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# Federal Register

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 33

**[Docket No. 95–ANE–46; 33–ANE–05]**

## Special Conditions: Turbomeca Model Arriel 2S1 Turboshaft Engine

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Turbomeca Model Arriel 2S1 turboshaft engine. This engine will have novel or unique engine ratings that are not defined by the applicable airworthiness regulations. These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 33 of the Federal Aviation Regulations (FAR).

**EFFECTIVE DATE:** May 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Chung Hsieh, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; (617) 238–7115; Fax (617) 238–7199.

**SUPPLEMENTARY INFORMATION:**

### Background

On February 25, 1994, Turbomeca applied for an amendment to type certificate E19EU to include a new Model Arriel 2S1 turboshaft engine. The Model Arriel 2S1 turboshaft engine will be rated at 30-Second and 2-Minute one engine inoperative (OEI), 30-Minute OEI, Continuous OEI, Takeoff, and Maximum Continuous ratings.

The applicable airworthiness requirements do not contain 30-Second OEI and 2-Minute OEI rating definitions, and do not contain adequate or appropriate safety standards for the type certification of these new and unusual engine ratings.

*Type Certification Basis*

Under the provisions of section 21.101 of the Federal Aviation Regulations (FAR), Turbomeca must show that the Model Arriel 2S1 turboshaft engine meets the applicable provisions of the regulations as referenced in Type Certificate No. E19EU or the applicable regulations in effect on the date of the application. The regulations incorporated by reference in Type Certificate No. E19EU are Section 21.29 and part 33, effective February 1, 1965, as amended by Amendments 33–1 through 33–5, Turbomeca, however, has elected, under section 21.17, to comply with Amendments 33–1 through 33–14. The FAA has determined that the use of the airworthiness standards as amended by the later amendments for type certification of this derivative engine will enhance safety and therefore accepts the Turbomeca's proposal.

The Administrator finds that the applicable airworthiness regulations in part 33, as amended, do not contain adequate or appropriate safety standards for the Turbomeca Model Arriel 2S1 turboshaft engine because of the new and unique engine ratings. Therefore, the Administrator prescribes special conditions under the provisions of section 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with section 11.49 of the FAR after public notice and opportunity for comment, as required by sections 11.28 and 11.29(b), and become part of the type certification basis in accordance with section 21.101(b)(2).

### Discussion of Comments

Interested persons have been afforded the opportunity to participate in the making of these special conditions. No comments were received on the special conditions as proposed. However, comments addressing numerous issues were received in response to proposed special conditions for a similar engine program, Allison Engine Company (AE) Model 250 turboshaft engine. These comments were discussed in Notice No. SC–95–04–NE published in the Federal Register on November 27, 1995 (FR 60 58204). As a result of those comments, changes to the proposals and for clarification in certain sections of the special conditions were made. The FAA has determined that those changes made to the special conditions for AE Model 250 engine are also applicable to Turbomeca Arriel Model 2S1 engine and therefore they are adopted in this Final special conditions. In addition, some editorial changes have also been made to section 33.27 of this Final special condition for clarification.

After careful review of the available data, the FAA determined that air safety and the public interest require the adoption of the special conditions with the changes described previously.

### Conclusion

This action affects only certain novel or unusual design features on one model engine. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the engine.

### List of Subjects in 14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

## PART 33—[AMENDED]

The authority citation for these special conditions continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Turbomeca Model 2S1 turboshaft engine:

**§ 33.4 Instructions for Continued Airworthiness.**

In addition to the requirements of section 33.4, the mandatory inspection and maintenance actions required following the use of the 30-Second or 2-Minute OEI rating must be included in the airworthiness limitations section of the appropriate engine manuals.

**§ 33.7 Engine Ratings and Operating Limitations.**

In addition to the requirements of section 33.7, the following ratings are defined as:

(a) Rated 30-Second one engine inoperative (OEI) power: The approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established for the engine under part 33 and this special conditions, for continued one-flight operation after the failure of one engine in multi-engine rotorcraft, limited to three periods of use, no longer than 30 seconds each, in any one flight, and followed by mandatory inspection and prescribed maintenance action.

