applicable.

[2] Applies to carrier route (including high density and saturation) mail delivered within the delivery area of the originating post office.

[3] Applies to mail delivered within the SCF area of the originating SCF office.

[4] For postage calculation, multiply the proportion of nonadvertising content by this factor and subtract from the applicable piece rate.

[5] Mail presorted to 3-digit (other than 3-digit city), SCF, states, or mixed states.

[6] Applicable to high density mail, deducted from carrier route presort rate.

[7] Applicable to saturation mail, deducted from carrier route presort rate.

[8] For automation compatible mail meeting applicable Postal Service regulations.

[9] Not applicable to publications containing 10 percent or less advertising content.

[10] If qualified, nonprofit publications may use Within-County rates for applicable portions of a mailing.

Phasing Schedules

Summary of Proposed Rates for Phasing Schedule (Rate Schedule 321.4A)

STANDARD NONPROFIT—PRESORT CATEGORIES

(Cents)

	Step 2	Step 3	Step 4	Step 5	Step 6
Letter Size:					
Piece Rate:					
Basic	12.6	12.9	13.2	13.5	13.8
3/5-Digit	10.8	11.1	11.4	11.7	12.0
Destination Entry Discount per Piece:					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
Non-Letter Size:					
Piece Rate:					
Minimum per Piece:					
Basic	18.9	19.2	19.5	19.8	20.1
3/5-Digit	13.7	14.0	14.3	14.6	14.9
Destination Entry Discount per Piece:					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
Pound Rate	42.7	44.1	45.5	47.0	48.4
Plus per Piece Rate:					
Basic	10.0	10.0	10.0	10.0	10.0
3/5-Digit	4.8	4.8	4.8	4.8	4.8
Destination Entry Discount per Pound:					
BMC	6.2	6.2	6.2	6.2	6.2
SCF	8.8	8.8	8.8	8.8	8.8

Summary of Proposed Rates for Phasing Schedule (Rate Schedule 321.4B)

STANDARD NONPROFIT—AUTOMATION CATEGORIES

(Cents)

	Step 2	Step 3	Step 4	Step 5	Step 6
Letter Size:					
Piece Rate:					
Basic Letter	9.3	9.6	9.9	10.2	10.5
3–Digit Letter	8.9	9.2	9.5	9.8	10.1
5–Digit Letter	7.6	7.9	8.2	8.5	8.8
Destination Entry Discount per Piece:					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
Flat Size:					
Piece Rate:					
Minimum per Piece:					
Basic Flat	16.5	16.8	17.1	17.4	17.7
3/5-Digit Flat	11.3	11.6	11.9	12.2	12.5
Destination Entry Discount per Piece					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
Pound Rate	42.7	44.1	45.5	47.0	48.4
Plus per Piece Rate:					
Basic Flat	7.6	7.6	7.6	7.6	7.6
3/5-Digit Flat	2.4	2.4	2.4	2.4	2.4
Destination Entry Discount per Pound:					
BMC	6.2	6.2	6.2	6.2	6.2
SCF	8.8	8.8	8.8	8.8	8.8

Summary of Proposed Rates for
Phasing Schedule (Rate Schedule 321.5)

STANDARD NONPROFIT ENHANCED CARRIER ROUTE

(Cents)

	Step 2	Step 3	Step 4	Step 5	Step 6
Letter Size:					
Piece Rate:					
Basic	7.4	8.1	8.7	9.3	9.9
Basic Automated Letter	7.3	7.6	7.9	8.2	8.5
High-Density	6.8	7.5	8.1	8.7	9.3
Saturation	6.2	6.9	7.5	8.1	8.7
Destination Entry Discount per Piece:					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
DDU	2.4	2.4	2.4	2.4	2.4
Non-Letter Size:					
Piece Rate:					
Minimum per Piece:					
Basic	8.2	8.9	9.5	10.1	10.7
High Density	7.5	8.2	8.8	9.4	10.0
Saturation	6.9	7.6	8.2	8.8	9.4
Destination Entry Discount per Piece:					
BMC	1.3	1.3	1.3	1.3	1.3
SCF	1.8	1.8	1.8	1.8	1.8
DDU	2.4	2.4	2.4	2.4	2.4
Pound Rate:	33.1	36.4	39.3	42.2	45.1
Plus per Piece Rate:					
Basic	1.3	1.3	1.3	1.3	1.3
High Density	0.6	0.6	0.6	0.6	0.6
Saturation	0.0	0.0	0.0	0.0	0.0
Destination Entry Discount per Pound:					
BMC	6.2	6.2	6.2	6.2	6.2
SCF	8.8	8.8	8.8	8.8	8.8
DDU	11.4	11.4	11.4	11.4	11.4

Summary of Proposed Rates for
Phasing Schedule (Rate Schedule 423.3)

PERIODICALS: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS

(cents)

	Step 2	Step 3	Step 4	Step 5	Step 6
Per Pound: Non-Advertising Portion	13.4	13.8	13.8	14.2	14.2
Per Piece:					
Required Preparation	21.3	21.4	21.6	21.7	21.9
Presorted to 3–Digit City/5–Digit	16.8	16.9	17.1	17.2	17.4
Presorted to Carrier Route	10.1	10.2	10.4	10.5	10.7

Note.—All rate elements not shown are unaffected by step increases.

Proposed Special Rules of Practice

(Docket No. MC96–2)

Contents

1. Evidence

A. *Case-in-chief.* A participant's case-in-chief shall be in writing and shall include the participant's direct case and rebuttal, if any, to the United States Postal Service's case-in-chief. It may be accompanied by a trial brief or legal memoranda. There will be a stage providing an opportunity to rebut presentations of other participants and for the Postal Service to present surrebuttal evidence.

B. *Exhibits.* Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains or represents. The title may also contain a statement of the purpose for which the exhibit is offered; however, this statement will not be considered part of the evidentiary record. Where one part of a multi-part exhibit is based on another part or on another exhibit, appropriate cross-references should be made. Relevant exposition should be included in the exhibits or provided in accompanying testimony.

C. *Motions to strike.* Motions to strike are requests for extraordinary relief and are not substitutes for briefs or rebuttal evidence. All motions to strike testimony or exhibit materials are to be submitted in writing at least 14 days before the scheduled appearance of the witness. Responses to motions to strike are due within seven days.

D. *Designation of evidence from other Commission dockets.* Participants may request that evidence received in other Commission proceedings be entered into the record of this proceeding. These requests should be made by motion, should explain the purpose of the designation, and should identify material by page and line or paragraph number. Absent extraordinary justification, these requests must be made at least 28 days before the date for filing the participant's direct case. If requests for designations and counter-designations are granted, the moving participant must submit two copies of the approved material to the Secretary of the Commission for inclusion in the record.

Opposition to motions for designation and/or requests for counter-designations shall be filed within 14 days.

2. Discovery

A. *General.* Rules 25, 26 and 27 apply during the discovery stage of this proceeding except when specifically overtaken by these special rules. Questions from each participant should be numbered sequentially, by witness.

The discovery procedures set forth in the rules are not exclusive. Parties are encouraged to engage in informal discovery whenever possible to clarify exhibits and testimony. The results of these efforts may be introduced into the record by stipulation, by supplementary testimony or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing, or by other appropriate means.

In the interest of reducing motion practice, parties also are encouraged to use informal means to clarify questions and to identify portions of discovery requests considered overbroad or burdensome.

B. *Objections and motions to compel responses to discovery.* Upon motion of any participant in the proceeding, the Commission or the presiding officer may compel an answer to an interrogatory or request for admissions if the objection is overruled. Motions to compel should be filed within 14 days of an objection to the discovery request.

Parties who have objected to interrogatories or requests for production of documents or items which are the subject of a motion to compel shall have seven days to answer. Answers will be considered supplements to the arguments presented in the initial objection.

C. *Answers to interrogatories.* Answers to discovery requests shall be prepared so that they can be incorporated as written cross-examination. Each answer shall begin on a separate page, identify the individual responding, the participant who asked the question, and the number and text of the question.

Participants are expected to serve supplemental answers to update or to correct responses whenever necessary, up until the date that answers are accepted into evidence as written cross-examination. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

Participants may submit responses with a declaration of accuracy from the respondent in lieu of a sworn affidavit.

Answers to discovery are to be filed within 14 days of the service of the discovery request. Participants are urged, but not required, to deliver discovery requests by hand to those who are subject to the 14-day deadline.

D. *Follow-up interrogatories.* Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial

discovery period ends. They must be served within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

E. *Discovery to obtain information available only from the Postal Service.* Rules 25 through 27 allow discovery reasonably calculated to lead to admissible evidence during a noticed proceeding with no time limitations. Generally, through actions by the presiding officer, discovery against a participant is scheduled to end prior to the receipt into evidence of that participant's direct case. An exception to this procedure shall operate when a participant needs to obtain information (such as operating procedures or data) available only from the Postal Service. Discovery requests of this nature are permissible up to 20 days prior to the filing date for final rebuttal testimony.

3. Service

A. *Discovery requests.* Interrogatories, objections and answers thereto should be served, in conformance with Rule 12 on the Commission, the OCA (three copies), on the complementary party and on any other participant so requesting. Special requests relating to discovery must be served individually upon the party conducting discovery and state the witness who is the subject of the special request.

B. *Exceptions to general service requirements for certain documents.* Designations of written cross-examination, notices of intent to conduct oral cross-examination, and notices of intent to participate in oral argument shall be served on the Commission, the OCA (three copies), the Postal Service, and the complementary party (as applicable), as well as on participants filing a special request for service.

C. *Document titles.* Parties should include informative titles to identify the content of any filing. The relief requested or the issue addressed should be noted. Transmittal documents should identify the answers or other materials being provided.

D. *Supplementary electronic filing.* Participants are encouraged to supplement their service (on the Commission) of written copies with an identical version prepared in electronic format. Electronic copies will be posted on the Commission's Bulletin Board (202) 789–6891 and on the Commission's Home Page on the World Wide Web (www.prc.gov) by Commission-authorized personnel.

4. Cross-examination

A. *Written cross-examination.* Written cross-examination will be utilized as a substitute for oral cross-examination whenever possible, particularly to introduce factual or statistical evidence.

Designations of written cross-examination should be served no later than three working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, ''OCA–T1–17 to USPS witness Jones, answered by USPS witness Smith (July 1, 1996) as updated (July 21, 1996).'' When a participant designates written cross-examination, two copies of the documents to be included shall simultaneously be submitted to the Secretary of the Commission.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will be stricken from the record.

B. *Oral cross-examination.* Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three or more working days before the announced appearance of a witness and should include (1) specific references to the subject matter to be examined and (2) page references to the relevant direct testimony and exhibits.

Participants intending to use complex numerical hypotheticals or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be provided to counsel for the witness at least two calendar days (including one working day) before the witness's scheduled appearance.

5. General.

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda. Legal memoranda on matters at issue will be welcome at any stage of the proceeding.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony adverse to the participant conducting the cross-examination.

Library references may be submitted when documentation or materials are too voluminous reasonably to be distributed. Each party should sequentially number items submitted as library references and provide each item with an informative title. Parties are to file and serve a separate Notice of Filing of Library Reference(s). Library material is not evidence unless and until it is designated and sponsored by a witness.

[FR Doc. 96–8994 Filed 4–10–96; 8:45 am]
BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Rule 17f–4
SEC File No. 270–232
OMB Control No. 3235–0225

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is publishing for public comment the following summary of previously approved information collection requirements.

Rule 17f–4 [17 CFR 270.17f–4] under the Investment Company Act of 1940 [15 U.S.C. 80a–1 *et seq.*] (the ''Act'') specifies conditions under which a registered management investment company or its custodian may place the company's securities in a securities depository. The rule requires a custodian to provide confirmations and keep records of transactions, and requires the custodian, its agents, and depositories to provide reports on internal accounting controls. Confirmations and records give the company objective evidence of transactions performed on its behalf. Reports on internal controls provide information necessary to evaluate the safety of depository arrangements.

Approximately 100 custodians are subject to the requirement to provide confirmations and keep records, and those custodians and approximately 150 other agents and six depositories are subject to the requirement to provide internal control reports. The 256 respondents make approximately 25,256 responses and spend approximately 25,256 hours annually in complying with the reporting and recordkeeping requirements of the rule.

The estimates of burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study.

Written comments are requested on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: April 3, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8988 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26502; International Series Release No. 964]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 5, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 29, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

NorAm Energy Corp. (70–8811)

NorAm Energy Corporation (''NorAm''), 1600 Smith, 11th Floor, Houston, Texas, 77002, has filed an application under Section 3(b) of the Act for an order of exemption in connection with its contemplated acquisition, for an aggregate investment of up to $100 million over the next five-year period, of minority interests in businesses to establish and operate natural gas pipeline and distribution systems throughout Latin America (''Latin American Projects'').[1]

NorAm is engaged in the distribution and transmission of natural gas, with business and operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, Missouri and Minnesota. NorAm is not a public utility holding company under the Act.

NorAm proposes to participate in the Latin American Projects through wholly owned subsidiaries (''NorAm Subsidiaries'') that will acquire equity or debt interests in entities formed to hold the interests of various parties in the Latin American Projects (''Project Entities'').[2] NorAm will never acquire more than 49% of the equity or 49% of the debt of any Latin American Project.

The businesses to establish and operate natural gas distribution systems would be gas utility companies under the Act. Thus NorAm, the NorAm Subsidiaries, and the Project Entities would each be a holding company under the Act.

Section 3(b) of the Act authorizes the Commission to exempt any subsidiary company of a holding company from the Act if such subsidiary company derives no material part of its income, directly or indirectly, from sources within the United States, and neither it nor any of its subsidiary companies is a public utility company operating in the United States.

NorAm states that the Latin American Projects will not derive any income, directly or indirectly, from sources in the United States, and will not operate, or have any subsidiary operating, as a public utility company in the United States. NorAm further states that the proposed acquisitions will not affect or impair utility functions or the financial condition of NorAm. Under these circumstances, NorAm states that it is not necessary in the public interest or for the protection of investors to subject the businesses to any provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8989 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

[1] $100 million, as of December 31, 1995, represents approximately 2.7% of NorAm's consolidated assets and approximately 4.5% of NorAm's total capitalization.

[2] By order dated August 1, 1995 (HCAR No. 26345), the Commission issued to NorAm an order of exemption in connection with its contemplated acquisition of an interest in Gas Natural, S.A. (''Gas Natural''), a gas public utility, shares of which were to be sold by the Colombian government pursuant to a privatization plan. The shares have not yet been sold. The $100 million that NorAm proposes to spend over the next five-year period for the Latin American Projects would include the cost of the shares in Gas Natural.

[Investment Company Act Release No. 21874; 812–9878]

Qualivest Funds, et al.; Notice of Application

April 5, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Qualivest Funds (the ''Trust''); Qualivest Capital Management, Inc. (''QCM''); and BISYS Fund Services (''BISYS'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act from section 12(d)(1) of the Act and under sections 6(c) and 17(b) of the Act from section 17(a) of the Act.

SUMMARY OF APPLICATION: The order would permit series of the Qualivest Funds to operate as ''funds of funds'' by

investing substantially all of their assets in other series of Qualivest Funds.

FILING DATES: The application was filed on December 8, 1995 and amended on March 1, 1996. Applicants have agreed to file an amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 30, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 3435 Stelzer Road, Columbus, Ohio 43219.

FOR FURTHER INFORMATION CONTACT: David W. Grim, Staff Attorney, at (202) 942–0571, or David M. Goldenberg, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is a registered open-end management investment company organized as a Massachusetts business trust with several series. The Trust intends to establish four new series, which are referred to herein as the ''Parent Funds.'' The Trust currently has thirteen existing series. The existing series, along with each open-end management investment company or series thereof to be organized in the future and which is advised by, or to be advised in the future by, QCM, are referred to herein as the ''Underlying Funds.''

2. QCM, the adviser to the Funds, is an Oregon corporation and is registered as an investment adviser under the Investment Advisers Act of 1940. QCM is an affiliate of United States National Bank of Oregon, which is a wholly owned subsidiary of U.S. Bancorp. BISYS is the administrator for each of the Funds, and also acts as the principal underwriter and distributor for the Funds.

3. Each Underlying Fund offers multiple classes of shares. One of these classes of shares, Class Y shares, is sold to certain institutional investors and bank trust departments, is not subject to a sales load, and does not bear distribution or servicing expenses under a 12b–1 plan. Each Parent Fund will offer three separate classes of shares.

4. The Parent Funds are designed to allow investors to diversify their investments among a number of mutual funds. Each Parent Fund, pursuant to its investment objective, will invest exclusively (except for short-term money market instruments) in Class Y shares of the Underlying Funds and will allocate its assets among such funds in accordance with predetermined percentage ranges. The permissible ranges, as well as the identity of the Underlying Funds, are non-fundamental policies of each Parent Fund and may be changed by the Parent Fund's board of trustees. As new series of the Trust are established in the future, it is anticipated that the board of trustees of one or more of the Parent Funds will authorize investment in shares of such new Underlying Fund.

5. The Parent Funds are structured so as to avoid unnecessary duplication or layering of fees and expenses. QCM will provide advisory services to each of the Parent Funds for an annual fee equal to 0.05% of each Parent Fund's average daily net assets. These advisory services will consist primarily of asset allocation services, and the fees charged will be for services that are provided in addition to, rather than in duplication of, the services provided to the Underlying Funds.

Applicants' Legal Analysis

A. Section 12(d)(1)

1. Section 12(d)(1)(A) provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of any other acquired investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale would cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale would cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 6(c) provides that the SEC may exempt persons or transactions if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order under section 6(c) exempting them from section 12(d)(1) to permit the Parent Funds to invest in the Underlying Funds in excess of the percentage limitations of section 12(d)(1).

3. Section 12(d)(1) was intended to mitigate or eliminate actual or potential abuses that might arise when an investment company acquires shares of another investment company. These abuses include the acquiring fund imposing undue influence over the management of the acquired funds through the threat of large-scale redemptions, the acquisition by the acquiring company of voting control of the acquired company, the layering of sales charges, advisory fees, and administrative costs, and the creation of a complex pyramidal structure which may be confusing to investors.

4. Applicants believe that none of these potential or actual abuses are present in their proposed fund of funds structure. Applicants state that there is no basis for the concern that the Parent Funds would exercise influence over the management of the Underlying Funds by the threat of redemptions. Because the Parent Funds will acquire only shares of Underlying Funds, a redemption from one Underlying Fund will simply lead to the placing of the proceeds into another Underlying Fund. Further, the concern that shareholder redemption requests may frequently require a larger scale redemption is minimal. The Parent Funds are designed for persons investing for retirement and other long-term investment purposes. Also, the diversification of the Parent Funds lessens the need for investors to exchange between and among Qualivest Funds, which effectively decreases the rate of redemptions. Applicants also assert that the Parent Funds will pose no threat of excessive voting control over the Underlying Funds.

5. Applicants state that the proposed fund of funds structure contains no layering of sales charges, advisory fees, or administrative costs. Class A and Class C shares of the Parent Funds will be sold subject, respectively, to a front-end sales load and a CDSC. However, layering of sales charges will be avoided because the Parent Funds will invest

only in the Class Y shares of the Underlying Funds, which are not subject to a sales load. Similarly, both the Parent Funds and the Underlying Funds have adopted rule 12b–1 fees for Class A and Class C shares. Again, however, layering of distribution fees will be avoided because the Parent Funds will invest only in Class Y shares of the Underlying Funds, which do not bear any distribution expenses under the 12b–1 plans.

6. QCM will charge an annual advisory fee of 0.05% of each Parent Fund's average daily net assets. Applicants state that this advisory fee is based entirely on services that are provided in addition to, rather than duplicative of, the services provided pursuant to an Underlying Fund's advisory contract. Moreover, before approving any advisory contract under section 15 of the Act, the board of trustees of each Parent Fund, including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) (''Independent Trustees''), will have found that advisory fees charged under such contract are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to any Underlying Fund's advisory contract. Applicants assert that layering of advisory fees will therefore be avoided.