(b) Rated 2-Minute OEI power: The approved brake horsepower, developed under static conditions at specified altitudes and temperatures, within the operating limitations established for the engine under part 33 and this special conditions, for continued one-flight operation after the failure of one engine in multi-engine rotorcraft, limited to three periods of use, of no longer than 2 minutes each in any one flight, and followed by mandatory inspection and prescribed maintenance action.

**§ 33.27 Turbine, Compressor, Fan, and Turbo-supercharger Rotors.**

For 2-minute and 30-second OEI ratings, in addition to the requirements of section 33.27(b), turbine and compressor rotors must have sufficient strength to withstand the conditions specified in one of the following tests for the most critically stressed rotor component of each turbine and compressor including integral drum rotors and centrifugal compressor, as determined by analysis or other acceptable means. The selection of the test from the following paragraph (a) or (b) of this section is determined by the speed defined in paragraph (a)(2) or (b)(2), whichever is higher.

(a) Test for a period of two and one-half minutes—

(1) At its maximum operating temperature except as provided in paragraph 33.27(c)(2)(iv); and

(2) At the highest speed determined, in accordance with section 33.27(c)(2)(i) through (iv).

(3) This test may be performed using a separate test vehicle as desired.

(b) Test for a period of 5 minutes—

(1) At its maximum operating temperature except as provided in paragraph 33.27(c)(2)(iv); and

(2) At 100 percent of the highest speed that would result from failure of the most critical component of each turbine and compressor or system in a representative installation of the engine when operating at 30-Second and 2-Minute OEI rating conditions, and

(3) The test speed must take into account minimum material properties, maximum operating temperature, and the most adverse dimensional tolerances.

(4) This test may be performed using a separate test vehicle as desired.

Following the test, rotor growth and distress beyond dimensional limits for an overspeed condition is permitted for 30-Second and 2-Minute OEI rating only, provided the structural integrity of the rotor is maintained, as shown by a procedure acceptable to the Administrator.

**§ 33.29 Instrument Connection.**

In addition to the requirements of section 33.29, the engine must have a provision for a means to:

(a) Alert the pilot when the engine is at the 30-Second OEI and a 2-Minute OEI power levels;

(b) Determine, in a positive manner, that the engine has been operated at each rating; and

(c) Determine the elapsed time of operation of each rating.

**§ 33.67 Fuel System.**

In addition to the requirements of section 33.67, the engine must provide for a means for automatic availability and automatic control of the 30-Second OEI power; and engine test runs must be performed to demonstrate automatic functioning of both of these means.

**§ 33.83 Vibration Test.**

In addition to the requirements of section 33.83, the following additional test requirements must be considered under 33.83(a): For 30-Second and 2-Minute OEI rating conditions, the vibration survey shall cover the ranges of power, and both the physical and corrected rotational speeds for each rotor system, corresponding to operations throughout the range of ambient conditions in the declared flight envelope, from the minimum rotor speed up to 103 percent of the maximum rotor speed permitted for 2-Minute OEI rating, and up to 100 percent of the maximum rotor speed permitted for 30-Second OEI rating speed. If there is any indication of a stress peak arising at the highest physical or corrected rotational speeds, the surveys shall be extended sufficiently to reveal the maximum stress values present except that the extension needs not cover more than a further 2 percent beyond those speed.

**§ 33.85 Calibration Test.**

In addition to the requirements of section 33.85, tests performed at the 30-Second and 2-Minute OEI ratings, during the applicable additional endurance test prescribed in section 33.87 as amended by these special conditions, may be used to show compliance with the requirements of section 33.85.

**§ 33.87 Endurance Test.**

In addition to the requirements of section 33.87, an engine test must be conducted four times, using the following test sequence, for a total of not less than 120 minutes:

(a) Takeoff Power—three minutes at rated takeoff power.

(b) 30-Second OEI power—thirty seconds at rated 30-Second OEI power.

(c) 2-Minute OEI power—two minutes at rated 2-Minute OEI power.

(d) 30-Minute OEI, Continuous OEI, or Maximum Continuous power—five minutes at rated 30-Minute OEI power, or rated Continuous OEI power, or rated Maximum Continuous power, whichever is greatest, except that during the first test sequence this period shall be 65 minutes.

(e) 50 Percent takeoff power—one minute at 50 percent takeoff power.

(f) 30-Second OEI power—thirty seconds at rated 30-Second OEI power.

(g) 2-Minute OEI power—two minutes at rated 2-Minute OEI power.

(h) Idle power—one minute at idle power.

**§ 33.88 Engine Overtemperature Test.**

In addition to the requirements of section 33.88, the following must be performed:

(a) For engines that do not provide a means for temperature limiting; conduct a test for a period of five minutes at the maximum permissible power-on RPM, with the gas temperature at least 75 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(b) For engines that provide a means for temperature limiting; conduct a test for a period of four minutes at the maximum permissible power-on RPM, with the gas temperature at least 35 degrees Fahrenheit higher than the 30-Second OEI rating operating temperature limit.

(c) A separate test engine may be used for each test.

(d) Following the test, rotor assembly growth and distress beyond serviceable limits for an overtemperature condition is permitted, provided the structural integrity of the rotor assembly is maintained, as shown by a procedure that is acceptable to the Administrator.

**§ 33.93 Teardown Inspection.**

In addition to the requirements of section 33.93, this special condition requires that the engine be completely disassembled after completing the

additional testing of section 33.87. The engine must comply with section 33.93(a), but it may exhibit deterioration in excess of that permitted in section 33.93(b), and may include some engine parts and components that may be unsuitable for further use. It must be shown by procedures approved by the Administrator that the structural integrity of the engine, including mounts, cases, bearing supports, shafts and rotors, is maintained.

Issued in Burlington, Massachusetts, on April 3, 1996.

James C. Jones,

*Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 96–9252 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

## 14 CFR Part 39

**[Docket No. 95–NM–131–AD; Amendment 39–9565; AD 96–07–15]**

## Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and MD–90–30 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, that currently requires an inspection to detect chafing of or damage to the wire bundle in the overhead switch panel of the cockpit, application of spiral wrap to the wire bundle, and corrective actions, if necessary. That AD was prompted by reports of chafed and shorted wires that resulted in smoke emanating from the overhead switch panel of the cockpit. This amendment expands the applicability of the rule to include certain Model DC–9 and MD–90–30 series airplanes, and C–9 (military) series airplanes. This amendment also adds a requirement to reroute the wire bundle to preclude chafing and damage. The actions specified by this AD are intended to prevent the potential for fire and uncontrolled smoke throughout the cockpit as a result of chafing and shorting in the electrical wire bundles.

**DATES:** Effective May 15, 1996.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of May 15, 1996.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin DC9–24A157, dated April 11, 1995, as listed in the regulations, was approved previously by the Director of the Federal Register as of May 19, 1995 (60 FR 21977, May 4, 1995).

**ADDRESSES:** The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5345; fax (310) 627–5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95–09–10, amendment 39–9213 (60 FR 21977, May 4, 1995), which currently is applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, was published in the Federal Register on September 15, 1995 (60 FR 47901). The action proposed to supersede AD 95–09–10 to continue to require a one-time visual inspection to detect chafing of or damage to the wire bundle in the overhead switch panel of the cockpit, application of spiral wrap to the wire bundle, repair of chafed wire insulation, splicing of damaged wires, and rerouting the wire bundle. The action also proposed to expand the applicability of the rule to include certain Model DC–9 and MD–90–30 series airplanes, and C–9 (military) series airplanes. This amendment also adds a requirement to reroute the wire bundle to preclude chafing and damage.

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

One commenter supports the proposed rule.

Two commenters request that Model DC–9 series airplanes be excluded from the applicability of the proposal. One of these commenters states that the FAA has not proven that the potential for chafing of wire bundles exists for Model DC–9 series airplanes. The other commenter states that it has inspected 35 in-service airplanes in its fleet and has found only one chafed wire bundle, and has never, in 25 years of service, found any damaged wire bundles.

The FAA does not concur. Although there have been no reported cases of damage to the wire bundle on any in-service Model DC–9 series airplane, the FAA has received reports of chafing found on the wire bundle on in-service Model DC–9 series airplanes. Therefore, the potential for damage still exists when the wire bundle is improperly routed in the overhead switch panel of the cockpit such that chafing occurs. The FAA has determined that rerouting the wire bundle will prevent the potential for chafing and thereby prevent the potential for a consequent fire and uncontrolled smoke throughout the cockpit.