7. Applicants state that shareholder servicing costs, such as costs for transfer agency functions as well as printing and mailing prospectuses, shareholders reports, and proxies, will be borne by investors at the Parent Fund level. Layering will be avoided, however, because the shareholder servicing costs at the Underlying Fund level associated with the single account of a Parent Fund will be minimal. Certain non-shareholder servicing administrative expenses (e.g., custodial, accounting, auditing, legal, and trustee fees) will necessarily be incurred by both the Parent Funds and the Underlying Funds. BISYS, as administrator of each of the Parent Funds, will be responsible for providing these services, or arranging for these services to be provided, to the Parent Funds. These duplicative expenses are expected to be minimal, are expected to be substantially offset by the reduction in shareholder servicing costs for the Underlying Funds, and do not raise the same concerns as the fund or funds structures Congress sought to limit in enacting section 12(d)(1). Further, applicants have agreed that any sales charges or service fees charged with respect to the Parent Funds, including those paid by the Parent Fund with respect to securities of the Underlying Funds, will not exceed the limits set forth in the Rules of Fair Practice of the National Association of Securities Dealers, Inc. (''NASD'').

B. Section 17(a)

1. Section 17(a) makes it unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, to sell securities to, or purchase securities from, the company. The Parent Funds and the Underlying Funds may be considered affiliated persons because they are each advised by QCM. An Underlying Fund's issuance of its shares to a Parent Fund may be considered a sale prohibited by section 17(a).

2. Section 17(b) provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company involved; and (c) the proposed transaction is consistent with the general provisions of the Act. Applicants request an exemption under sections 6(c) and 17(b) to permit the Underlying Funds to sell their shares to the Parent Funds.[1] Applicants believe that the proposed transactions meet the standards of sections 6(c) and 17(b).

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. The Parent Funds and each Underlying Fund will be part of the same ''group of investment companies'' as defined in rule 11a–3 under the Act.

2. No Underlying Fund shall acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. A majority of the trustees of each Parent Fund will be Independent Trustees.

4. Before approving any advisory contract under section 15 of the Act, the board of trustees of each Parent Fund, including the Independent Trustees, shall find advisory fees charged under such contract are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to any Underlying Fund's advisory contract. Such finding, and the basis upon which the finding was made, will be recorded fully in the minute books of the Parent Fund.

5. Any sales charges or service fees charged with respect to securities of any Parent Fund, when aggregated with any sales charges or service fees paid by the Parent Fund with respect to shares of the Underlying Funds, shall not exceed the limits set forth in Article III, section 26, of the Rules of Fair Practice of the NASD.

6. The applicants agree to provide the following information, in electronic format, to the Chief Financial Analyst of the SEC's Division of Investment Management: monthly average total assets of each Parent Fund and each of its Underlying Funds; monthly purchases and redemptions (other than by exchange) for each Parent Fund and each of its Underlying Funds; monthly exchanges into and out of each Parent Fund and each of its Underlying Funds; month-end allocations of each Parent Fund's assets among its Underlying Funds; annual expense ratios for each Parent Fund and each of its Underlying Funds; and a description of any vote taken by the shareholders of any Underlying Fund, including a statement of the percentage of votes cast for and against the proposal by the Parent Funds and by the other shareholders of the Underlying Funds. Such information will be provided as soon as reasonably practicable following each fiscal year-end of the Parent Funds (unless the Chief Financial Analyst shall notify applicants in writing that such information need no longer be submitted).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9020 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Section 17(b) applies to specific proposed transactions, rather than an ongoing series of future transactions. *See* Keystone Custodian Funds, 21 S.E.C. 295, 298–99 (1945). Section 6(c) frequently is used to grant relief from section 17(a) to permit an ongoing series of future transactions.

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549

Revision:

Rule 10f–3

SEC File No. 270–237

OMB Control No. 3235–0226

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget

proposed amendments to rule 10f–3 under the Investment Company Act of 1940 (the ''Act'').

Rule 10f–3 permits, under certain conditions, purchases of securities from underwriting syndicates whose members include affiliated persons of the purchasing investment company. The proposed amendments to rule 10f–3 would increase the flexibility of funds relying on the rule to purchase greater quantities of securities, foreign securities not registered under the Securities Act of 1933, and municipal securities in group sales. The average additional burden imposed by the proposed amendments to rule 10f–3 would be 0.12 hours per respondent. The Commission estimates that approximately 600 funds rely upon rule 10f–3 each year. The total average annual burden for rule 10f–3 per respondent would be 1.12 burden hours and the total for all respondents would be 670 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–6004, and the Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: April 2, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9004 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37068; File No. SR–Amex–96–04]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 Relating to Changes to Its Membership Admission Procedures

April 4, 1996.

I. Introduction

On January 30, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to make several clarifying and ''housekeeping'' changes to the Admission of Members and Member Organizations section of the Amex rules, including changes with respect to the designation of nominees, and revisions to the requirements applicable to pension plans seeking to own memberships.

The proposed rule change was published for comment in Securities Exchange Act Release No. 36834 (February 13, 1996), 61 FR 6665 (February 21, 1996). One comment letter was received on the proposal.[3] On April 2, 1996, the Amex submitted to the Commission Amendment No. 1 to the proposed rule change.[4]

II. Description

The proposed rule change makes a number of changes to the Admission of Members and Member Organizations section of the Exchange rules and Rule 342. These include changing outdated references to the Exchange's Membership Admission Department to Membership Services, removing an inaccurate reference to a provision in the Amex Constitution from Rule 342, and amending the language of the Designation of Nominee subsection of Para. 9176 to conform it to current Exchange practice and a corresponding provision in the Amex Constitution.[5] Additionally, this subsection is being amended to clarify that all of a nominee's obligations to the Exchange and to other Exchange members or member organizations resulting from Exchange transactions or transactions in other securities made in the name of the nominee as member, are the obligations of the owner of the regular or options principal membership[6] and such owner is responsible for all such obligations.

Furthermore, the proposed rule change revises Para. 9179 as it relates to the provisions relative to membership ownership by pension plans to more accurately and completely represent the procedures to be followed in this regard. In particular, the proposed rule change clarifies that: (i) Sponsors and trustees of such pension plans are responsible for evaluating the inherent risks of owning a membership and must determine the advisability of such without relying on advice from the Amex or any of its officers or employees; (ii) the Amex will have no liability to either the participants in such pension plans or their beneficiaries in the event the purchase, operation or disposition of the membership results in loss to the pension plan and related trust; and, (iii) the plan sponsor and trustee must agree that they shall indemnify and hold the Exchange harmless from all claims, losses, expenses (including all attorney's fees) and taxes arising out of the purchase, operating and disposition of the membership. Additionally, the proposed rule change makes corrections to certain terminology currently used to describe the components of such pension plans.[7]

Finally, the proposed rule change, as originally proposed, mistakenly removed language from Para. 9174 that provided an exception from the Exchange's physical examination requirement for prospective members who desire only to own a regular or options principal membership and who choose not to become Participants in the Exchange's Gratuity Fund.[8] The removal

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Jonathan E. Feins, to Jonathan G. Katz, Secretary, SEC, dated March 13, 1996 (''Comment Letter'').

[4] *See* Letter from Linda Tarr, Senior Counsel, Amex, to Glen Barrentine, SEC, dated April 2, 1996 (''Amendment No. 1''). *See* note 10 and accompanying text for a description of Amendment No. 1.

[5] Specifically, the proposal changes references to the party who is eligible to appoint nominees in this section from ''member or member organization'' to ''owner of a regular or options principal membership.'' Under the Amex Constitution, only such owners are eligible to designate nominees. *See* Amex Const., Art. IV, Sec. 4(b)(2).

[6] Under the Amex Constitution and rules, individuals or organizations may own one or more Exchange memberships (*i.e.*, seats on the Exchange), and instead of ''operating'' the seats, can either lease their seats or designate nominees to operate the seats as their employees.

[7] For example, Para. 9179 of the Amex rules, inaccurately refers to participants belonging to pension plans eligible to own Exchange memberships as ''beneficiaries'' of such plans.

[8] An Exchange member is not required to pass any physical examination in order to become a Participant in the Amex's Gratuity Fund. In Securities Exchange Act Release No. 34968 (November 10, 1994), 59 FR 59804 (November 18, 1994) (File No. SR–Amex–94–23), the Commission published for comment a proposed rule change by the Amex which included amendments to the provisions applicable to the Exchange's Gratuity Fund. Among other things, the Amex proposed to amend the Amex Constitution to require prospective Participants in the Gratuity Fund to pass a physical examination and add a reference to this requirement to Para. 9176. The filing was subsequently withdrawn. In Securities Exchange Act Release No. 35723 (May 16, 1995), 60 FR 37523 (May 23, 1995) (File No. SR–Amex–95–08), the Commission approved changes to the Amex's membership structure and requirements, including revisions to the requirements for participation in the Gratuity Fund, while these requirements did not include a physical examination requirement, Para. 9176, as amended by Amex 95–08, mistakenly included language from Amex 94–23 that

of this exception would have subjected applicants who desire only to become owners of Amex memberships (whether or not they chose to participate in the Gratuity Fund) to the Exchange's physical examination requirement.[9]

The Exchange, however, did not intend this result. To the contrary, the Exchange intended to remove the provision in Para. 9176 requiring Participants in the Gratuity Fund to pass a physical examination and thereby to do away with the physical examination requirement altogether as it applies to members who will not be active on the Floor of the Exchange. In order to achieve this end, the Exchange submitted Amendment No. 1 to the proposed rule change, which revises Para. 9174 to exempt applicants who desire only to own a regular or options principal membership from the Exchange's physical examination requirement.[10]

III. Summary of Comments

The Commission received one comment letter from Jonathan E. Feins (the ''Comment Letter'').[11] The Comment Letter objected to the fact that the effect of the original proposal would have been to make all prospective members subject to the Exchange's physical examination requirement. The commenter stated that such a requirement was particularly unnecessary in the case of applicants who desired to own memberships solely for investment purposes. In addition, the commenter raised the possibility of a potential for abuse in the application of this requirement, given the lack of criteria in the Amex rules for ''passing'' or ''failing'' the physical examination.

In response, the Amex submitted Amendment No. 1 to the proposed rule change, which specifically exempts applicants who desire only to own regular or options principal memberships from the Exchange's physical examination requirement.[12]

IV. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[13] Section 6(b)(5) requires that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public.

The Commission finds that the proposed rule change to the requirements applicable to the designation of a nominee and the owner's responsibility for his or its nominee's obligations add clarity to these provisions without altering their substantive content. The proposed rule change states that only an owner of a regular or options principal membership can authorize an individual to act as his or its nominee, which conforms the language of this section both to the Exchange's current practice and the nominee designation provision of the Amex Constitution.

In addition, the proposed rule change sets forth, in a more direct fashion than the existing provision, an owner's responsibility for his or its nominees' obligations to the Exchange and other members or member organizations.

The Commission believes that the proposed rule change revising the procedures under which pension plans can acquire ownership of one or more memberships reasonably balances the Exchange's interest in having the flexibility to approve such entities for Exchange membership with the regulatory interests in protecting the financial and structural integrity of the Exchange. Most significantly, the proposal clarifies that a pension plan seeking to become a member must agree that: (i) its fiduciaries were responsible for deciding to invest in a membership and that the plan sponsor and trustee evaluated the inherent risks and advisability of owning a membership without relying on advice from the Exchange; (ii) that the Exchange will have no liability to either the plan's participants or their beneficiaries in the event the purchase, operation or disposition of the membership results in loss to the plan and related trust; and, (iii) to indemnify the Exchange from all claims, losses, expenses (including attorney's fees) and taxes arising out of the member's purchase, operation or disposition.

The Commission also finds that the proposed rule change adds clarity to the requirements applicable to pension plans seeking to own exchange memberships by correcting inaccuracies in the terminology currently used to describe the necessary components of such pension plans.

Furthermore, the Commission finds that the proposed rule change, as amended, has no substantive effect on the Exchange's existing practice with regard to the applicability of its physical examination requirement to prospective members. The proposed rule change, as amended, specifically states that those applicants who desire only to own a membership are not required to pass the physical examination. As a result, the physical examination requirement found in Para. 9178 only applies to those prospective members who will be active on the Floor of the Exchange, which is in accord with current Exchange practice.[14]

Moreover, the Commission believes that the proposed rule change, as amended, adequately addresses the concerns raised in the Comment Letter. In light of Amendment No. 1, the concern that the physical examination requirement would apply to those applicants who wish only to own a membership is eliminated. As for the commenter's concern that the requirement is subject to potential abuse because of a lack of stated criteria with regard to ''passing'' or ''failing'' the examination, the Commission notes that in the event this requirement is utilized to deny a prospective applicant membership on the Exchange, the Act provides the applicant with recourse to the Commission for a review of the Exchange's determination.[15]

referenced such a requirement. For a list of the requirements applicable to becoming a Participant in the Gratuity Fund, see Amex Const., Art. IX, Sec. 1.

[9] Para. 9174 subjects applicants who desire only to own a membership to the same requirements and procedures specified in the remainder of the Admission of Members and Member Organizations section of the Amex rules. Para. 9176 of this section requires that each applicant for membership must pass a physical examination. Therefore, the original proposal, by removing the inoperative language of Para. 9174 that limited the application of the physical examination requirement to those prospective owners of Amex memberships who choose to become Participants of the Gratuity Fund, made all prospective owners of Amex memberships subject to the physical examination requirement of Para. 9176.

[10] *See* Amendment No. 1, *supra* note 4. In Amendment No. 1 the Amex represented that the purpose of this amendment was to clarify that the physical examination requirement is only applicable to individuals who will be active on the Floor of the Exchange. The Amex further represented that this requirement is a long-standing one, which has been applied to Floor members routinely and without controversy for many years.

[11] *See* Comment Letter, *supra* note 3.

[12] *See supra* note 10 and accompanying text.

[13] 15 U.S.C. 78f(b).

[14] *See supra* note 10. The Commission notes that the rules of the New York Stock Exchange (''NYSE'') require prospective members who will be active on the Floor of the NYSE to take a physical examination. *See* NYSE Rule 301.22. In addition, the NYSE rules require that floor employees of NYSE member organizations must pass a yearly physical examination in order to exercise the privilege, granted by his or her floor ticket, to be admitted to the NYSE Floor. *See* NYSE Rule 35.

[15] *See* 15 U.S.C. 78s (d) and (f). These provisions allow for the initiation of Commission proceedings, either on the motion of the applicant or the Commission, where an exchange denies

Continued

The Commission finds good cause for approving Amendment No. 1 prior to the thirtieth day after the publication of notice thereof in the Federal Register. Amendment No. 1 made clarifying, technical changes to the text of the existing rule, and did not propose new substantive provisions to the proposed rule change. Accordingly, the Commission believes that consistent with Section 19(b)(2), good cause exists to accelerate approval of Amendment No. 1.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules change that are filed with the Commission, and all written communications relating to Amendment No. 1 between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available at the principal office of the NYSE. All submissions should refer to File No. SR–Amex–96–04 and should be submitted by May 2, 1996.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR–Amex–96–04), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9022 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

membership to any applicant. In such proceedings, the Commission will review the exchange's decision and has the authority to set aside the decision and require the Exchange to admit such applicant to membership.

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

[Release No. 34–37076; File No. SR–PSE–96–07]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange Incorporated Relating to the General Reorganization and Revision of the Exchange's Membership Rules

April 5, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 5, 1996, the Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to reorganize and revise PSE Rule 1, *Membership,* and to revise PSE rules 2, 4, 5, and 9.

Exhibit A contains the text of Revised PSE Rule 1, Chart I (which depicts the sources of Revised Rule 1), and Chart II (which depicts where the current rules appear in Revised Rule 1). Exhibit B contains the text of the proposed revisions to PSE rules 2, 4, 5, and 9. Although the exhibits are not being published with this notice, they are available for copying at the PSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b) (1).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing these revisions to Rule 1 because much of its language is outdated, inapplicable, or both. Revised Rule 1 more accurately reflects the current procedures and requirements of the Exchange's membership department. While many of the provisions of existing Rule 1 have been kept, they have been reorganized so that the provisions concerning Exchange membership are presented in a more logical and chronological order. In addition, much of Rule 1's language has been rephrased for ease of comprehension. The Exchange has made these changes in order to enable readers to quickly identify the provisions related to a particular membership issue.

As part of its review of the existing provisions of Rule 1, the Exchange's staff also reviewed the membership rules of other exchanges. As described more particularly below, certain provisions from the New York Stock Exchange, Inc. (''NYSE''), the Chicago Board Options Exchange, Incorporated (''CBOE''), and the Chicago Stock Exchange, Incorporated (''CHX'') are incorporated in Revised Rule 1.

The Exchange also is proposing to make conforming changes to certain provisions in PSE rules 2, 4, 5, and 9, as well as retitling Rule 9. A summary of the changes, organized by reference to the proposed section numbers, is set forth below.

Rules 1.1(a)–(o); Definitions

A ''Definitions'' section was added to Revised Rule 1 to provide an explanation of the terms used by the PSE in relation to membership. Many of the definitions already were contained in the PSE Constitution and PSE Rule 4, but the Exchange determined that it would be more practical to place these definitions in alphabetical order at the beginning of Revised Rule 1. The sources for the definitions contained in the proposal are listed in Chart I. The discussion below notes any significant additions or changes to these defined terms.

The definition for ''Affiliate'' is based on the same definition in SEC Rule 405.[2] The proposed definition of an ''Allied Member'' utilizes language from Article V, Section 6, of the PSE Constitution and adds language to cover

[2] 17 CFR 230.405 (setting forth the definitions applicable to the registration of securities).

employees and principal executive officers of limited liability companies. The definition for ''Approved Person'' is based on language from PSE Rule 4.1(n), which was rephrased and includes language to cover persons who contribute 5% or more of a partnership's capital. The definition for ''Associated Person,'' which is based on Article V, Section 7 of the PSE Constitution, adds ''member of a limited liability company'' and ''trustee of a business trust.'' The definition for ''Control,'' combines language from PSE Rule 4.1(s) and Form BD, Uniform Application for Broker-Dealer Registration. The definition for ''Floor Member'' is based on existing PSE Rule 1.1(a). The definition of ''Good Standing'' is based on the definition in Article II, Section 2.2, of the CBOE Constitution.

The definition for ''Inactive Lessor'' is based on the ''inactive member'' language currently in the ''Member'' definition in Article V, Section 3, of the PSE Constitution. The definition for ''Inactive Lessor'' was further amended by the Board of Governors on January 25, 1996 to eliminate the broker-dealer registration requirement for firms (partnerships, corporations, limited liability companies) acting solely as lessors and who are not conducting business for which broker-dealer registration is required. Under the existing definition for ''Inactive Member,'' broker-dealer registration is not required for individual seat owners, but is required for all others. A review of other exchanges' rules disclosed that the CBOE and the American Stock Exchange, Inc. (''Amex'') do not require broker-dealer registration for inactive lessors, regardless of whether they were individuals, partnerships, corporations, or other entities.[3]

The definitions for ''Member,'' ''Member Firm,'' and ''Member Organization'' are from the PSE Constitution, Article V, Sections 3, 4, and 5, respectively. The definition for ''Nominee'' simply refers the reader to Article VIII, Section 2(d), of the PSE Constitution. The definition for ''Non-Resident Member Organization'' was included because of the new provision in Revised Rule 1.16, *Responsibilities of Non-Resident Member Organizations.* The definition is based on the definition of Non-Resident Broker Dealers in SEC Rule 17a–7.[4] The definition for ''Parent'' is new and is based on the same definition in SEC Rule 405.[5] Finally, the definition for ''Person,'' based on PSE Rule 4.1(t), adds ''limited liability company'' and ''trustee of a trust fund'' to the definition.

Rules 1.2 and 1.3: Public Securities Business

Revised Rule 1.2, *Public Securities Business,* is new to the PSE. This new language was included to require members to use their memberships for trading, either directly or indirectly through the execution of a lease agreement. This provision, which is based on CBOE Rule 3.1, is designed to assist the Exchange in addressing problems associated with unassigned memberships. The proposal reserves Rule 1.3 for future use.

Rules 1.4 to 1.9: Qualifications and Application for Membership

The existing provisions relating to qualification and application for membership were completely reorganized to set forth the Membership Department's requirements in a more orderly and chronological manner. The reorganization is designed to make the provisions easier to follow and understand. In addition to the PSE's current membership requirements, the proposal also adds proposed rules 1.4, 1.5, 1.7, and 1.8.

Revised Rule 1.4, *Qualifications of Individual Members,* which is based on CBOE Rule 3.2 and Article VI, Section 1 of the PSE Constitution, and Revised Rule 1.5, *Qualifications of Member Organizations,* which is based on CBOE Rule 3.3, establish some of the basic requirements necessary for Exchange membership. They require that all members and member organizations, except ''Inactive Lessors,'' must be registered pursuant to Section 15[6] of the Act.[7] In addition, Revised Rule 1.5(b) requires member firms who own or lease a membership to designate a natural person as its member. When a member confers the privileges of membership on a member firm, Revised Rule 1.5(c) requires that member to be the firm's designated representative and prohibits members from representing more than one member organization.

In addition to the authority contained in Current Rule 1.4, Revised Rule 1.7, *Denial of and Conditions to Membership,* which is based on PSE Rule 1.4 and CBOE Rule 3.4, grants the Membership Committee greater discretion when reviewing applications. The proposal contains two new grounds for denying or conditioning membership—an applicant, either directly or indirectly, has engaged in conduct that would bring the Exchange into disrepute or any other reasonable cause the Membership Committee may decide. In addition, the Membership Committee may toll the approval process while an applicant is the subject of an investigation by any self-regulatory organization or government agency and may take action against a member if any of the reasons for denying or conditioning membership comes into existence after a member has been approved and has become effective.

Revised Rule 1.8, *Effectiveness of Membership Applications,* which is based on CBOE rules 3.10 and 3.11, requires all approved applications to be activated by the applicant within six months[8] and requires the Exchange to provide all members with notice of all newly effective memberships.

The proposal reserves 1.9 for future use.

Rules 1.10 to 1.20: Requirements of Membership

This new section pulls together the obligations of members and member organizations from different locations and describes particular requirements for sole proprietors, corporations, partnerships, and limited liability companies. New to the PSE are proposed rules 1.10(a), 1.10(b), 1.11(a)–(c), 1.16, and 1.17(a). The proposal reserves 1.13, 1.15, and 1.20 for future use.

Revised Rule 1.10(a), which is based on CHX Article I, Rule 1(b), prohibits sole proprietors from carrying public customer accounts, and Revised Rule

[3] *See* American Stock Exchange Guide (CCH) ¶ 9174 (excepting applicants desiring only to own a membership from the broker-dealer registration requirement); CBOE Rule 1.1 (ff) (prohibiting lessors from conducting a public securities business); CBOE Rule 3.2 (excluding lessors from the broker-dealer registration requirement).

[4] 17 CFR 240.17a–7 (setting forth additional recordkeeping requirements that are applicable to nonresident brokers and dealers).

[5] 17 CFR 230.405 (setting forth the definitions applicable to the registration of securities).

[6] 15 U.S.C. 78*o*.

[7] *See* discussion *supra* concerning the new definition of ''Inactive Lessor.''

[8] The Commission notes that Revised Rule 1.8(a) conflicts with Article VI, Section 3, of the PSE Constitution. The proposal states that approved applications must be activated by the applicant within six months, while the PSE Constitution provides that admission to membership automatically becomes effective after an approved application has been posted for 10 days.

In addition, Revised Rule 1.6(b) conflicts with Article VI, Section 2, of the PSE Constitution. The PSE Constitution requires that the name of the applicant be posted after it has been approved. The proposal, however, requires the name of all applicants to be posted within a reasonable time after receipt and before being approved.

The Exchange anticipates rectifying this situation in September of 1996. Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Anthony P. Pecora, Attorney, SEC (Mar. 22, 1996).

1.10(b) prohibits sole proprietors from registering a membership in the name of a nominee.

Revised rules 1.11(a)–(c), which are based on NYSE rules 311(a) and 312(a), are designed to give the Exchange greater oversight of allied members and approved persons. Revised Rule 1.11(a) provides that allied members and approved persons are subject to Exchange approval and that the Exchange must receive written notice, all applicable fees, and all necessary information before an allied member or approved person will be admitted. Revised Rule 1.11(b) prohibits a firm from remaining a member firm unless all persons required to be approved are in fact approved, and the member firm continues to meet all of the prescribed membership requirements. Revised 1.11(c) requires that the Exchange promptly receive written notice of the dissolution of a member firm, as well as written notice of the death, retirement, or other termination of any member, allied member, or approved person.

Revised Rule 1.16, *Responsibilities of Non-Resident Member Organizations,* is based on CHX Article I, Rule 1(g) and, in accordance with SEC Rule 17a–7,[9] places additional requirements on members that do not maintain an office in the United States that is responsible for preparing and maintaining financial and other reports required to be filed with the SEC.

Revised Rule 1.17(a), which is based on CHX Article III, Rule 4, codifies and clarifies the continuing obligation of member firms to file copies of amendments to their formation documents with the Exchange.

Rules 1.21 to 1.25: Purchase, Sale, Transfer, and Lease of Membership

The provisions relating to the purchase and sale of memberships are essentially unchanged in substance. Of particular note, however, are proposed rules 1.21(b), 1.22(a), and 1.23 because they either are new to the PSE or modify existing responsibilities.

Revised Rule 1.21(b), which is based on CBOE Rule 3.13(b), requires the Exchange to post the highest bid with the earliest submission date on the Exchange bulletin board for six months. Likewise, Revised Rule 1.22(a), which is based on CBOE Rule 3.14(a), requires the Exchange to post the lowest offer with the earliest submission date on the Exchange bulletin board for six months. When a bid filed in accordance with the provisions of Revised Rule 1.21, *Purchase of Membership,* is matched with an offer filed in accordance with the provisions of Revised Rule 1.22, *Sale of Membership,* neither can be changed or withdrawn.

In addition to the types of transfers already defined in the PSE rules, Revised Rule 1.23, *Transfer of Membership,* adds ''Succession of member organization'' to the list of permissible interfirm transfers. This rule, which is based on CBOE Rule 3.14(c) and PSE Rule 1.10(a), allows a membership to be transferred from a member organization to an organization that succeeds through statutory merger, exchange of stock, or acquisition of assets to the business of the transferring membership organization.

The proposal reserves 1.25 for future use.

Rules 1.26–1.27: Employees of Member Organizations

Revised rules 1.27 (a), (b), (c), and (d) represent language new to the Exchange. Revised Rule 1.27(a), which is based on PSE Rule 5.1(a) and NYSE Rule 35, clearly states that all employees of member organizations seeking admission to the Floor must first be approved by the Exchange. Revised Rule 1.27(c) is based on NYSE rules 35 and 346(f) and requires every member organization to take reasonable care to determine the existence of a statutory disqualification.[10] To assist member organizations in fulfilling this duty, Revised Rule 1.27(b), which is based on CSE Article V, Rule 3, Interpretation .2 and NYSE Rule 35, supplementary material .60, requires all floor employees to submit fingerprints and to complete an application form that includes those questions from the Form U–4 that would aid member organizations in determining whether an individual is subject to a statutory disqualification. In addition, the application must be signed by the member firm. Revised Rule 1.27(d) codifies the Exchange's policy requiring a member firm with an employee on one of the PSE's trading floors to have at least one member present on the trading floors at all times. The Exchange believes these provisions will help member organizations and the PSE identify persons who are subject to a statutory disqualification and, in addition, enhance the overall security on the PSE's trading floors.[11]

Provisions Removed from Existing PSE Rule 1

In updating the PSE's rules, Revised Rule 1 omits certain requirements that presently are contained in Rule 1. Specifically, the proposal is deleting provisions from 1.1(b), 1.1(c), 1.1(d), 1.1(f), 1.6(a), 1.6(e), 1.10, 1.14, 1.16(e), and 1.17(f).

Rule 1.1(b), *Eligibility,* requires, among other things, that a Floor Member have at least six months experience on the Floor of the Exchange, unless such experience requirement is waived by the Floor Trading Committee. Rule 1.1(c), *Registration of Floor Members,* provides for the possibility of a written exam for floor members; these requirements are not contained in Revised Rule 1 because they are beyond the scope of this rule. These requirements concern qualifications to act on the Floor and, therefore, should be covered by the Floor Trading Committee's rules.[12]

Rule 1.1(d), which requires Board approval of applications to become a Floor Member, and Rule 1.1(f), which requires member organizations to cancel approved Floor Member applications in writing, are both being deleted because the Exchange considers them unnecessary.

Rule 1.6(a)(1) requires that a majority of a member's Board of Directors be either members or allied members. Rule 1.6(a)(2) requires that at least one director of a member firm be a member of the Exchange. The proposal deletes both of these requirements.[13]

The proposal omits Rule 1.6(e)'s prohibition on member firms acting as floor brokers from having any freely transferable security outstanding. The Exchange believes this requirement is unnecessary because it does not anticipate being the Designated Examining Authority for these types of firms.

In order to avoid the confusion caused by having some of the PSE's fees listed in both its rules and in its fee schedule, the proposal omits all references to the fees currently enumerated in Rule 1.10.[14] Also, the fee reductions in Rule

[9] 17 CFR 240.17a–7 (requiring nonresident brokers and dealers to maintain books and records in the United States that comply with all of the Commission's rules and regulations or to grant the Commission an irrevocable power of attorney to demand such books and records be provided within 14 days after the Commission's written request).

[10] *See* 15 U.S.C. 78c(a)(39) (listing categories of people that are statutorily disqualified).

[11] *See* Securities Exchange Act Release No. 33045 (Oct. 14, 1993), 58 FR 54179 (approving File No. SR–NYSE–93–28).

[12] Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Glen Barrentine, Team Leader, SEC (Nov. 24, 1995).

[13] The Commission notes that the proposal would permit a majority of a member firm's directors to be approved persons, and a member firm's Board could be devoid of members.

[14] Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Anthony P.

1.10 that pertain to the Options Funding Plan of 1975 are being deleted because they are no longer relevant.[15]

The rules pertaining to ''Special Memberships,'' rules 1.14 (a)–(c), are being deleted because they are no longer necessary.[16]

Rule 1.16(e) allows the Exchange to waive certain rules concerning officers and employees, as long as the member or member organization is a member of another national securities exchange having comparable requirements. The rules, however, do not permit the waiver of the requirement that members and member organizations promptly notify the Exchange of the employment or termination of employment of a registered employee in California. The proposal deletes this reporting obligation.

Rules 1.17(f) and 1.17(g) pertain to the giving of gifts and gratuities by members to employees of other members and to employees of the Exchange. The rules currently require that the Exchange and, when relevant, the recipient's employer give their prior consent. The proposal modifies this policy by requiring prior Exchange consent only when a member wants to give a gift to an Exchange employee. The Exchange has not been requiring members to obtain the Exchange's prior consent when members were giving gifts to employees of other members.[17] Therefore, the Exchange proposes to conform its rules to its current practice.

PSE Rules 2, 4, 5, and 9

In order to accommodate the revisions to Rule 1, certain changes need to be made to other existing PSE rules. Rules 1.6(b), *Owners of 5% or More Equity Securities,* 1.6(d), *Change in Stockholder Status,* 1.6(g), *Trading in Firm's Securities,* 1.6(h), *Change in Capitalization,* 1.6(j), *Conditions for Issuance of Freely Transferable Securities,* 1.6(k), *Limitations on Issuance of Freely Transferable Securities,* 1.6(*l*), *Voting Agreement,* and 1.6(*o*), *Participation in Member Firms,* are being relocated to Rule 2.3. Rule 1.8, *Fidelity Bonding Requirements,* is being relocated to Rule 2.25.

Because certain provisions already appear in Revised Rule 1, the following duplicative sections are being deleted from the current rules: 4.1(h), *Member,* 4.1(i), *Member Firm,* 4.1(j), *Member Organization,* 4.1(n), *Approved Person,* 4.1(s), *Control,* 4.1(t), *Person,* and 5.1(a), *Floor Clerks.*

Rule 9 is being retitled from ''Conduct of Accounts'' to ''Conducting Business with the Public.'' In addition, rules 1.15(a), *Register with Exchange,* 1.15(b), *Joint Quarters,* 1.15(c), *Office Supervision,* 1.15(d), *Employee Supervision,* 1.17(a), *Guarantees,* 1.17(b), *Sharing Profits—Losses,* 1.17(c), *Compensation Rebate,* 1.17(d), *Member Compensation Only,* are being relocated to Rule 9.1. Also, rules 9.1(a)–(c) are being renumbered 9.2(a)–(c). Finally, Rule 9.2 is being renumbered to 9.3(a), and Rule 9.3 is being renumbered to 9.3(b).

Exhibit B depicts all of these changes along with the required renumbering changes.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[18] of the Act in general and furthers the objectives of Section 6(b)(5)[19] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Revised Rule 1 was submitted to the Membership Committee for their review. Exchange Staff met with members of the Membership Committee to discuss their recommendations, many of which are incorporated into Revised Rule 1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–96–07 and should be submitted by May 2, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Pecora, Attorney, SEC (Mar. 22, 1996). The Commission notes that numerous discrepancies between the PSE's rules and its fee schedule currently exist. For example, the initial membership fee in PSE Rule 1.10(a)(i)(A) is ''5 percent of the average purchase price *plus* the *two* preceding seat sales,'' while the fee schedule sets the initial membership fee at ''5 percent of the *average* price of the last *three* membership sales, with a minimum of $1,000 and a maximum of $4,000.'' (Emphasis added). *See also* PSE Rule 1.10(c)(i) (no minimum or maximum); PSE Rule 1.10(c), cmt. 01 ($350 minimum and $3,500 maximum).

[15] Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Glen Barrentine, Team Leader, SEC (Nov. 24, 1995).

[16] Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Glen Barrentine, Team Leader, SEC (Nov. 24, 1995). Special Memberships were special nonvoting memberships created by the PSE in 1987 that allowed the holder to trade only in options overlying the Financial News Composite Index, the PSE High Technology Index, and such other new products as may be determined by the Exchange's Board. These memberships were scheduled to expire on December 29, 1987. *See* Securities Exchange Act Release No. 24516 (May 27, 1987), 52 FR 20659 (approving the issuance of the Special Memberships).

[17] Telephone conversation between Rosemary A. MacGuinness, Senior Counsel, PSE, and Anthony P. Pecora, Attorney, SEC (Mar. 22, 1996).

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] 17 C.F.R. 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9019 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37077; File No. SR–Phlx–95–86]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Index Options Exercise Advices

April 5, 1996.

I. Introduction

On December 28, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Phlx Rule 1042A, Exercise of Option Contracts, and Floor Procedure Advice (''Advice'') G–1, Exercise Requirements. The Phlx proposes to extend the deadline for the receipt or preparation of a memorandum to exercise, as well as the submission of an exercise advice form, from five minutes after the close of trading to 4:30 p.m. In addition, as minor changes to paragraph (ii) will result in the inclusion of the National Over-the-Counter Index option, Phlx Rule 1042A(a)(iii) will be deleted.

The proposed rule change appeared in the Federal Register on February 27, 1996.[3] No comments were received on the proposed rule change. This order approves the Phlx's proposal.

II. Background and Description

Phlx Rule 1042A and Advice G–1 govern the exercise of index options. These provisions state that with respect to index option contracts, clearing members are required to follow the procedures of the Options Clearing Corporation (''OCC'') for tendering exercise notices. Phlx member organizations are also required to comply with the following procedures. First, a memorandum to exercise any American-Style index option must be received or prepared by the Phlx member organization no later than five minutes after the close of trading on the day of exercise. Thus, the current deadline is 4:15 p.m. for narrow-based index options and 4:20 p.m. for broad-based index options. Second, when exercising 25 or more American-style index option contracts, other than an option contract on the National Over-the-Counter Index, submission of an exercise advice form to the Exchange is required no later than five minutes after the close of trading on the day of exercise. Third, with respect to options on the National Over-the-Counter Index, the deadline for compliance with the above provisions is 4:20 p.m. or five minutes after the close of trading.

Pursuant to Phlx Rule 1042A(b), however, the above requirements are not applicable with respect to any series of stock index options on the last day of trading prior to the expiration date of such series of options. The above stated requirements are also not applicable to European-style index options which, by definition, cannot be exercised prior to expiration. Lastly, the Exchange notes that the procedures for exercising equity option contracts contained in Phlx Rule 1042, are not affected by this rule proposal.

The Phlx proposes to establish a 4:30 p.m. deadline for both a memorandum to exercise and exercise advice forms for all index options. This will extend the cut-off time by 15 minutes for narrow-based index options and by 10 minutes for broad-based index options. According to the Phlx, the purpose of this rule change is to provide additional time for the preparation and transmission of the required exercise information. After the close of trading, index option position holders are not instantly aware of their final positions, including hedges in the underlying security and futures contracts. According to the Phlx, knowing the exact, final position is often crucial to making a determination of whether to exercise.

In addition, the current procedure for these submissions presents logistical problems for compliance within five minutes after the close of trading. For example, the distance between trading stations for certain index options on the Phlx trading floor (*e.g.*, Gold/Silver Index) and the depository for advice submissions is not easy to traverse within five minutes, especially at the close of trading when there is a great deal of movement on the trading floor. If a trade occurs during the final minute of trading, this situation is exacerbated since additional time might be used to ensure that the trade ticket and participation was properly submitted. And, as stated above, reports from futures orders placed to hedge option positions must still be ascertained, usually by going to another location on the floor (*e.g.*, the booth where telephones and clerks are located). The Phlx believes that it is in the interest of order and safety to change this process.

The Phlx believes that the current deadline not only creates time pressure and uncertainty, but may also force index option traders not to participate in large or complex trades, especially near the close, thereby hampering liquidity. The Phlx believes that the extra time is reasonable under these circumstances.

Lastly, to improve clarity, the Exchange proposes to delete paragraph (a)(iii) of Phlx Rule 1042A and incorporate the exercise requirements pertaining to options on the National Over-the-Counter Index in paragraph (a)(ii).

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5),[4] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and will serve to protect investors and the public interest. Specifically, the Commission believes that the amendments to Phlx Rule 1042A and Advice G–1 to extend the deadline for submitting exercise advice forms will benefit market participants by allowing them to make investment decisions based on the evaluation of their final positions after having completed trading for the day.

The Commission also believes that the proposal will benefit the market in general by fostering higher quality markets at the close of the trading day. First, market makers will not be preoccupied with the process of submitting exercise advice forms prior to the actual close of the market and, therefore, can concentrate more fully on proving a quality market at the close. Second, market participants will be able to determine whether or not their orders on other related markets were executed, such as orders intended to hedge their options positions. If their hedging transactions in other markets are not executed by 4:30 p.m., then, under the proposal, market participants will still be able to exercise their options positions and not remain in an unhedged position. Third, the proposal will give market participants additional time to evaluate the closing prices of the stocks that are used to calculate the indexes and determine whether or not to exercise their positions.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 36862 (February 20, 1996), 61 FR 7297 (February 27, 1996).

[4] 15 U.S.C. 78f(b) (1988).

In addition, the Commission believes that the proposal to delete paragraph (a)(iii) to Phlx Rule 1042A and to incorporate that provision into paragraph (a)(ii) will help to clarify the application of the rule.

IV. Conclusion

For the foregoing reasons, the Commission finds that the Phlx's proposal to extend the deadline for the receipt or preparation of a memorandum to exercise, as well as the submission of an exercise advice form, is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[5] that the proposed rule change (SR–Phlx–95–86) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9021 Filed 4–10–96; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Commercial Vehicle Information Systems and Networks (CVISN) Model Deployment Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Request for information (RFI).

SUMMARY: The FHWA intends to solicit applications for the CVISN Model Deployment Program. CVISN is essentially information system elements that support commercial vehicle operations (CVO). This includes information systems owned and operated by governments, motor carriers, and other stakeholders. CVISN is not a new national information system, but rather a way for existing systems to exchange information through the use of standards and the US commercially available communications infrastructure. CVISN will enable government agencies, the motor carrier industry, and other parties engaged in commercial vehicle operations, safety, and regulation to exchange information and conduct business transactions electronically. The objectives of CVISN include the following elements:

a. Distribution of safety information to computers at the roadside to target high risk carriers;

b. Use of license plate reader(s) at roadside to electronically identify commercial vehicles and carriers to check safety information;

c. Electronic collection of inspection data from the roadside and uploading to SAFETYNET;

d. Electronic application for credentials by motor carriers;

e. Interfacing of State systems to the International Registration Plan (IRP) clearinghouse;

f. Interfacing of State systems to the International Fuel Tax Agreement (IFTA) clearinghouse; and

g. Electronic clearance at fixed and/or mobile sites.

To assist FHWA in preparing the request for applications, the FHWA is publishing this RFI to solicit comment on issues related to the CVISN model deployment program. This RFI has been sent to all State agencies that have major responsibilities for the State transportation system, Motor Carrier Safety Assistance Program (MCSAP), vehicle registration, and vehicle fuel tax. The RFI outlines FHWA's plans for model deployment of CVISN in seven pilot States. A full text of the CVISN RFI is being provided for comments.

DATES: Comments must be received on or before April 22, 1996.

ADDRESSES: Submit comments to: electronic mail to; Mr. Doug McKelvey at DMCKELVEY@INTERGATE.DOT.GOV; Facsimile to FHWA CVISN RFI at (202) 366–7908; or mail to: Mr. Doug McKelvey, Federal Highway Administration, Office of Motor Carriers, 400 7th Street, S.W., HSA–20, Rm. 3419, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Doug McKelvey, Office of Motor Carriers, (202) 366–0950.

SUPPLEMENTARY INFORMATION: Request for Information on the CVISN Model Deployment Program in support of Intelligent Transportation Systems (ITS) for CVO.

1. Introduction

1.1 Background

Commercial vehicle business practices and systems were originally designed primarily for intrastate trucking, but several factors have changed the way CVO business is conducted. These factors include increased emphasis on safety, improved truck technology, the construction of the Interstate Highway System, the industry's deregulation in 1980, and the interstate agreements for registration and fuel tax being adopted nationwide. The systems supporting CVO operations have not kept pace. Many of the systems supporting CVO are manual processes requiring redundant data entry and cannot share information within and among States and customers. Additionally, State safety and administrative responsibilities for commercial vehicles are projected to increase over the next several years and State budgets are anticipated to remain stable or face reductions. To address these issues, the United States Department of Transportation (US DOT), through the FHWA, intends to support model deployment of CVISN in a number of States. CVISN is essentially information system elements that support commercial vehicle operations. This includes information systems owned and operated by governments, motor carriers, and other stakeholders. CVISN is not a new information system, but rather a way for existing systems to exchange information through the use of standards and the US commercially available communications infrastructure. CVISN will enable government agencies, the motor carrier industry, and other parties engaged in CVO safety and regulation to exchange information and conduct business transactions electronically. The purpose of investing in model deployment of CVISN in States is (1) to facilitate the development and deployment of ITS services that will increase the safety and productivity of CVO and (2) to ascertain and educate the general public and key State and industry decision makers on the costs and benefits of ITS for CVO.

1.2 Description of CVISN Model Deployment Program

The pilot deployment of CVISN is focused on safety and administrative processes. Safety systems are being pursued to improve safety on the nation's highways and to reduce the burden on safe carriers, and help streamline government processes. Administrative processes are being pursued because of expected benefits to states and the high benefit/cost ratio identified in a recent study for carriers processing 100 or more trucks. Three examples of CVISN include screening for safety, acquiring credentials, and mainline screening. Screening for safety would include Safety and Fitness Electronic Records (SAFER) System information that would provide a carrier safety snap-shot to the state and in-turn to the roadside mobile and/or fixed inspection/weigh facility. A hypothetical scenario would include the following: The vehicle pulls into the facility and the United States Department of Transportation number is obtained. This information is then

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30–3(a)(12) (1994).

checked on the pen base computer which has a selection algorithm that suggests if the vehicle should be inspected for safety. If the inspection is performed, information is entered into the database via the pen base computer. The results of the information will provide vehicle clearance or a citation may be issued.

Carriers and commercial motor vehicle operators will obtain credentials and perform carrier to state business transactions electronically, directly from their offices. Carrier Automated Transaction (CAT) Software that perform these transactions will be provided free of charge to the model deployment states. The CAT is user-friendly personal computer software developed using a graphical user interface and will be tested in the prototype states prior to deployment in the model deployment states. It will be provided to all, but primarily used by small to medium sized carriers, states, and service providers. The CAT software uses open standards being developed through the American National Standards Institute, and these standards are scheduled to be formally adopted once they are tested and approved by the pilot states. These open standards allow all organizations to develop compatible CAT type software. Larger carriers would likely use these open standards to integrate carrier to state transaction software into their existing fleet management systems.

Carriers could enroll in mainline screening projects that allow carriers to pass inspection stations at mainline speeds for those states with roadside inspection/weigh facilities. A carrier's safety record will be evaluated using available safety information. The probability of a safe carrier being inspected would be very low while the probability of a historically unsafe carrier would be very high. Participating motor carrier vehicles in the mainline screening program would be weighed and classified by high speed screening equipment on the highway preceding the inspection facility and electronically examined via a truck-mounted transponder to ensure that all required electronic screening criteria was met. If the vehicle meets the criteria, the driver will be electronically notified by an indicator device in the cab of the truck and allowed to bypass the inspection facility. When one or more of the criteria are not satisfied, the driver will be required to enter the inspection facility for further review.

This RFI outlines FHWA's plans for model deployment of CVISN in seven model deployment States, one State from each of the seven truckshed regions. The trucksheds were defined by geographic distribution in the United States and by truck freight volumes. Therefore piloting a national program in each of the seven regions is a logical progression to ''grow'' the program. Maryland and Virginia will be used to try the first generation of CVISN and it will then be refined and transferred to the model deployment states. The FHWA is seeking comments on this plan. This RFI is not a request for proposals or an invitation for bids. Once comments from this RFI are incorporated, this document will be finalized and used to solicit applications from states prepared to carry out a model deployment of CVISN. States are encouraged to form partnerships with the private sector in the CVISN program.

The FHWA encourages all parties with an interest in ITS for CVO to comment on this initiative on or before April 22, 1996.

1.3 CVISN Objectives

Each pilot State is required to demonstrate the following over a two-year period at a few sites and for a portion of the truck and motor coach industry:

a. Distribution of safety information to computers at the roadside to target high risk carriers;

b. Use of license plate reader(s) at roadside to electronically identify commercial vehicles and carriers to check safety information;

c. Electronic collection of inspection data from the roadside and uploading to SAFETYNET;

d. Electronic application for credentials by motor carriers;

e. Interfacing of State systems to the IRP clearinghouse;

f. Interfacing of State systems to the IFTA clearinghouse; and

g. Electronic clearance at fixed and/or mobile sites.

A system for requesting oversize/overweight permits electronically is optional.

CVISN model deployment States using Dedicated Short Range Communications (DSRC) must be interoperable with nearby CVO and toll programs. This is not designed to limit strategies, but to encourage innovative approaches to achieving the ITS/CVO vision of increased safety and efficiency. In addition, the FHWA will accept proposals outlining projects that fund additional States in a truckshed region.

Evaluation is another requirement. CVISN model deployment States must participate in an overall project evaluation. As a partner, FHWA will provide an independent evaluator to work with the stakeholder in refining their draft evaluation plan early in the test. The evaluation process will help focus stakeholder efforts and resources through early evaluation planning to achieve the maximum cost/benefits from the program.

1.4 Expected CVISN Benefits

Expected Benefits for State Governments

a. Data interchange among States, carriers, financial institutions, and insurance carriers will be electronic and efficient.

b. Administrators and enforcement personnel will have electronic access to required data.

c. Enforcement resources can be focused on high risk carriers and drivers.

d. Credentials issuance, taxation, inspections, and compliance reviews will be automated to proceed more efficiently.

e. Better enforcement of weight, size, safety, and tax regulations.

f. In the long term, re-engineered policies and practices can be based on measured data and careful analysis.

Expected Benefits for Motor Carriers

a. Reduced administrative burden in regulatory compliance.

b. Vehicles of safe and legal carriers will incur less delay.

c. Technology investment can support multiple services.

d. Uniformity of services across North America.

e. Focus on unsafe carriers will ''level the playing field.''

f. Reduction in exposure to lane change movements at inspection sites.

g. Increased commercial vehicle fuel efficiency.

h. Reduced commercial vehicle emissions.

2. CVISN System and Organizational Coordination

The objectives of the CVISN model deployment program (Section 1.3) will require system and organizational coordination. The organizations and capabilities described here include the safety inspections and electronic clearance; registration; electronic credentials, clearance, and motor carriers; fuel tax system; and oversize/overweight. This section takes a paragraph to describe what each objective achieves with the CVISN deployment and how this is accomplished. The FHWA assumes that model deployment States will upgrade existing systems or use a private provider to operate and maintain the systems. The FHWA supports

automation of the existing functions, but is not encouraging the addition of new systems. For example, the Single State Registration (SSR) and insurance systems have legislation pending in Congress, so this model deployment is delaying integration of SSR into the CVISN model deployment pending the outcome of this legislation.

2.1 Safety Inspections and Electronic Clearance

The State commercial vehicle safety system will upload inspections electronically at the roadside using the ASPEN pen-based system or current State system. Safety information will be provided electronically to the roadside to enforcement officers. Preliminary data has indicated that the effectiveness of roadside safety inspections can be doubled combining this safety information with experienced law enforcement officers. This will allow automated screening to clear safe operators and focus safety enforcement on high risk carriers. Federal model deployment funds could be used for hardware and software, and the State will provide manpower to solve organizational issues leading to deployment and resources such as motor carrier inspectors to operate the system. This will be coordinated with the existing Motor Carrier Safety Assistance Program (MCSAP). The State will also electronically clear transponder-equipped safe and legal trucks and buses at fixed and/or mobile sites.

2.2 Registration

The State registration system will electronically accept registration requests, issue credentials electronically, and respond to queries of authorized users. Federal model deployment funds could be used to purchase the necessary hardware and software to interface the existing pilot State registration system and build an interstate IRP clearinghouse. This IRP clearinghouse will be developed and operated under the direction of the IRP board of directors. The State registration agency will provide organizational coordination of the technology deployment and any modifications required in the existing State system software. Federal model deployment funds could be used for travel funding to resolve organizational issues and to participate in American National Standards Institute (ANSI) standards meetings to ensure the registration standards developed meet the pilot State's requirements.

2.3 Electronic Credentials, Clearance, and Motor Carriers

Carriers and commercial motor vehicle operators will be able to obtain credentials electronically. A small carrier if needed would go to a single location, either a State or private provider, instead of the numerous locations currently required. User friendly personal computer (PC) software would be developed. This software will allow carriers to obtain credentials directly from their office. Larger carriers would likely integrate credential software in their existing fleet management system.

Carriers could apply for electronic clearance that allows safe and legal carriers with transponder-equipped vehicles to pass inspection stations or mobile sites at mainline speeds.

2.4 Fuel Tax System

The State fuel tax system will (1) electronically accept applications for fuel credentials, (2) issue them, (3) accept quarterly fuel tax reports, (4) respond to authorized queries, and (5) notify other IFTA application States electronically of carriers allocated for their State. Federal model deployment funds could be used to purchase the necessary hardware and software to interface the existing model deployment State fuel tax system and build an interstate fuel clearinghouse. This fuel clearinghouse will be developed and operated under the direction of the IFTA board of directors and coordinated with IFTA. The clearinghouse will notify the model deployment State electronically of all carriers allowed to operate in the pilot State, who are based in other States. The fuel tax system will provide organizational coordination for the technology deployment and necessary modifications required in the existing State system software. Federal model deployment funds could be used for travel funding to resolve organizational issues and to participate in the ANSI standards meetings to ensure the fuel tax standards developed meet the pilot State's requirements.

2.5 Oversize/Overweight (Optional)

The State oversize/overweight system will allow the carrier to request credentials electronically and issue oversize/overweight permits electronically for CVO vehicles in an approved envelope for size and weight. Requests outside the envelope will be notified to contact the organization in person. Where States have developed regional oversize/overweight agreements, the region will select a single State to issue credentials for that region. The States will provide manpower to resolve issues and operate the system. Federal model deployment funds could be used to purchase and install the system and provide travel funding to resolve the organizational issues and to participate in ANSI standards meetings to ensure that the oversize/overweight standards developed meet the model deployment State's requirements.

3. CVISN Funding

In fiscal year (FY) 96, the FHWA expects to provide $500,000 to each model deployment State to enable them to automate their systems, purchase technologies for the model deployment, and develop business plans. Additional Federal FY 97 funding is planned. The actual amount will be based on implementation cost estimates, Congressional funding levels, and past performance.

3.1 Federal Allocation

Funding for each selected model deployment State will be provided over a two-year period.

3.2 Eligible Costs for Federal Funding

Eligible expenditures for Federal funding will be for software development, equipment, installation, maintenance, and other expenses to achieve the objectives of the CVISN project.

3.3 Non-Federal Cost Sharing

The CVISN model deployment States will be asked to contribute at least 50% of the cost of the project in hard and soft matches. Non-Federal cost sharing (private and public) funds and other resources are required. The CVISN pilot States will be required to contribute at least 20% of the cost of the project as a hard match (cash, equipment integrated into the project, or dedicated full-time staff). The remaining 30% may be a hard or soft match. States proposing more than a 50% cost match will be given extra consideration in the proposal review.

4. Mainstreaming

Mainstreaming funds will be available to States and regions in FY 1996. These funds will help continue to build the organizational and institutional arrangements among States, carriers, and vendors to ensure the development and deployment of ITS/CVO user services to public and private markets. While the model deployment of the CVISN architecture proceeds in the model deployment States over the next two years, the State and regional forums will be strengthened by providing

Federal funding to hire regional champions responsible for near-term deployment activities. The regional champions and forums will serve the following functions: (a) the development of regional and State ITS/CVO Mainstreaming plans to prepare for CVISN model deployment in States throughout the seven truckshed regions and (b) the dissemination of results from the initial CVISN model deployment State to the rest of the regional forum. Additional details regarding the 1996 Mainstreaming project will be available in April from the FHWA.

5. Evaluation

The FHWA will conduct a rigorous, independent evaluation of the effectiveness of the CVISN model deployment in achieving State and National ITS program goals. The independent evaluation may be conducted using existing FHWA resources, or, as part of another solicitation, the FHWA may contract with one or more independent evaluation contractor(s) to evaluate the model deployments.

6. Application Requirements

The application to be a model deployment State shall include a memorandum of agreement (MOA) with the chief executive officer's (CEO) signature of relevant State agencies demonstrating their support for providing the CVISN services previously outlined. A signature of the Governor and/or the CEO of a motor carrier association is optional. An organizational chart showing the relationship between the agencies, a point of contact for each agency and a lead agency will be identified at this time. This process is to ensure management support for CVISN services at all levels. If there is no MOA, the application will not be considered further.

Each application shall include and fully address the selection criteria statements in Section 7, Selection Criteria.

7. Selection Criteria

Selection for State participation in the CVISN model deployment program will include the following criteria:

7.1 Institutional Capabilities

States interested in model deployment of CVISN should include, with their application of interest, supporting documentation indicating the extent to which of these institutional capabilities exist. Possessing more of these institutional capabilities will increase the ability of a State to be selected and to be a successful model deployment State.

a. Leadership and initiative on ITS/CVO issues and programs through participation in ITS/CVO institutional studies and operational tests

b. Integration with safety strategies and projects targeting high risk carriers

c. An ITS/CVO working group involving State agencies and private industry

d. An ITS/CVO plan (strategic, business, deployment, etc.). If a plan is available, a bullet list of major elements should be attached with the application including: (1) Goals, (2) Objectives, (3) Actions, (4) Schedule, and (5) Funding summary

e. Strong commitment to customer service and the ability to work with the motor carrier industry in their State

f. A full time project manager to champion deployment of these services in the State

g. Experience and willingness to work with other States and CVO-related organizations at the regional and national level

h. Commitment to participate in the evaluation and the CVISN model deployment following the two-year operational test

i. Public/private partnerships involving CVO

7.2 Technical Capabilities

States interested in model deployment of CVISN should include supporting documentation indicating their technical capabilities for the items below. It is not anticipated that most of these technical capabilities exist in States, but possessing more of these technical capabilities will increase the ability of a State to be a successful model deployment State.

a. Significant public and/or private sector investment and technical capability in developing, operating, and maintaining CVO-related information management systems and technologies

b. Significant progress in developing and operating (including the private sector) several ITS/CVO services, including:

1. Fixed and/or mobile electronic safety screening programs, and the ability to support on-line data entry of interstate and intrastate safety information

2. Electronic clearance programs where States operate a significant number of weigh stations, ports-of-entry, or mobile operations

3. Electronic registration programs for carriers for interstate and intrastate registrations, and the ability to respond to electronic queries from government and industry to verify the status of registrations

4. Electronic fuel tax reporting, and the ability to respond to electronic queries from government and industry to verify the status of fuel tax accounts

5. Electronic oversize/overweight permitting, and the ability to respond to electronic queries from government and industry to verify the status of oversize/overweight permits

c. State communications infrastructure or that of a private provider is sufficiently developed to provide on-line information exchange capability to the designated users

d. Sufficient support equipment to carry out the model deployment of CVISN and ITS/CVO services

7.3 Non-Federal Cost Sharing

States interested in model deployment of CVISN should include supporting documentation of all non-Federal cost sharing (private and public) funds and other resources that would be used to support the CVISN model deployment program. The CVISN model deployment states will be asked to contribute at least 50% of the cost of the project in hard and soft matches. The CVISN model deployment States will be required to contribute at least 20% of the cost of the project as a hard match (cash, equipment integrated into the project, or dedicated full-time staff). The remaining 30% may be a hard or soft match. States proposing more than a 50% cost match will be given extra consideration in proposal review.

8. Schedule

The time line for the CVISN model deployment state application and selection process is as follows:

No.	Date	Event
1.	April 1, 1996	Distribution of RFI.
2.	April 22, 1996 ...	RFI responses due to FHWA.
3.	May 15, 1996 ...	Distribute Request for Applications for CVISN Model Deployment Program.
4.	July 1, 1996	Applications for CVISN Model Deployment Program due.
5.	August 1, 1996 .	Applications selected for CVISN Model Deployment Program.
6.	September 2, 1996.	Funding Agreements completed.

Please provide any comments concerning the following questions:

1. What are your thoughts on the CVISN program?

2. Is the proposed requirement to demonstrate the seven CVISN objectives reasonable in a two year time frame?

3. Is Federal funding over a two-year period an appropriate time frame?

4. Is the 50% minimum non-Federal cost sharing reasonable? Could it be more?

5. Should motor carrier support be required for the MOA?

6. Should the Governor's signature be required for the MOA?

7. Please provide any additional criteria needed for the MOA.

8. Is the schedule reasonable?

Authority: 23 USC 315; 49 CFR 1.48.

Issued on: April 3, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96–9069 Filed 4–10–96; 8:45 am]

BILLING CODE 4910–22–P

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3388

Applicant: CSX Transportation, Incorporated, Mr. D. G. Orr, Chief Engineer—Train Control, 500 Water Street, Jacksonville, Florida 32202.

CSX Transportation, Incorporated seeks approval of the proposed discontinuance and removal of the automatic block signal system, on the two main tracks and siding, between milepost BC–126.2 and milepost BC–125.4, near Mitchell, Indiana, Louisville Division, Indiana Subdivision; consisting of the discontinuance and removal of automatic signals 126.2, 126.3, 126.3B, 126.3C, 125.4, 125.4B, and 125.3, associated with the removal of two hand-operated crossovers switches.

The reason given for the proposed changes is to improve operations and increase efficiency.

BS-AP-No. 3389

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410.

Consolidated Rail Corporation seeks approval of the proposed modification of the traffic control signal system, on the single Delaware Main track, between milepost 111.1 and milepost 117.1, near Delaware, Ohio, on the Columbus Line, Indianapolis Division; consisting of the discontinuance and removal of ''CP 114'' and associated holding signals, discontinuance and removal of intermediate signals 1124, 1125, 1151, and 1152, and installation of back to back intermediate signals 114E and 114W at milepost 114.0.

The reason given for the proposed changes is improve efficiency of operations by the elimination of facilities no longer needed for present traffic levels.

BS-AP-No. 3390

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410.

Consolidated Rail Corporation (Conrail) seeks approval of the proposed discontinuance and removal of the traffic control signal system, on the single main track, between ''CP 59'', milepost 58.8, Lockport, New York, and ''CP 69'', milepost 69.6, Wheatfield, New York, also on the Tuscarora Wye track, between ''CP 69'', milepost 69.6 and ''CP 21'', milepost 22.0, Niagara, New York, on the Lockport and Niagara Branches, Albany Division, including the following:

1. Discontinuance and removal of all associated signals and electrically locked switches from the Lockport Branch and Tuscarora Wye Track;

2. Retirement of ''CP 59'' and ''CP 69'' interlockings, converting all power-operated switches to hand-operation, normally lined for turnout;

3. Redesignation of the single main track from milepost 58.8 to ''CP 21'' as the Lockport Secondary, with train operations governed by ''Form D'' control system and DCS stations installed at mileposts 58.8, 60.2, 67.2, and 69.7; and

4. Redesignation of the single main track between milepost 69.7 and ''CP 22'' as the Niagara Running Track under control of the Conrail Dispatcher in Selkirk, New York.

The reason given for the proposed changes is to retire facilities no longer needed for present operations.

BS-AP-No. 3391

Applicant: Bangor and Aroostook Railroad Company, Mr. T. E. Belvin, Manager Communication and Signals, RR2, Box 45, Bangor, Maine 04401–9602.

The Bangor and Aroostook Railroad Company seeks approval of the proposed discontinuance and removal of the signal system between milepost 101.70 and milepost 103.2, and between milepost 104.82 and milepost 107.5, near Millinocket, Maine.

The reason given for the proposed changes is to retire facilities no longer needed for present operations.

BS–AP–No. 3392

Applicant: CSX Transportation, Incorporated, Mr. D. G. Orr, Chief Engineer—Train Control, 500 Water Street, Jacksonville, Florida 32202.

CSX Transportation, Incorporated seeks approval of the proposed modification of NC Cabin Interlocking, milepost CA521, Ashland, Kentucky, C&O Business Unit, Kanawha Subdivision; consisting of the conversion of power-operated switch No. 159 to hand operation.

The reason given for the proposed change is due to a derailment on 2–25–96 and determination that a power-operated switch is no longer needed at this location.

BS–AP–No. 3393

Applicant: The New Orleans Public Belt Railroad, Mr. Anthony C. Marinello, Jr., Manager, Engineering and Maintenance, P.O. Box 51658, New Orleans, Louisiana 70151.

The New Orleans Public Belt Railroad seeks approval of the proposed discontinuance and removal of 15 signals (No.'s 48, 47, 46, 45, 40, 39, 38, 37, 33, 2, 14, 16, 18, 20, and 22) on the two Running tracks, between Lampert Junction, milepost J.O.2 and East Bridge Junction, milepost J.3.0, in New Orleans, Louisiana .

The reasons given for the proposed changes are that the Running Track and rail crossings have been removed, traffic pattern have changed, and traffic has been significantly reduced.

BS–AP–No. 3394

Applicant: Montana Rail Link, Incorporated, Mr. Richard L. Keller, Chief Engineer, P. O. Box 8779, Missoula, Montana 59807.

The Montana Rail Link, Incorporated seeks approval of the proposed modification of the traffic control signal system, on the single main track and siding, between Livingston, milepost 116.1 and East Bozeman, milepost 138.6, Montana, on the Second Subdivision. The proposed changes include the discontinuance and removal of 12 automatic intermediate signals, discontinuance and removal of 4 holding signals, removal of the signal control circuits for the tunnel doors at milepost 128.0, installation of 8

automatic intermediate signals, and installation of electronic coded track circuits associated with pole line elimination.

The reasons given for the proposed changes are to upgrade the signal system, improve train operations, increase braking distances, and the four holding signals and tunnel doors at Bozeman are no longer needed.

BS–AP–No. 3395

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410.

Consolidated Rail Corporation seeks approval of the proposed discontinuance and removal of the traffic control signal system, on the single main track, between ''CP Shale'', milepost 42.7 and milepost 54.4, Bayard, Ohio; and the discontinuance and removal of the automatic block signal system, on the two main tracks, between ''CP Shale'', milepost 42.7 and ''CP River'', milepost 26.5, near Yellow River, Ohio, Cleveland Line, Pittsburgh Division.

The proposed changes include the following:

1. Removal of the No. 2 main track between ''CP Shale'' and ''CP River'';
2. Retention of ''CP Shale'' and ''CP River'' interlockings;
3. Extension of the Form D control system (DCS) eastward from Bayard to ''CP River''; and
4. Installation of DCS stations and spring switches at mileposts 28.65 and milepost 40.4, and DCS station only at milepost 34.0.

The reason given for the proposed changes is to retire facilities no longer needed for present operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on April 8, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–9064 Filed 4–10–96; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

April 1, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0723.

Regulation ID Number: LR–115–72 Final.

Type of Review: Extension.

Title: Manufacturer's Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application to Manufacturers and Retailers Excise Taxes; Reporting and Recordkeeping Requirements.

Description: Chapters 31 and 32 of the Internal Revenue Code impose excise taxes on the sale or use of certain articles. Section 6416 allows a credit or refund of the tax to manufacturers in certain cases. Section 6420, 6421, and 6427 allow credits or refunds of the tax to certain users of the articles.

Respondents: Business or other for-profit, Individuals or households, Not-for profit institutions, Farms, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 1,500,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 475,000 hours.

OMB Number: 1545–1269.

Regulation ID Number: PS–7–90 Final.

Type of Review: Extension.

Title: Nuclear Decommissioning Fund Qualification Requirements.

Description: If a taxpayer requests, in connection with a request for a schedule of ruling amounts, a ruling as to the classification of certain unincorporated organizations, the taxpayer is required to submit a copy of the documents establishing or governing the organization.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 50.

Estimated Burden Hours Per Respondent: 3 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 150 hours.

OMB Number: 1545–1381.

Regulation ID Number: CO–49–88 Final.

Type of Review: Extension.

Title: Limitations on Corporate Net Operating Loss.

Description: This regulation provides rules for the allocation of a loss corporation's taxable income or net operating loss between the periods before and after an ownership changed under section 382 of the Internal Revenue Code, including an election to make the allocation based on a closing of the books as of the change date.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 200 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8853 Filed 4–10–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

April 2, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed

and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

U.S. Customs Service (CUS)

OMB Number: 1515–0065.
Form Number: CF 7501 and CF 7501a.
Type of Review: Revision.
Title: Entry Summary and Continuation Sheet.
Description: This submission is made to identify changes in the ISO code change made by the Bureau of Census for province identification of softwood lumber importations. There is no change in data required on the form on the identification code.
Respondents: Business or other for-profit, Individuals or households.
Estimated Number of Respondents: 38,193.
Estimated Burden Hours Per Respondent: 20 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 3,977,193 hours.
Clearance Officer: J. Edgar Nichols, (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue, N.W., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8854 Filed 4–10–96; 8:45 am]

BILLING CODE 4820–02–P

Submission to OMB for Review; Comment Request

April 2, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0152.

Form Number: IRS Form 3115.

Type of Review: Extension.

Title: Application for Change in Accounting Method.

Description: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Respondents: Business or other for-profit, Individuals or households, Not-for profit institutions, Farms.

Estimated Number of Respondents/ Recordkeepers: 6,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
3115	18 hr., 11 min	4 hr., 26 min	6 hr., 8 min.
Sch. A	4 hr., 4 min	1 hr., 23 min	1 hr., 31 min.
Sch. B	2 hr., 40 min	35 min	1 hr., 10 min.
Sch. C	27 hr., 44 min	2 hr., 3 min	3 hr., 48 min.
Sch. D	5 hr., 1 min	1 hr., 59 min	2 hr., 9 min.

Frequency of Response: Other (when needed.

Estimated Total Reporting/ Recordkeeping Burden: 270,490 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8855 Filed 4–10–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

April 2, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below at the end of April 1996, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by April 16, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.
Project Number: PC:V 96–006–G.
Type of Review: Revision.
Title: IRS Mediation Program Customer Satisfaction Survey.
Description: The purpose of this survey is to determine program effective of the Appeals Mediation Program and to identify what our customers value. Appeals is proposing to obtain this information through a customer satisfaction survey.

Respondents: Individual or households.

Estimated Number of Respondents: 10.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 30 minutes.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8856 Filed 4–10–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

April 2, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below at the end of April 1996, the Department of the Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by April 16, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: PC:V 96–007–G.

Type of Review: Revision.

Title: IRS Early Referral Program Customer Satisfaction Survey.

Description: The purpose of this survey is to determine program effective of the Early Referral Program and to identify what our customers value. Appeals is proposing to obtain this information through a customer satisfaction survey.

Respondents: Individual or households.

Estimated Number of Respondents: 20.

Estimated Burden Hours Per Respondent: 2 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 40 minutes.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8857 Filed 4–10–96; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

April 2, 1996.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Request: In order to conduct the survey described below at the end of April 1996, the Department of the Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by April 16, 1996. To obtain a copy of this survey, please contact the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: PC:V 96–008–G.

Type of Review: Revision.

Title: IRS Employment Tax Early Referral Program Customer Satisfaction Survey.

Description: The purpose of this survey is to determine program effective of the Employment Tax Early Referral Program and to identify what our customers value. Appeals is proposing to obtain this information through a customer satisfaction survey.

Respondents: Individual or households.

Estimated Number of Respondents: 220.

Estimated Burden Hours Per Respondent: 2 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 7 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 96–8858 Filed 4–10–96; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

Academic Year Program NIS Administration Components

ACTION: Notice—Request for Proposals.

SUMMARY: The Division for the NIS Secondary School Initiative, Office of Citizen Exchanges, of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award to conduct a package of administrative components for the Academic Year Program. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply to develop a package of various components for the 1997–98 Academic Year Program (AYP), as spelled out below, for 1,000 high school students from the 12 New Independent States (NIS) of the former Soviet Union. This RFP is only for this package of components; grants for the placement and supervision of the students in the United States on this program and other components will be competed separately. Final award of a grant or grants is subject to the availability of funding.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided in part through the Department of State from the Agency for International Development.

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT TITLE AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/P–96–33.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on May 31, 1996. Faxed documents will not be accepted, nor will documents postmarked May 31 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. The grant period will begin on or about August 1,1996 and run for one year until July 31, 1997. The grant is subject to renewal if deemed successful by the Agency.

FOR FURTHER INFORMATION CONTACT: The NIS Secondary School Initiative (E/PY), Room 320, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547, telephone 202–619–6299, fax 202–619–5311 to request a Solicitation Package containing more detailed award criteria, required application forms, and standard guidelines for preparing proposals (called ''Project Goals, Objectives and Implementation'' or ''POGI''), including specific criteria for preparation of the proposal budget.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/ or from the Internet Gopher at gopher://gopher.usia.gov. Select ''Education and Cultural Exchanges'', then select ''Current Request for Proposals (RFPs).'' Please read ''About the Following RFPs'' before beginning to download.

Please specify USIA Program Officer/Specialist Diana Aronson on all inquiries and correspondences. Interested applicants should read the complete Federal Register announcement before sending inquiries or submitted proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

SUBMISSIONS: Applicants must follow all instructions given in the Solicitation Package. The original, two fully tabbed copies and ten copies with Tabs A–E of the application should be sent to: U.S. Information Agency, Ref.: E/P–96–33, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5 diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIS posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

DIVERSITY GUIDELINES: Puruant to the bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTARY INFORMATION:

Overview

The Academic Year Program (AYP)—known also as the FREEDOM Support Act Program—has been sponsored by USIA since 1992. The 1997–98 AYP will be the fifth cycle of the program. It provides an opportunity for high school students aged 15–17 from the 12 NIS countries to live with an American host family for eleven months and attend one full year of a high school. The scholarship covers all aspects of their program—recruitment and selection, travel, orientation, placement and supervision, maintenance, cultural and educational enhancements, and follow-up upon return to their home countries. Placement, supervision, maintenance and enhancements are not part of the package covered by this solicitation. For budgeting purposes, applicants should assume that the number of participants will be 1,000, with about 50% coming from Russia, 20% from Ukraine, and the remaining 30% from the other ten countries (details can be found in the ''Project Objectives, Goals and Implementation'' guidelines referred to above).

Applicants must address the complete package of components outlined below and may bid on one or more of the following four regions of the NIS: (A) Russia and Belarus; (B) Ukraine and Moldova; (C) The Caucasus (Georgia, Armenia and Azerbaijan); (D) Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan).

The objectives of the Academic Year Program are:

1. To foster interaction between young people from the United States and the former Soviet Union and greater understanding of one another so as to contribute to our common future through our greatest resource, our youth.

2. To provide high school students from the former Soviet Union an opportunity to live with American host families, attend school, and learn about American society, history, cultural, and the economic and political foundations of the United States.

3. to integrate the people of the former Soviet Union into the global citizenry by assisting young people of the NIS countries in building a new and open society and by promoting democratic values and the development of democratic institutions from the grass roots level.

4. To provide opportunities for youth from the NIS to acquire values and skills and enhance those personal qualities that will make them successful citizens and future leaders of their societies.

Eligibility

Applicants may be public institutions or organizations that are legally incorporated and recognized by the IRS as not-for-profit. Applicants may be single organizations or one or more organizations working in consortium. For consortia, each organization should submit a separate proposal for its components and indicate clearly how these dovetail with the other consortium member(s).

Guidelines

The package of components for this solicitation encompasses the following:

1. Recruitment and selection of student finalists.

2. Documentation—assistance with passports, visas; assistance to USIA with preparation of IAP66 forms on finalists and alternates.

3. Medical screening and clearance to ensure that the students are healthy; immunizations as necessary.

4. Orientation—Programming for all participants prior to departure from the NIS and/or upon arrival in the U.S.

5. Travel—Ticketing and all arrangements from the students' homes to their host communities and return.

6. Communications and liaison with the students' families during the program year.

7. Information management—Tracking and database maintenance on all applicants through their selection as finalists, their placement, and travel.

8. Tracking of, support for and follow-up programming with alumni upon their return home.

The following considerations apply to these responsibilities:

1. The ongoing communications with natural parents, followup activities with alumni, and relations with foreign government officials all require that the grantee organization(s) maintain a year-round presence in the NIS countries. The grantee should seek to conduct these functions efficiently and cost-effectively but without necessarily having an American staff or permanent offices in every country or in all regions of the large countries.

2. All on-the-ground operations in the NIS of this administrative machinery must be staffed by non-US Government personnel in such a way to ensure that USIA and American embassy personnel are not encumbered by the day-to-day functioning of the program.

3. The aim of the program is to select students who have the personal qualities, motivation, and the academic language and social skills to be successful on the exchange. Recruitment and selection must be conducted on the basis of merit and be free of political influence and corruption; to accomplish this, the process must be under the overall direct control of Americans at all times. Selection of finalists should be conducted in the U.S.

4. Selection must reflect the cultural, ethnic, national and geographic diversity of the NIS. The recruitment process must be open in allowing and making it possible for any student who meets the eligibility criteria to apply. A serious effort must be made to include students with physical disabilities. Intensive English training may be offered for a small percentage (no more than 5%) to ensure that the weaker language qualifications of students from more remote areas is not an excluding factor in their selection. [Such training is completed separately.] It is not necessary or even possible, given budget constraints, to cover every oblast. The grantee should focus its recruitment on major population areas, while keeping the process open to applicants from all areas.

5. Uniform arrival orientation for all AYP students is essential, because it reinforces their identity as participants in a government scholarship program and enables the dissemination of information, policies and procedures critical to the students' success.

6. What happens to participants once they return home is critically important to ensuring the program's success in fufilling its objectives. The grantee organizations are responsible for ensuring the tracking of alumni, data collection/reporting, and follow-on activities to reinforce the transfer of the American experience to the NIS.

Please refer to program specific guidelines (POGI) in the Solicitation Package for further details.

Participants travel on J–1 visas. As the sponsor is USIA, IAP66 forms are prepared using the Government program designation number. As noted above, the grantee is responsible for assisting USIA in the preparation of these forms.

Timetable

The recruitment and selection process must be concluded by March 1, 1997, so that finalist applications can be disseminated to the organizations responsible for placing the students in host families and schools. Travel to the US is expected to take place in July/August, 1997, in conjunction with the needs of the placement organizations. Return travel should be similarly undertaken in June/July, 1998. All components should be planned in accordance with the dates and deadlines set by the needs of the program (e.g., the date by which students need to apply for passports, the timing of arrival in the host families, the conclusion of the school year).

Proposed Budget

The per capita cost of this whole package of components excluding Travel and Orientation must not exceed $2,500 per finalist. Travel must be arranged in compliance with laws on the use of American flag carriers.

Applicants must submit a comprehensive line-item budget for the entire package of components. There must be a summary budget as well as a break-down reflecting both the administrative and program costs. Cost-sharing is encouraged, cash contributions and in-kind. Please refer to the solicitation package and POGI for complete budget and formatting instructions and for allowable costs.

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the program office, as well as the USIA Office of East European and NIS Affairs and the USIS posts in the NIS countries. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to Agency mission and design outlined above.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview, timetable and guidelines described above.

3. Ability to achieve program objectives: Proposals should clearly demonstrate an understanding of the program's objectives stated above and how the organization will achieve them.

4. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (e.g., staffing, program venue) and program content (especially selection of participants and orientation).

5. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. The proposal should clearly explain how the organization will make use of and coordinate with other related NIS and US operations it may be conducting. Proposals should reflect substantial area expertise, a grasp of cross-cultural issues, the needs of the hosting community (including the American host schools and the placement organizations), and a thorough understanding of how to work effectively with NIS authorities and complexities of the environment.

6. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful activities that are relevant to this program; also responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

7. Project Evaluation: The proposal should include a plan to evaluate the success of the organization in achieving the stated objectives. The grantee will also be expected to cooperate with USIA in evaluating the program under the requirements of the Government Performance and Results Act (GPRA). Proposals should reflect an understanding and grasp of these responsibilities.

8. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

9. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding and in-kind contributions.

10. Value to U.S.-Partner Country Relations: Proposed projects should receive positive assessments by USIA's geographic area desk and overseas officers of potential impact and significance in the partner countries.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: April 5, 1996.

Dell Pendergrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 96–9005 Filed 4–10–96; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received June 10, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0459.

Title and Form Number: Property Management Consolidated Invoice, VA Form 26–8974.

Type of Review: Extension of a currently approved collection.

Need and Uses: VA Form 26–8974 is generated monthly by the computerized Property Management System at the VA Automation Center, Austin, Texas. Invoices show assigned properties with the assigned numerical identification and property location for each. Fixed fees, as applicable, are computer-entered for each property for certain management services, such as monthly inspection. The invoice is sent to the broker from Austin on or about the 25th day of each month. The broker then enters any additional charges for each property, affixes supporting documentation for reimbursement of expenses claimed, such as for utilities, and mails the invoice to the VA regional office of jurisdiction. Invoices are then reviewed by Realty Specialists to verify accuracy of charges, and forwarded to Finance activity for audit and payment.

Current Actions: As a consequence of the home loan activities, VA acquires residential properties which are rehabilitated and rented or sold under the authority of 38 U.S.C. 3720(a) (5) and (6). VA must rely on the services of property management brokers to provide the necessary surveillance and maintenance services for the protection, rental, and resale of its widely dispersed inventory. VA policies provide that management brokers may incur charges for certain items such as fuel, electricity, and water, and when proper authorization has been given, for maintenance and repair expenses. Brokers are also paid for certain services they perform, such as initial and repair inspections, and for routine maintenance, such as lawn care or snow removal. As is customary in the property management industry, VA reimburses management brokers for expenses incurred for VA properties, and pays broker-performed services upon receipt of monthly invoices.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 32,215 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Monthly.

Estimated Number of Respondents: 1,895.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Jacquie McCray, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–8266 or FAX (202) 565–8267.

Dated: April 1, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–8990 Filed 4–10–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should

address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received June 10, 1966.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0242.

Title and Form Number: Water-Plumbing Systems Inspection Report (Manufactured Home), VA Form 26–8731a.

Type of Review: Extension of a currently approved collection.

Need and Uses: Inspections are ordered by lending institutions and performed by experienced plumbers or manufactured home service personnel. VA Form 26–8731a will be completed by the inspector after the tests described on the form have been made. The lender submits the report form to the applicable VA regional office then issues a certificate of guaranty covering the loan. Without proof of satisfactory water and plumbing systems, VA would be guaranteeing loans on used manufactured homes which could be unsafe and which would not be acceptable security on which to base an increase in the government's contingent liability.

Current Actions: VA Form 26–8731a is required in conjunction with the approval of loans guaranteed for the purchase of used manufactured homes. Section 3712(h)(1) of title 38 U.S.C., prohibits the guaranty of any loan for the purchase of a manufactured unit which does not meet standards prescribed by the Secretary of Veterans Affairs. Section 3710(b)(4) further deals with permanently affixed manufactured homes that are taxed as real estate and requires that the nature and condition of the property be suitable for dwelling purposes. This form serves as an inspection report on the water and plumbing systems of a used unit, whether it is permanently affixed or not.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 800 hours.

Estimated Average Burden Per Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 400.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Jacquie McCray, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–8266 or FAX (202) 565–8267.

Dated: April 1, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–8991 Filed 4–10–96; 8:45 am]

BILLING CODE 8320–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Veterans Benefits Administration (VBA) invites the general public and other Federal agencies to comment on this information collection. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). Comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection.

DATES: Written comments and recommendations on the proposal for the collection of information should be received June 10, 1996.

ADDRESSES: Direct all written comments to Nancy J. Kessinger, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All comments will become a matter of public record and will be summarized in the VBA request for Office of Management and Budget (OMB) approval. In this document VBA is soliciting comments concerning the following information collection:

OMB Control Number: 2900–0243.

Title and Form Number: Fuel and Heating Systems Inspection Report (Manufactured Home), VA Form 26–8731c.

Type of Review: Extension of a currently approved collection.

Need and Uses: Inspections are ordered by lending institutions and performed by experienced heating company personnel, or manufactured home service personnel. VA Form 26–8731c is completed by the inspector after the tests described on the form have been made. The lender submits the report form to the applicable VA regional office with its report of loan closing. If the report is satisfactory, and the loan is otherwise proper, the regional office then issues a certificate of guaranty covering the loan. Without proof of satisfactory fuel and heating systems, VA would be guaranteeing loans on used manufactured homes which could be unsafe and which would not be acceptable security on which to base an increase in the government's contingent liability.

Current Actions: VA Form 26–8731c is required in conjunction with the approval of loans guaranteed for the purchase of used manufactured homes. Section 3712(h)(1) of title 38 U.S.C., prohibits the guaranty of any loan for the purchase of a manufactured unit which does not meet standards prescribed by the Secretary of Veterans Affairs. Section 3710(b)(4) further deals with permanently affixed manufactured homes that are taxed as real estate and requires that the nature and condition of the property be suitable for dwelling purposes. This form serves as an inspection report on the fuel and heating systems of a used unit, whether it is permanently affixed or not.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 800 hours.

Estimated Average Burden Per Respondent: 2 hours.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 400.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Department of Veterans Affairs, Attn: Jacquie McCray, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 565–4412 or FAX (202) 565–8267.

Dated: April 1, 1996.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 96–8992 Filed 4–10–96; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday
April 11, 1996

Part II

Department of Housing and Urban Development

24 CFR Part 215, et al.

Office of the Secretary; Combined Income and Rent; Extension of Effective Period of Interim Regulatory Provisions; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 215, 236, 813, 913, and 950

[Docket No. FR–3324–N–02]

Office of the Secretary; Combined Income and Rent; Extension of Effective Period of Interim Regulatory Provisions

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of extension of interim regulatory provisions.

SUMMARY: On April 5, 1995 (60 FR 17388), HUD published an interim rule amending its regulations governing public housing, Indian housing, and assisted housing programs by adding nine exclusions to the definition of annual income. The April 5, 1995 interim rule contains a ''sunset provision'' which provides that the interim rule will expire on May 6, 1996, unless prior to that date HUD publishes a Federal Register notice extending the rule's effective period. This notice extends the effective period of the April 5, 1995 interim rule to such time that a final rule is issued and becomes effective.

EFFECTIVE DATE: The effective date of the following provisions remains in effect until the date the final rule becomes effective: § 215.21 (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15); § 236.3 (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15); § 813.106 (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(14), and (c)(15); § 913.106 (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(15), and (c)(16); and § 950.102 (2)(ii), (2)(vi), (2)(viii) (D) through (E), (2)(xi), (2)(xii), (2)(xv), and (2)(xvi) of the definition of *Annual income.*

FOR FURTHER INFORMATION CONTACT: For Public Housing: Bruce Vincent, Room 4206, telephone number (202) 708–0744; for Native American Programs: Dominic A. Nessi, Room P8204, telephone number (202) 755–0032; for Housing: Barbara D. Hunter, Room 6182, telephone number (202) 708–3944; Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Hearing or speech-impaired individuals may access these numbers by calling the Federal Information Relay Service at 1–800–877–8339. (Except for the ''800'' number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On April 5, 1995 (60 FR 17388), HUD published for public comment an interim rule amending HUD's regulations governing public housing, Indian housing, Section 8 housing, and other assisted housing programs by adding nine exclusions to the definition of annual income. Specifically, the interim rule excludes from annual income the following: (1) Residential service stipends; (2) adoption assistance payments; (3) student financial assistance; (4) earned income of full-time students; (5) adult foster care payments; (6) compensation from State or local job training programs and training of resident management staff; (7) property tax rebates; (8) homecare payments for developmentally disabled children or adult family members; and (9) deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum.

With regard to the first eight exclusions to the definition of income, the Secretary is merely exercising the discretion conferred upon him to define family income by section 3(b)(4) of the U.S. Housing Act of 1937 (42 U.S.C. 1437a(b)(4)), section 101(c)(2) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(c)(2)), and section 236(m) of the National Housing Act (12 U.S.C. 1715z–1(m)). HUD believes these exclusions are essential for achieving its goals of ensuring economic opportunity, empowering the poor and expanding affordable housing opportunities.

The ninth exclusion to the definition of annual income is statutorily mandated. Section 103(a)(1) of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1993) amended section 3(b)(4) of the U.S. Housing Act of 1937 to exclude from annual income, ''any amounts which would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7).'' Section 1613(a)(7) of the Social Security Act covers deferred periodic payments received in a lump sum from supplemental security income (SSI) and social security benefits.

Among other parts, the April 5, 1995 interim rule amended part 905. On April 10, 1995 (60 FR 18174), the Department published a final rule amending the Indian Housing consolidated regulations and moving these regulations from part 905 to a new part 950. On July 18, 1995 (60 FR 36666), the Department published a final rule amending part 950 to incorporate the revisions made by the April 5, 1995 Combined Income and Rent interim rule.

It is HUD's policy to establish a ''sunset date'' for its interim rules. Accordingly, the April 5, 1995 interim rule and the July 18, 1995 final rule contain ''sunset provisions'' which provide that the interim and final rules will expire on May 6, 1996, unless prior to that date HUD publishes a rule finalizing the amendments made by the April 5, 1995 and July 18, 1995 rules or a notice extending their effective period.

The final rule adopting the amendments made by the April 5, 1995 and July 18, 1995 rules is in its final stages of development. However, in order to prevent a period in which HUD will be without effective regulations, HUD is extending the effective period of these amendments until the final rule is published and becomes effective.

For the reasons described above, the following provisions of title 24 of the Code of Federal Regulations will remain in effect until the date the final rule adopting these regulatory provisions, with or without changes, is published and becomes effective:

§ 215.21 [Amended]

1. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15) of § 215.21;

§ 236.3 [Amended]

2. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15) of § 236.3;

§ 813.106 [Amended]

3. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(14), and (c)(15) of § 813.106;

§ 913.106 [Amended]

4. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(15), and (c)(16) of § 913.106; and

§ 950.102 [Amended]

5. Paragraphs (2)(ii), (2)(vi), (2)(viii) (D) through (E), (2)(xi), (2)(xii), (2)(xv), and (2)(xvi) of the definition of *Annual income* in § 950.102.

Dated: March 25, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–9068 Filed 4–10–96; 8:45 am]

BILLING CODE 4210–32–P

Federal Register

Thursday
April 11, 1996

Part III

Department of Education

Challenge Grants for Technology in Education; Notices

DEPARTMENT OF EDUCATION

[CFDA No. 84.303A]

Challenge Grants for Technology in Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1996

Purpose of Program: The Challenge Grants for Technology in Education Program provides grants to consortia that are working to improve and expand new applications of technology to strengthen the school reform effort, improve student achievement, and provide sustained professional development of teachers, administrators, and school library media personnel.

Eligible Applicants: Only consortia may receive grants under this program. Consortia shall include at least one local educational agency (LEA) with a high percentage or number of children living below the poverty line. They may also include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, and other appropriate entities.

Note: In each consortium a participating LEA shall submit the application on behalf of the consortium and serve as the fiscal agent for the grant.

Deadline for Receipt of Applications: June 21, 1996.

Deadline for Intergovernmental Review: August 20, 1996.

Applications Available: April 22, 1996.

Estimated Available Funds: $23,000,000.

Estimated Range of Awards: $500,000 to $2,000,000 per year.

Estimated Average Size of Awards: $1,000,000 per year.

Estimated Number of Awards: 23.

Project Period: 5 years.

Note: The Department of Education is not bound by any of the above estimates in this notice. The Department is currently operating under the terms of a Continuing Resolution for fiscal year (FY) 1996. That Continuing Resolution, P.L. 104–122, does not make funds available for this competition. The Secretary anticipates, however, that the final appropriation for FY 1996 will include approximately $23 million for this competition. The actual amount available will be determined by final congressional action on April 24, 1996, or later. The award of grants pursuant to this competition will depend upon the availability of funds.

Maximum Award: The Secretary does not consider an application that proposes a budget exceeding $2,000,000 for any 12-month budget period.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 (except 34 CFR 75.102(b), 75.200(b)(3), 75.210, and 75.217), 77, 79, 80, 81, 82, and 85.

Other Requirements: The requirements in the notice of selection criteria, selection procedures, and application procedures published in this issue of the Federal Register.

SUPPLEMENTARY INFORMATION: The Challenge Grants for Technology in Education Program is authorized under Title III, section 3136, of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6846). This FY 1996 competition supports the second round of grants under this program.

As catalysts for change, grants under this program will support communities of educators, parents, industry partners, and others who are working to transform their schools into information-age learning centers. These challenge grants will support the development and innovative use of technology and new learning content in specific communities. Each effort should clearly focus on integrating innovative learning technologies into the curriculum to improve learning productivity in the community.

The Secretary believes that the information superhighway is creating new possibilities for extending the time, the place, and the resources for learning. Challenge grant communities can use it to develop first-class learning environments that provide affordable access to quality education and training. Especially promising possibilities are anticipated from a creative synthesis of ideas generated by educators and software developers, telecommunications firms and hardware manufacturers, entertainment producers, and others who are extending the possibilities for creating new learning communities.

Challenge grant communities need not be limited by geography. The information superhighway can be used to create virtual learning communities linking schools, colleges, libraries, museums, and businesses across the country or around the world. Students of all ages, no matter where they live, could tap vast electronic libraries and museums containing text and video images, music, art, and language instruction. They could work with scientists and scholars around the globe who can help them use mapping tools, primary historical documents, or laboratory experiments to develop strong research and problem solving skills.

The Secretary encourages each community to view this competition as an opportunity to act on its most ambitious vision for education reform. It is essential, however, to guard against a future in which some communities have access to vast technological resources, while others do not. Low-income neighborhoods and other areas with the greatest need for technology should not be left behind in the acquisition of knowledge and skills needed for productive citizenship in the 21st century. A failure to include those communities will put their future, and the future of the country, at risk. For this reason, the Secretary gives special consideration to applications from consortia which are developing effective responses to the learning technology needs of areas with a high number or percentage of disadvantaged students or the greatest need for educational technology.

Project Activities

The statute authorizes the use of funds for activities similar to the following activities:

(a) Developing, adapting, or expanding existing and new applications of technology to support the school reform effort.

(b) Funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support.

(c) Acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources, and services.

(d) Providing ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies.

(e) Acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries.

(f) Providing educational services for adults and families.

Note: Section 14503 of the Elementary and Secondary Education Act of 1965, as amended, (20 U.S.C. 8893) is applicable to the Challenge Grant Program. Section 14503 requires that an LEA, SEA, or educational service agency receiving financial assistance under this program must provide private

school children and teachers, on an equitable basis, special educational services or other program benefits under this program. The section further requires SEAs, LEAs, and educational service agencies to consult with private school officials during the design and development of the Challenge Grant projects. Each application should describe the ways in which the proposed project will address the needs of private school children and teachers.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses the following unweighted selection criteria, as described in the notice of selection criteria, selection procedures, and application procedures for this program published elsewhere in this issue of the Federal Register and repeated below:

(a) *Significance.* The Secretary reviews each proposed project for its significance by determining the extent to which the project—

(1) Offers a creative, new vision for using technology to help all students learn to challenging standards or to promote efficiency and effectiveness in education; and contributes to the advancement of State and local systemic educational reform;

(2) Will achieve far-reaching impact through results, products, or benefits that are easily exportable to other settings and communities;

(3) Will directly benefit students by integrating acquired technologies into the curriculum to enhance teaching, training, and student achievement or by other means;

(4) Will ensure ongoing, intensive professional development for teachers and other personnel to further the use of technology in the classroom, library, or other learning center;

(5) Is designed to serve areas with a high number or percentage of disadvantaged students or other areas with the greatest need for educational technology; and

(6) Is designed to create new learning communities, and expanded markets for high-quality educational technology applications and services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The project will ensure successful, effective, and efficient uses of technologies for educational reform that will be sustainable beyond the period of the grant;

(2) The members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project; and

(3) The applicant is capable of carrying out the project, as evidenced by the extent to which the project will meet the problems identified; the quality of the project design, including objectives, approaches, evaluation plan, and dissemination plan; the adequacy of resources, including money, personnel, facilities, equipment, and supplies; the qualifications of key personnel who would conduct the project; and the applicant's prior experience relevant to the objectives of the project.

Application Deadline

In order to ensure timely receipt and processing of applications, the Secretary requires that an application must be received on or before the deadline date announced in this application notice. The Secretary will not consider an application for funding if it is not received by the deadline date unless the applicant can show proof that the application was (1) sent by registered or certified mail not later than five days before the deadline date; or (2) sent by commercial carrier not later than two days before the deadline date. An applicant must show proof of mailing in accordance with 34 CFR 75.102(d) and (e). Applications delivered by hand must be received by 2:00 p.m. (Washington, D.C. time) on the deadline date. For the purposes of this program competition, the Secretary does not apply 34 CFR 75.102(b) which requires an application to be mailed, rather than received, by the deadline date.

Additional Information

Prospective applicants may access a summary of questions and answers about the competition from the Department of Education's On-Line Library by using the Department's WWW Server at URL http://www.ed.gov/ or by using the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). For additional help accessing the On-Line Library, call 1–800–USA–LEARN (1–800–872–5327). To receive a hard copy of the summary, fax requests to (202) 708–6003 or call (202) 708–6001.

For Applications or Information Contact: Telephone 1–800–USA–LEARN (1–800–872–5327) for applications. For information contact Challenge Grants for Technology in Education, U.S. Department of Education, Washington, D.C. 20202–5544. Telephone (202) 708–6001. Individuals may fax requests for applications. Fax (202) 708–6003. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between the hours of 8 a.m. and 8 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Information about the Department's funding opportunities, including copies of the application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 6846.

Dated: April 5, 1996.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 96–9010 Filed 4–10–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Challenge Grants for Technology in Education; Notice

AGENCY: Department of Education.

ACTION: Notice of selection criteria, selection procedures, and application procedures.

SUMMARY: The Secretary establishes selection criteria, procedures for evaluating applications, and procedures for submission of applications under the Challenge Grants for Technology in Education Program. The program provides grants to consortia comprised of one or more local educational agencies and other appropriate entities for the purpose of improving and expanding new applications of technology to strengthen the school reform effort, improve student achievement, and provide sustained professional development of teachers, administrators, and school library media personnel. The Secretary establishes selection criteria and related procedures to make informed funding decisions on applications for technology projects having great promise for improving elementary and secondary education.

EFFECTIVE DATE: The provisions of this notice take effect May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Challenge Grants for Technology in Education, Office of Educational Research and Improvement, U.S. Department of Education, Washington, DC 20202–5544. Telephone (202) 708–6001. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Challenge Grants for Technology in Education Program is authorized in Title III, section 3136, of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6846).

Under this program the Secretary makes grants to consortia. Each consortium must include at least one local educational agency (LEA) with a high percentage or number of children living below the poverty line, and may include other LEAs, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities.

The Secretary announces in this notice selection criteria for the FY 1996 competition. The program statute (20 U.S.C. 6846(c)) requires the Secretary to give priority in awarding grants to consortia that demonstrate certain factors in their applications. The Secretary carries out this mandate by incorporating the priority factors into the selection criteria. In addition, the Secretary believes that substantive selection criteria specifically framed for this program competition are necessary to enable the Secretary to evaluate how well the applicants address the purpose of the Challenge Grants for Technology in Education Program. The Secretary uses the following selection criteria instead of the selection criteria in the Education Department General Administrative Regulations, 34 CFR 75.200(b)(3) and 75.210.

Selection Criteria

The Secretary uses the following unweighted selection criteria to evaluate applications:

(a) *Significance.* The Secretary reviews each proposed project for its significance by determining the extent to which the project—

(1) Offers a creative, new vision for using technology to help all students to learn challenging standards or to promote efficiency and effectiveness in education; and contributes to the advancement of State and local systemic educational reform;

(2) Will achieve far-reaching impact through results, products, or benefits that are easily exportable to other settings and communities;

(3) Will directly benefit students by integrating acquired technologies into the curriculum to enhance teaching, training, and student achievement or by other means;

(4) Will ensure ongoing, intensive professional development for teachers and other personnel to further the use of technology in the classroom, library, or other learning center;

(5) Is designed to serve areas with a high number or percentage of disadvantaged students or other areas with the greatest need for educational technology; and

(6) Is designed to create new learning communities, and expanded markets for high-quality educational technology applications and services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The project will ensure successful, effective, and efficient uses of technologies for educational reform that will be sustainable beyond the period of the grant;

(2) The members of the consortium or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project; and

(3) The applicant is capable of carrying out the project, as evidenced by the extent to which the project will meet the problems identified; the quality of the project design, including objectives, approaches, evaluation plan, and dissemination plan; the adequacy of resources, including money, personnel, facilities, equipment, and supplies; the qualifications of key personnel who would conduct the project; and the applicant's prior experience relevant to the objectives of the project.

Selection Procedures

The Secretary intends to evaluate applications using unweighted selection criteria. The Secretary believes that the use of unweighted criteria is most appropriate because they will allow the reviewers maximum flexibility to apply their professional judgments in identifying the particular strengths and weaknesses in individual applications. Therefore, the Secretary will not apply the selection procedures in EDGAR, 34 CFR 75.217, which require a rank order to be established based on weighted selection criteria.

The Secretary also believes that due to the highly technical nature of the applications, it will be necessary to obtain clarifications and additional information from applicants during the selection process. In accordance with 34 CFR 75.109(b), an applicant may make changes to an application on or before the deadline date for submission of applications. In accordance with 34 CFR 75.231, the Secretary may request an applicant to submit additional information after the application has been selected for funding. For the purposes of the Challenge Grants for Technology in Education Program, the Secretary also permits an applicant to submit additional information, in response to a request from the Secretary, during the application selection process.

The Secretary will use the following selection procedures for the FY 1996 competition.

In applying the selection criteria, one or more peer review panels of experts will first analyze each application in terms of individual selection criteria. The reviewers assign to each application two separate qualitative ratings based on the extent to which the application has met the two individual selection criteria. The two ratings taken together yield a composite rating, representing each reviewer's total rating of each application. These reviewer ratings for each application are then combined to yield an overall rating for each application. The panels will also identify inconsistencies, points in need of clarification, and other concerns, if any, pertaining to each application.

The Secretary assigns each application to one of several groups based on the application's overall level of quality. Starting with the highest quality group and moving down in unbroken order, the Secretary then identifies the groups of applications of sufficiently high quality to be considered for funding. The Secretary may request each applicant whose application was identified as being in a group of sufficiently high quality applications to submit additional information or materials to address the concerns and questions, if any, identified by the peer review panels. Such requests are strictly limited to clarifications of a conceptual or technical nature, and are not meant to fill major gaps in information that reviewers identify in applications.

A second peer review panel then reevaluates each application in a group identified as being of sufficiently high quality, taking into account any additional information or materials, to determine the extent to which each application addresses the selection criteria. The Secretary then reassigns each reevaluated application to one of several groups based on the application's overall level of quality.

In the final stage of the selection process, the Secretary selects for funding those applications of highest quality based on the results of the second review panel. The Secretary may also consider the extent to which each application demonstrates an effective response to the learning technology needs of areas with a high number or percentage of disadvantaged students or the greatest need for educational technology.

APPLICATION DEADLINE

In order to ensure timely receipt and processing of applications, the Secretary takes exception to 34 CFR 75.102(b) by requiring that for an application to be considered for funding it must be received on or before the deadline date announced in the application notice published in this issue of the Federal Register. The Secretary will not consider an application for funding if it is not received by the deadline date unless the applicant can show proof that the application was (1) sent by registered or certified mail not later than five days before the deadline date; or (2) sent by commercial carrier not later than two days before the deadline date. An applicant must show proof of mailing in accordance with 34 CFR 75.102(d) and (e). Applications delivered by hand must be received by 2:00 p.m. (Washington, D.C. time) on the deadline date. For the purposes of this competition, the Secretary does not apply 34 CFR 75.102(b) which requires an application to be mailed, rather than received, by the deadline date.

Waiver of Notice of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department to offer interested parties the opportunity to comment on proposed rules. Ordinarily, this practice would have applied to the selection criteria, selection procedures, and application procedures in this notice. However, the Secretary waives rulemaking on these rules under section 553(b)(B) of the Administrative Procedure Act. This section provides that rulemaking is not required when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. The Secretary believes that, in order to make timely grant awards using Fiscal Year (FY) 1996 funds, public comment on these rules is impracticable. As of April 5, 1996, Congress had not authorized the final FY 1996 appropriations for the Challenge Grant Program. Final Congressional action regarding the FY 1996 appropriation is not expected to occur until after April 24, 1996. The Secretary anticipates that Congress will appropriate sufficient funds to enable the Department to fund new awards in FY 1996. However, if FY 1996 awards are to be made in a timely manner, the Department must proceed with the FY 1996 competition prior to a determination of the amount of funds available for this program. The Secretary believes that it is essential to make new awards no later than October 1, 1996. The Challenge Grant Program statute focuses on projects that apply technology in ways which will directly benefit students. To realize this statutory purpose, each funded project must be in the position to begin to implement project activities in classrooms at the beginning of the 1996–1997 school year. Due to the prolonged uncertainty regarding FY 1996 funds, it is now impracticable to receive public comments and still allow FY 1996 awards to be made by October 1, 1996.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number assigned to the collection of information in this notice of selection criteria, selection procedures, and application procedures is 1810–0569.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12373 and the regulations in 34 CFR Part 79. The objective of the executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Program Authority: 20 U.S.C. 6846.

Dated: April 5, 1996.

(Catalog of Federal Domestic Assistance Number 84.303A, Challenge Grants for Technology in Education)

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 96–9011 Filed 4–10–96; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Thursday
April 11, 1996

Part IV

Department of Education

Migrant Education Even Start Program: Fiscal Year 1996 New Award Applications; Notice

DEPARTMENT OF EDUCATION

[CFDA NO.: 84.214A]

Migrant Education Even Start Program; Notice Inviting Applications for New Awards for FY 1996

NOTE TO APPLICANTS: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

PURPOSE OF PROGRAM: The Migrant Education Even Start (MEES) Program is designed to help break the cycle of poverty and improve the literacy of participating migrant families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program.

ELIGIBLE APPLICANTS: While any entity is eligible to apply for a grant under the MEES program, the U.S. Secretary of Education (Secretary) specifically invites applications from State educational agencies (SEAs) that administer Migrant Education Programs; local educational agencies (LEAs) that have a high percentage of migrant students; and non-profit community-based organizations that work with migrant families.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: June 11, 1996.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: August 12, 1996.

AVAILABLE FUNDS: While final FY 1996 funding for this program is contingent upon final congressional action, the Secretary estimates that approximately $3,000,000 will be available for new awards.

ESTIMATED RANGE OF AWARDS: $88,000–$270,000.

ESTIMATED AVERAGE SIZE OF AWARDS: $200,000.

ESTIMATED NUMBER OF AWARDS: 15 Grants.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 48 months.

MAXIMUM AWARD: The Secretary does not consider an application that proposes a budget exceeding $270,000 for each 12-month budget period.

APPLICABLE REGULATIONS:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(7) 34 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 85 (Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(b) The definitions of migratory child, migratory agricultural worker and migratory fisher contained in 34 CFR 200.30 and 200.40

Description of the Program

Under the authority of section 1202(a)(1)(A) of the Elementary and Secondary Education Act (ESEA), as amended, the Secretary awards grants to eligible applicants under the MEES Program for projects that—

(1) Improve the educational opportunities of migrant families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program;

(2) Implement cooperative activities that build on existing community resources to create a new range of services to migrant families;

(3) Promote achievement of the National Education Goals (section 102 of the Goals 2000: Educate America Act), especially goals one (school readiness), six (adult literacy), and eight (parent involvement and participation); and

(4) Assist children and adults from migrant families to achieve challenging State content standards and challenging State student performance standards.

Required Program Elements

(a) *Eligible participants.* Eligible MEES participants consist of migratory children and their parents, as defined in 34 CFR 200.30 and 200.40, who also meet the following conditions specified in section 1206(a) of the ESEA:

(1) The parent or parents—

(i) Are eligible for participation in an adult basic education program under the Adult Education Act; or

(ii) Are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

(2) The child or children must be younger than eight years of age.

Note: Family members of eligible participants also may participate in MEES activities when appropriate to service Even Start purposes. In addition, section 1206(b) of the ESEA permits a family found eligible for MEES services to remain so until all family members become ineligible to participate. For example, in the case of a family in which the parent or parents lose eligibility because of their educational advancement, the parent or parents can still participate in MEES activities until all children in the family reach age eight. In addition, the Department interprets 34 CFR 200.30 together with section 1206(b) or ESEA to mean that MEES services can continue to be provided to a parent or child who is no longer migratory provided that the family has at least one parent or child who is a migratory worker or child as defined under 34 CFR 200.40.

(b) *Required program elements.* Any MEES project must, at a minimum, incorporate the following program elements specified in section 1205 of the ESEA—

- Identification and recruitment of migrant families most in need of MEES services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators:
- Screening and preparation of parents, including teenage parents and children, to enable these parents to participate fully in program activities and services, including testing, referral to counseling, other developmental and support services, and related services;
- The provision of MEES services to those migrant families most in need of project services and activities;
- High-quality instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and the preparation of children for success in the regular school programs;
- A design for service delivery that accommodates the participants' work schedule and other responsibilities, including the provision of support services, when such services are unavailable from other sources, but are necessary for participation in project activities, such as—

—Scheduling and locating of services to allow joint participation by parents and children;

—Child care for the period that parents are involved in the project activities; and

—Transportation for the purpose of enabling parents and their children to participate in project activities;

- Special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered by the project;
- Provision of integrated instructional services, and monitoring of these services, to participating parents and children through home-based activities;
- Operation on a year-round basis, including the provision of some program services, instructional or enrichment, during the summer months;

Note: Given the mobility of the population to be served by the MEES program, the Secretary interprets the requirement for the project to operate on a year-round basis to mean that activities must be conducted throughout the period in which participating migrant families reside in the project area. Applicants are free to interpret the requirement in other ways that are consistent with section 1205(7) of the ESEA.

- Appropriate coordination with other programs funded under ESEA, any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, the Job Training Partnership Act, the Head Start program, volunteer literacy programs, and other relevant programs; and
- An independent evaluation.

In addition, to promote the kind of strong community collaboration needed for effective Even Start projects, sections 1202(e) and 1207(a) of the ESEA require applicants for grants under the basic Even Start program administered by SEAs to be ''eligible entities'', i.e., partnerships composed of (1) a local educational agency (LEA); and (2) a nonprofit community-based organization, a public agency other than an LEA, an institution of higher education, or a public or private nonprofit organization, of demonstrated quality, other than an LEA. While those operating a MEES project do not need to be eligible entities, the Secretary strongly encourages those who would operate MEES projects to enhance the effectiveness of those projects through formation of strong, on-going collaborative relationships among these kinds of local entities.

—(c) *Federal and local funding.* A MEES project's funding is comprised of both a Federal portion of funds (Federal share) and a portion contributed by the eligible applicant (local share). However, the Federal share of the program may not exceed—

- 90 percent of the total cost of the program in the first year;
- 80 percent in the second year;
- 70 percent in the third year;
- 60 percent in the fourth year; and
- 50 percent in any subsequent year.

The Federal share of a grant for a second four-year cycle shall not exceed 50 percent. The local share of the MEES project may be provided in cash or in kind and may be obtained from any source, including other Federal programs funded by ESEA. Federal funds may not be used for indirect costs of a MEES project.

Note: While section 1204(b)(2) of the ESEA permits SEAs, under certain circumstances, to waive the local share requirement for eligible entities receiving grants under the basic Even Start program administered by SEAs, the program statute contains no comparable provision allowing the Secretary to waive the local share requirement for those receiving MEES grants.

Selection Criteria

(a) (1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*:

(1) *Meeting the purposes of the authorizing statute.* (20 points) The Secretary reviews each application to determine how well the project will—

(i) Improve the educational opportunities of migrant families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program;

(ii) Implement cooperative projects that build on existing community resources to create a new range of services to migrant families;

(iii) Promote achievement of the National Education Goals, especially the goals that address school readiness, student achievement, and parent involvement and participation; and

(iv) Assist children and adults from migrant families to achieve challenging State content standards and challenging State student performance standards.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project would meet the needs of eligible migratory children and their parents (including guardians and primary caretakers) for the services and activities that the project would provide, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identifies those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits gained by meeting those needs.

Note: Applicants may address this criterion in any way that is reasonable, given the purpose of the MEES program. Applicants may, for example, address such factors as the following:

(A) The area(s) to be served have high percentages or large numbers of migratory children and their parents, guardians, or primary caretakers in need of MEES services;

(B) The lack of availability of comprehensive family literacy services for the migrant population;

(C) How community resources will be used to benefit project participants.

Note: An applicant can address this criterion in any way that is reasonable. An applicant can address this riterior in any way that is reasonable. An applicant might, for example, provide a brief description of each resource the project intends to include, or a list of these resources.

(D) How the project will integrate child development, adult literacy, and parenting activities; and

(E) How the project will assist migrant children and adults to achieve the State content standards and student performance standards.

(3) *Plan of operation.* (35 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

Note: Applicants may address this criterion in any way that is reasonable. However, concerning design of the project, the Secretary believes that an effective application would incorporate, at a minimum, the various program elements required under section 1205 of the ESEA and listed in the *Required program elements* section of this notice.

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(4) *Quality of key personnel.* (10 points) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that the project director and the other key personnel will commit to the project; and

(iv) How the applicant, as part if its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

To determine personnel qualifications under paragraphs (i) and (ii) of this criterion, the Secretary will review—

(A) Experience and training in fields related to the objectives of the project, and

(B) Any other qualifications that pertain to the quality of the project.

Note: Applicants may address this criterion in any way that is reasonable. Any applicant may, for example, (1) demonstrate that it has the qualified personnel needed to develop, administer, and implement a MEES project, and if not, will provide access to the special training necessary to prepare staff for the project, or (2) include a resume for each proposed project staff member or a position description for each proposed but not-yet-filled position.

(5) *Budget and cost effectiveness.* (2 points) The Secretary reviews each application to determine the extent of which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the goals and objectives of the project.

(6) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

Note: This plan must permit the preparation of an evaluation that meets the requirements of 34 CFR 75.590, as well as an annual performance report that evaluates whether project objectives are being met and, if not, includes the changes in program activities that will be adopted (see 34 CFR 75.118 and 75.253). (Instructions for the annual performance report are included in the Appendix to this document.) See also the discussion under NATIONAL EVALUATION.

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

National Evaluation

The Department is conducting a national evaluation of Even Start Family Literacy projects. Grantees must cooperate with the Department's efforts by adopting an evaluation plan that is consistent with the national evaluation (as well as with the grantee's responsibilities under 34 CFR 75.118, 75.253 and 75.590). It is not expected that the application will include a complete evaluation plan because grantees will be asked to cooperate with the national evaluation of the Even Start Family Literacy Program to be conducted by an independent contractor. Grantees may be required to amend their plans, however, to conform with the national evaluation.

The Secretary suggests that each applicant budget for evaluation activities as follows: a project with an estimated cost of up to $120,000 should designate $5,000 for this purpose; a project with an estimated cost of over $120,000 should designate $10,000 for this purpose. These funds will be used for expenditures related to the collection and aggregation of data required for the Department's national evaluation. The Secretary also recommends that applicants budget for the cost of travel to Washington, DC, and two nights' lodging for the project director and project evaluator, for their participation in annual evaluation meetings.

Information by Project and Budget Periods

Under 34 CFR 75.112 and 75.117, a project application must propose a project period, and include budgetary information for each budget period of the proposed project period. The Secretary requests that the budgetary information include an amount for all key project components with an accompanying breakdown of any subcomponents (a form for reporting this information is contained in the appendix to this notice), along with a written justification for all requested amounts.

34 CFR 75.112(b) also requires that an applicant describe how and when, in each budget period of the project, it plans to meet each objective of the project.

Note: The Department will use this information, in conjunction with the grantee's annual performance report required under 34 CFR 75.118(a), to determine whether to make a continuation award for the subsequent budget year. Under 34 CFR 75.253, a grantee can receive a continuation award only if it demonstrates that it either has made substantial progress toward meeting the objectives of the approved project, or has received the Secretary's approval of changes in the project to enable it to meet the objectives in the succeeding budget periods.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the Federal Register on August 10, 1995. (60 FR 40956)

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.214A, U.S. Department of Education, Room 6213, 600 Independence Avenue, SW, Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center,

Attention: (CFDA #84.214A), Washington, D.C. 20202–4725; or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.214A), Room #3633, Regional Office Building #3, 7th and D Streets, S.W., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013, 6/90).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions. (NOTE: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Martha Chavez, U.S. Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, 600 Independence Avenue, SW, Room 4100, Portals Building, Washington, DC 20202–6135. Telephone Number: (202) 260–2114. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 6362(a)(1)(A).

Dated: March 27, 1996.

Gerald N. Tipozzi,

Assistant Secretary, Office of Elementary and Secondary Education.

BILLING CODE 4000–01–P

APPENDIX—PART I

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED		Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier

1. TYPE OF SUBMISSION:

Application	*Preapplication*
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State — H. Independent School Dist.
B. County — I. State Controlled Institution of Higher Learning
C. Municipal — J. Private University
D. Township — K. Indian Tribe
E. Interstate — L. Individual
F. Intermunicipal — M. Profit Organization
G. Special District — N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 84 | 2 | 1 | 4A

TITLE: Migrant Education Even Start Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a Applicant	b Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES THIS PREAPPLICATION APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/98

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):
For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e):
Show the total budget request for each project year for which funding is requested.

Line 12, column (f):
Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Instructions for ED Form 524 (cont.)

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Part III

Instructions for Part III—Application Narrative

Before preparing the Application Narrative, an applicant should read carefully the description of the program and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

The narrative should encompass each function or activity for which finds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project.

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application package. [Note: While applicants can address the criteria in any way that is reasonable, given the required emphasis of any MEES project on early childhood education, adult literacy or adult basic education, and parenting education, the Secretary believes that a reasonable plan of operation would address these three objectives. Moreover, consistent with 34 CFR 75.112(b), which requires that the application describe how and when, in each budget period, the applicant plans to meet each project objective, the Secretary believes that applicants would want particularly to describe each goal in terms of measurable objectives, specific activities that are proposed to meet each objective, time lines associated with these activities, the resources believed to be needed to achieve each objective, and how each objective will be evaluated.]

3. Provide the following information in response to the attached ''NOTICE TO ALL APPLICANTS'': (1) a reference to the portion of the application in which the applicant has described the steps that the applicant proposes to take to remove barriers to equitable access to, and equitable participation in, project activities; or (2) a separate statement that contains this information.

4. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Application Narrative must be double-spaced, typed on one side only, and must not exceed 50 numbered pages—appendices excepted.

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1810–0541. (Expiration date: March 31, 1999) The time required to complete this information collection is estimated to average 60 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, D.C. 20202–4651. *If you have comments or concerns regarding the status of your individual submission of this form, write directly to:* Office of Migrant Education, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C., 20202–4651.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier ____, *if known*:	
Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C.1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only.

Authorized for Local Reproduction
Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

Authorized for Local Reproduction
Standard Form - LLL-A

BILLING CODE 4000–01–C

Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provision Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103–382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. *ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.*

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it tends to conduct ''outreach'' efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1801–0004 (Exp. 8/31/98). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

BILLING CODE 4001–01–P

OMB No. 1880-0532
Exp. Date: 7/31/98

U.S. Department of Education
GRANT PERFORMANCE REPORT

1. Recipient Name and Address:	2. PR/Award No. (e.g., H158A20021-95)
3. Project Title:	
4. Contact Person:	5. Telephone Number: Fax Number:
6. E-mail Address:	7. Performance Reporting Period:
8. Current Budget Period (From Block 5 of Grant Award):	

9. Report on Current Budget Period - Federal

	Budget Categories	Obligations
A	Personnel	
B	Fringe Benefits	
C	Travel	
D	Equipment	
E	Supplies	
F	Contractual	
G	Construction	
H	Other	
I	Total Direct Costs (Line A-H)	
J	Indirect Costs	
K	Training Stipends	
L	Total Expenditures (Line I-K)	

10. For projects that require matching funds or other non-Federal contributions, please provide totals.

11. Will there be any unobligated grant funds at the end of the current budget period? YES ☐ NO ☐

Authorized Representative:

Name (typed or printed): _____ Title: _____

Signature: _____ Date: _____

ED Form 524-B

BILLING CODE 4000–01–C

The time required to complete this information collection is estimated to average 20 hours per response, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving the form, please write to: U.S. Department of Education, Washington, DC 20202–4651. If you have any comments or concerns regarding the status of your individual submission of this form, write directly to: [insert program sponsor/official], U.S. Department of Education, 600 Independence Avenue, S.W., Washington, DC 20202———.

Instructions for the Annual Performance Report

To receive a continuation award, recipients of discretionary grants must submit an annual performance report that establishes substantial progress toward meeting their project objectives. The instructions for the annual performance report have been designed to provide the Department with the information that it needs to determine whether recipients have done so. (See sections 75.118, 75.253 and 75.590 of the Education Department General Administrative Regulations (EDGAR).) Do not use these instructions to prepare the final performance report after the project is completed.

Parts I–III and V of these instructions request from recipients the information that EDGAR requires to permit the Secretary to make decisions on whether or not to make continuation awards. Part IV of these instructions requests a summary of new information that may bear on the direction of future activities. This information is requested to help the Department to monitor grant activities and provide technical assistance to recipients. For convenience, an optional form for reporting Parts I and V has been provided with these instructions. However, the requested information may be provided in any reasonable format.

Recipients will need to submit an original and one copy of the annual performance report. The Department will notify recipients of the due date for submission of the performance report, which will be as late as possible in the project's current budget period.

For those programs that operate under statutes or regulations that require additional (or different) reporting for performance or monitoring purposes, the Department also will inform recipients whether any other (or different) reporting is necessary, and when this additional reporting should be made.

I. Cover Sheet

Please provide the following information:

1. Recipient name and address. Unless changed repeat from Block 1 on your last Notification of Grant Award.

2. PR/Award number (e.g., H158A20021–95). See BLOCK 4 on your last Notification of Grant Award.

3. Project title. This should be identical to the title of the approved application.

4. Contact person—name and title. Please provide the name of the project director or other individual who is most familiar with the content of the performance report.

5. Project telephone number and FAX number.

6. E-Mail address.

7. Performance reporting period. This is the time-frame that is requested in Parts III and IV of the performance report for information on project status and supplementary information/changes.

a. For projects that are operating in their first budget period, this period covers the start of the project through 30 days before the due date of this report.

b. For projects that are operating in interim budget periods, and that submitted a non-competing continuation grant application in the prior period, this period covers the date of submission of that application (unless the Department establishes another beginning date) through 30 days before the due date of this report.

c. For all other projects that are operating in interim budget periods, this period covers the end of the reporting period for the annual performance report that the recipient submitted to receive its previous continuation award, through 30 days before the due date of this report.

8. Current budget period. See Block 5 of your last Notification of Grant Award.

The cover sheet also must contain the name, title and signature of the authorized representative of the grantee.

II. Project Summary

(One or two paragraphs.)

III. Project Status*

Report your progress in accomplishing the objectives of the project. In doing so, for each project objective, describe the project activities, accomplishments and outcomes since the submission of the last performance report, or, if you are currently in the first budget period, since the start of the project. Also reference the page numbers and sections of the approved application that address the planned activities or anticipated accomplishments and outcomes. Where it is possible to do so, information on current activities, accomplishments and outcomes should be quantified.

If a planned objective was not attained, or a planned activity was not conducted as scheduled, explain why, what steps are being taken to address the problem, and the schedule for doing so.

If performance indicators for evaluating your project have been established for your program, or were approved as part of a project evaluation plan contained in your project application, provide information on your project's performance using those indicators.

IV. Supplemental Information/Changes*

As a result of actual performance, recipients often gain additional information (beyond that provided in their initial applications) that affects their future grant activities and/or strategies for accomplishing their approved scope of work. If this is the case for your project, please provide a summary of this information (quantified, where possible) and any change in project strategies, activities, or project outcomes.

V. Budget Report*

1. For the current budget period, provide for each approved budget category the total amount of project funds obligated as of 30 days before the due date of the performance report. (See Blocks 9.A—L of the reporting form.) For projects that require recipients to provide matching funds or other non-federal resources, also provide the total of all non-federal contributions as of 30 days before the due date of the performance report. (See Block 10 of the reporting form.)

2. Indicate whether the project expects to have any unobligated grant funds at the end of the current budget period. (See Block 11 of the reporting form.)

Remember: Recipients must request authorization to carry over funds that were unobligated in one budget period for use in the following budget period. If unobligated funds are needed to complete activities that were approved for the current budget period, section 75.253 of EDGAR permits the Secretary to add the amount of these funds to funds that will be awarded through a continuation award for use in the following budget period. Conversely, if

any unobligated funds are NOT needed to complete activities that were approved for the current budget period, section 75.253 permits the Secretary to deduct the amount of these unobligated funds from the amount of funds that will be awarded for use in the following budget period.

*Note for Parts III, IV, and V: Most projects submit with their applications a single budget form, and have a single approved budget, for each budget period. However, if your project has multiple components, and was required to submit for approval a separate budget form for each component, please ensure that the information that you provide in Parts III, IV, and V of the performance report reflects activities or expenditures for each of these components.

[FR Doc. 96–8993 Filed 4–10–96; 8:45 am]

BILLING CODE 4000–01–P

Reader Aids

Federal Register

Vol. 61, No. 71

Thursday, April 11, 1996

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Public inspection announcement line **523–5215**

Laws

Public Laws Update Services (numbers, dates, etc.) **523–6641**

For additional information **523–5227**

Presidential Documents

Executive orders and proclamations **523–5227**

The United States Government Manual **523–5227**

Other Services

Electronic and on-line services (voice) **523–4534**

Privacy Act Compilation **523–3187**

TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, APRIL

14233–14464 1
14465–14606 2
14607–14948 3
14949–15176 4
15177–15362 5
15363–15694 8
15695–15874 9
15875–16042 10
16043–16202 11

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6874 14233
6875 14603
6876 14605
6877 15177
6878 15363
6879 15871
6880 16035
6881 16037

Executive Orders:
11880 (Amended by EO 12998) 15873
12997 14949
12998 15873

Administrative Orders:
Memorandum:
April 8, 1996 16039
Presidential Determinations:
No. 96–19 of March 19, 1996 14235

5 CFR

Ch. XIV 16043
890 15177

7 CFR

58 15875
353 15365
354 15365
985 15695
1208 14951
1435 15881

Proposed Rules:
330 15201
999 15734
1002 14514
1004 14514
3550 15395

9 CFR

78 ..... 14237, 15881
92 14239
98 15180

Proposed Rules:
77 14982
91 14982
92 14268
94 ..... 14999, 15201

10 CFR

Proposed Rules:
50 15427
73 16067
437 15736

12 CFR

219 14382
226 14952

13 CFR

301 15371

14 CFR

25 ..... 14607, 15372
39 ..... 14240, 14242, 14608, 14960, 14961, 15184, 15882

Proposed Rules:
25 14684
39 ..... 14269, 14271, 14273, 14275, 14515, 15000, 15002, 15430, 15738, 15903, 15904, 15906, 15908
71 ..... 15432, 15434, 15740, 15742

15 CFR

30 15697
769 14243
902 ..... 14465, 15884
922 14963

16 CFR

Proposed Rules:
239 14688
254 14685
406 14686
700 14688
701 14688
702 14688

17 CFR

200 15338

20 CFR

Proposed Rules:
348 16067

21 CFR

Ch. I 14478
1 14244
2 15699
5 14375
172 14481
173 14481
175 14481
176 14481
177 ..... 14481, 14964
178 14481
180 14481
181 14481
189 14481
341 15700
510 15703
520 15185
522 14482
558 14483
573 15703
803 16043
807 16043
814 15186

Proposed Rules:
25 14922
71 14690
170 14690

171.....14690
510.....15003
886.....14277
900 .....14856, 14870, 14884, 14898, 14908

22 CFR

92.....14375
514.....15372

23 CFR

230.....14615

24 CFR

0.....15350
4.....14448
12.....14448
100.....14378
103.....14378
109.....14378
200.....14396, 14410
207.....14396
213.....14396
215.....14396, 16172
219.....14396
220.....14396
221.....14396
222.....14396
231.....14396
232.....14396, 14410
233.....14396
234.....14396
236.....14396, 16172
237.....14396
241.....14396, 14410
242.....14396
244.....14396
248.....14396
265.....14396
267.....14396
811.....14456, 16045
813.....16172
913.....16172
950.....16172
3500.....14617

Proposed Rules:

50.....15340

26 CFR

1 .....14247, 14248, 15891
602.....14248

Proposed Rules:

1 .....14517, 15204, 15743

28 CFR

Proposed Rules:

553.....14440

29 CFR

1625.....15374

Proposed Rules:

1904.....15435
1910.....15205
1915.....15205
1926.....15205
1952.....15435
2509.....14690
2520.....14690
2550.....14690

30 CFR

914.....15378, 15891
943.....15380

Proposed Rules:

6.....15743
18.....15743
19.....15743
20.....15743
21.....15743
22.....15743
23.....15743
26.....15743
27.....15743
29.....15743
33.....15743
35.....15743
745.....15005
900.....15005
901.....15005
906.....15005
913.....15005
914.....15435
925.....14517
926.....15005, 15910
931.....15005
934.....15005
935.....15005
936.....15005, 15435
944.....15005
946.....15005
948.....15005
950.....15005

31 CFR

103 .....14248, 14382, 14383, 14386
535.....15382

Proposed Rules:

321.....14444

32 CFR

706 .....14966, 14967, 14968, 14969
865.....16046

Proposed Rules:

117.....15437
619.....15010

33 CFR

100.....14249
117.....14970
175.....15162
179.....15162
181.....15162

Proposed Rules:

165.....14518

34 CFR

76.....14483
81.....14483

36 CFR

7.....14617
223.....14618
292.....14621
1253.....14971

Proposed Rules:

242.....15014

38 CFR

1.....14596
21.....15190

39 CFR

Proposed Rules:

111.....15205

40 CFR

51.....16050
52 .....14484, 14487, 14489, 14491, 14493, 14634, 14972, 14974, 14975, 15704, 15706, 15709, 15713, 15715, 15717, 15719, 16050
60.....14634, 15721
70.....16063
81.....14496
148.....15566, 15660
167.....14497
180 .....14637, 15192, 15895, 15896, 15900
185.....15893
186.....15192, 15900
268.....15566, 15660
271.....15566
300.....15902
403.....15566, 15660
716.....14596

Proposed Rules:

51.....16068
52 .....14520, 14521, 14522, 14694, 15020, 15744, 15745, 15751, 15752, 16050
59.....14531
81.....14522
180 .....14694, 15911, 15913
261.....14696
300.....14280, 16068
440.....15917

41 CFR

101–25.....14978

42 CFR

405.....14640
491.....14640

43 CFR

Group 8400.....15722

Proposed Rules

8000.....15753
8300.....15753

44 CFR

64.....14497, 15723
65.....14658, 14661
67.....14665

Proposed Rules:

62.....14709
67.....14715

45 CFR

74.....15564
1633.....14250
1634.....14252
1635.....14261

46 CFR

2.....15162
159.....15162, 15868
160.....15162, 15868
514.....14979

Proposed Rules:

10.....15438
12.....15438
15.....15438

47 CFR

Ch. I.....14672
0.....14499
1.....15724
2.....14500, 15382
15.....14500
21.....115387
61.....15724
63.....15724
64.....14979
73 .....14503, 14676, 14981
76.....15387, 15388
97.....15382

Proposed Rules:

Ch. I.....14717
1.....15439
2.....15206
15.....15206
20.....15753
36.....15208
64.....15020
68.....15441
69.....15208
73 .....14733, 15022, 15439, 15442, 15443
74.....15439

48 CFR

1425.....15389
1452.....15389
1516.....14504
1523.....14506
1535.....14264
1552 .....14264, 14504, 14506
1604.....15196
1652.....15196

Proposed Rules:

9.....14946
15.....14944
17.....14944
31.....14944
35.....14946
37.....14946
52.....14944

49 CFR

382.....14677
383.....14677
390.....14677
391.....14677
392.....14677
395.....14677
533.....14680
538.....14507
541.....15390
800.....14512
1154.....16066

Proposed Rules:

393.....14733
544.....15443
571 .....15446, 15449, 15917, 16073
574.....15917
1002.....15208
1100.....14735
1101.....14735
1102.....14735
1103.....14735
1104.....14735
1105.....14735
1106.....14735
1107.....14735
1108.....14735
1109.....14735
1110.....14735
1111.....14735
1112.....14735
1113.....14735
1114.....14735
1115.....14735
1116.....14735
1117.....14735
1118.....14735
1119.....14735

1120.....14735
1121.....14735
1122.....14735
1123.....14735
1124.....14735
1125.....14735
1126.....14735
1127.....14735
1128.....14735
1129.....14735
1130.....14735
1131.....14735
1132.....14735
1133.....14735
1134.....14735
1135.....14735
1136.....14735
1137.....14735
1138.....14735
1139.....14735
1140.....14735
1141.....14735
1142.....14735
1143.....14735
1144.....14735
1145.....14735
1146.....14735
1147.....14735
1148.....14735
1149.....14735

50 CFR

216.....15884
228.....15884
251.....14682
611.....14465
625.....15199
641.....14683
650.....15733
655.....14465
663.....14512

Proposed Rules:

17.....15452
23.....14543
100.....15014
230.....15754
630.....15212
646.....14735, 16076
651.....14284
675.....16085
676.....14547
681.....15452
686.....16076

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

ENVIRONMENTAL PROTECTION AGENCY

Drinking water:
- Marine sanitation devices standards--
  - Hudson River, NY; drinking water intake zones establishment; published 12-13-95

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Satellite communications--
  - Mobile satellite service in 1610-1626.5/2483.5-2500 MHz frequency band; service and licensing policies; published 3-12-96
  - U.S.-licensed geostationary-fixed satellites; transborder and seperate international satellite systems policies distinction eliminated; published 3-12-96

Radio services, special:
- Amateur services--
  - Telecommications Act; conforming provisions; published 3-12-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:
- Medical device user facilities and manufacturers; adverse events reporting; certification and registration; published 12-11-95

TRANSPORTATION DEPARTMENT

Coast Guard

Pollution:
- Vessel response plans; published 1-12-96

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:
- Brake hoses--
  - Addresses and dates update; manufacturer designation filing procedures; published 3-12-96

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Practice and procedure:
- Rail licensing procedures--
  - Rail Passenger Service Act; avoidable losses determination; CFR part removed; published 4-11-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
- Florida citrus endorsement; comments due by 4-15-96; published 3-15-96

AGRICULTURE DEPARTMENT

Farm Service Agency

Conservation and environmental programs:
- 1986-1990 conservation reserve program; comments due by 4-15-96; published 3-15-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Foreign and domestic fishing--
  - Scientific research activity and exempted fishing; comments due by 4-15-96; published 3-15-96
- Northeast multispecies; comments due by 4-15-96; published 3-5-96

Permits:
- Marine mammals; comments due by 4-18-96; published 3-22-96

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:
- Fluorescent and incandescent lamp test procedures; comment period reopening; comments due by 4-15-96; published 2-28-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- Alabama; comments due by 4-18-96; published 3-19-96
- Colorado; comments due by 4-18-96; published 3-19-96
- Illinois; comments due by 4-18-96; published 3-19-96
- Indiana; comments due by 4-18-96; published 3-19-96
- Missouri; comments due by 4-17-96; published 3-18-96
- Montana; comments due by 4-18-96; published 3-19-96
- Tennessee; comments due by 4-18-96; published 3-19-96
- Virginia; comments due by 4-18-96; published 3-19-96

Hazardous waste program authorizations:
- Illinois; comments due by 4-15-96; published 3-15-96

Higher education institutions, hospitals, and nonprofit organizations; uniform administrative requirements for grants and agreements (Circular A-110); comments due by 4-15-96; published 2-15-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Avermectin B1 and its delta-8,9-isomer; comments due by 4-19-96; published 3-20-96

Superfund program:
- National oil and hazardous substances contingency plan--
  - National priorities list update; comments due by 4-17-96; published 3-8-96
  - National priorities list update; comments due by 4-17-96; published 3-8-96

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Interstate, interexchange telecommunications service providers; tariff filing requirements for non-dominant interexchange carriers for domestic services; comments due by 4-19-96; published 4-3-96
- Satellite communications--
  - Telecommunications Act; direct-to-home video services including direct broadcast satellite service; nongovernmental restrictions preempting; comments due by 4-15-96; published 3-15-96

Personal communications services:
- Broadband D, E, and F blocks; license awards; comments due by 4-15-96; published 3-26-96

Radio frequency devices:
- Biomedical telemetry devices; comments due by 4-16-96; published 1-31-96

FEDERAL TRADE COMMISSION

Industry guides:
- Mirror industry; comments due by 4-15-96; published 3-15-96

GENERAL SERVICES ADMINISTRATION

Federal regulatory review:
- Commercial items; comments due by 4-16-96; published 2-16-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:
- Food labeling--
  - Nutrient content claims and health claims; special requirements; comments due by 4-17-96; published 2-2-96
  - Nutrient content claims and health clams; special requirements; correction; comments due by 4-17-96; published 3-26-96

Medical devices:
- Cigarettes and smokeless tobacco products; restriction of sale and distribution to protect children and adolescents
  - Comment period reopened; comments due by 4-19-96; published 3-20-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:
- Housing assistance payments (Section 8)--
  - Single room occupancy program for homeless individuals; comments due by 4-15-96; published 2-14-96

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land

reclamation plan submissions:
Utah; comments due by 4-19-96; published 3-20-96
Virginia; comments due by 4-17-96; published 3-18-96

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:
Correspondence; restricted special mail procedures; comments due by 4-15-96; published 2-14-96

LABOR DEPARTMENT

Federal Contract Compliance Programs Office

Affirmative action and nondiscrimination obligations of contractors and subcontractors regarding individuals with disabilities; comments due by 4-15-96; published 2-14-96

LABOR DEPARTMENT

Wage and Hour Division

Migrant and seasonal agricultural worker protection:
Workers' compensation information disclosure and transportation liability insurance requirements; comments due by 4-17-96; published 3-18-96

NUCLEAR REGULATORY COMMISSION

Rulemaking petitions:
Portland General Electric Co.; comments due by 4-16-96; published 2-1-96

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:
Railroad employers' reports and responsibilities; comments due by 4-15-96; published 2-15-96

SOCIAL SECURITY ADMINISTRATION

Authority citation revisions; comments due by 4-15-96; published 2-15-96

STATE DEPARTMENT

Foreign missions protection guidelines; CFR part removed; comments due by 4-15-96; published 3-14-96

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:
Arrivals, departures, and certain dangerous cargoes; advance notice; comments due by 4-16-96; published 1-17-96

TRANSPORTATION DEPARTMENT

Large air carriers; international data submissions; changes; comments due by 4-15-96; published 2-15-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carriers certification and operations:
Flight time limitations and rest requirements for flight crew members; comments due by 4-19-96; published 12-20-95

Airworthiness directives:
Glaser-Dirks Flugzeugbau GmbH; comments due by 4-19-96; published 2-23-96
Jetstream; comments due by 4-18-96; published 3-8-96
Learjet; comments due by 4-17-96; published 3-7-96
SAAB; comments due by 4-19-96; published 3-21-96

Class E airspace; comments due by 4-18-96; published 3-11-96

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards and consumer information:
Truck-camper loading; comments due by 4-15-96; published 2-14-96

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:
Federal regulatory review; comments due by 4-19-96; published 2-20-96

Pipeline safety:
Hazardous liquid and carbon dioxide pipelines; hydrostatic pressure testing; comments due by 4-15-96; published 3-8-96

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Practice and procedure:
Pipeline common carriers; rate change and other service terms; disclosure and notice; comments due by 4-15-96; published 3-14-96

TREASURY DEPARTMENT

Thrift Supervision Office

Lending and investment; comments due by 4-16-96; published 1-17-96

LIST OF PUBLIC LAWS

This is a list of public bills from the 104th Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 2969/P.L. 104–128

Federal Tea Tasters Repeal Act of 1996 (Apr. 9, 1996; 110 Stat. 1198)

H.J. Res. 168/P.L. 104–129

Waiving certain enrollment requirements with respect to two bills of the One Hundred Fourth Congress. (Apr. 9, 1996; 110 Stat. 1199)

S. 4/P.L. 104–130

Line Item Veto Act (Apr. 9, 1996; 110 Stat. 1200)

Last List April 8, 1996