Two commenters request a revision to paragraph (b) of the proposal to delete the requirement to apply spiral wrap to the wire bundle following findings of chafing or damage to the wire bundle on Model DC–9, MD–90–30, and C–9 (military) series airplanes. The commenters state that these airplanes should not be required to apply spiral wrap, since the proposal also requires rerouting of the wire bundles following application of spiral wrap.

The FAA concurs. Since issuance of the NPRM, the FAA has reviewed and approved McDonnell Douglas Service Bulletins DC9–24–157 and MD90–24–001, both dated November 9, 1995, which describe procedures for rerouting the electrical wiring in the overhead switch panel to clear the cabin temperature indicator housing. As explained in the preamble to AD 95–09–10, the FAA considers the application of spiral wrap to be only a temporary measure to protect against chafing of the wire bundle. The FAA's intent was to require, in AD 95–09–10, application of spiral wrap only for Model DC–9–80 series airplanes and Model MD–88 airplanes, since the procedures to reroute the wire bundles for these airplanes had not yet been developed at the time AD 95–09–10 was issued. Since procedures for rerouting the wire bundles have now been developed for all airplanes, the FAA finds that operators must reroute the wire bundles immediately following findings of chafed or damaged wire bundles on Model DC–9, MD–90–30, and C–9 (military) series airplanes. The FAA has determined that applying the spiral

wrapping for these airplanes would not necessarily enhance safety, and would cause operators to incur an unnecessary expense. Consequently, paragraph (b) of the final rule has been revised to remove the requirement to spiral wrap the wire bundle prior to rerouting the wire bundle. Additionally, paragraph (b) of the final rule has been revised to reference McDonnell Douglas Service Bulletins DC9–24–157 and MD90–24–001 as additional sources of service information to accomplish rerouting of the wire bundle.

Additionally, the FAA has revised paragraph (c) of the final rule to include an applicability statement that limits the requirement of that paragraph (rerouting the wire bundles within 6 months after the effective date of the AD) to only Model DC–9–80 series airplanes and Model MD–88 airplanes . [The requirement to reroute the wire bundle for all other airplanes is required immediately following the inspection required by paragraph (b) of the final rule.]

Two commenters request that previously approved alternative methods of compliance (AMOC) with AD 95–09–10 continue to be acceptable for the requirements of the proposal. The commenters state that such a provision in the proposal would preclude operators from having to obtain approval of additional AMOC's unnecessarily. The FAA concurs. NOTE 3 from the proposal has been changed from a note to paragraph (d)(2) of the final rule to emphasize that operators need not apply for approval of an additional AMOC if the FAA had previously approved an AMOC to AD 95–09–10.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 2,012 Model DC–9, DC–9–80, and MD–90–30 series airplanes, Model MD–88 airplanes, and C–9 (military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 816 airplanes of U.S. registry will be affected by this AD.

The requirement to inspect and spiral wrap the wire bundle, which was previously required by AD 95–09–10, continues to be applicable to 614 Model DC–9–80 series airplanes and Model MD–88 airplanes of U.S. registry. This action takes approximately 3 work hours per airplane to accomplish, at an average labor rate is of $60 per work hour. Required parts cost approximately $5 per airplane. Based on these figures, the cost impact of the current requirements of that AD on U.S. operators of the affected airplanes is estimated to be $113,950, or $185 per airplane. However, in consideration of the compliance time and effective date of AD 95–09–10, the FAA assumes that U.S. operators of airplanes that are subject to the requirements of that AD have already initiated the required actions. Therefore, the requirement to inspect and spiral wrap the wire bundle likely adds no new costs associated with those airplanes.

The requirements of this new AD action to inspect and spiral wrap the wire bundle are also applicable to approximately 202 Model DC–9, MD–9–30, and C–9 (military) series airplanes of U.S. registry. Based on the figures discussed above, the new costs imposed by this AD on U.S. operators of these airplanes are estimated to be $37,370, or $185 per airplane.

The requirement to reroute the wire bundle that is required by this new AD is applicable to all 816 airplanes of U.S. registry. Accomplishing this rerouting will take approximately 0.5 work hour per airplane, at an average labor rate of $60 per work hour. Required parts will cost approximately $5 per airplane. Based on these figures, the cost impact on U.S. operators of the new requirements of this AD is estimated to be $28,560, or $35 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39–9213 (60 FR 21977, May 4, 1995), and by adding a new airworthiness directive (AD), amendment 39–9565, to read as follows:

96–07–15 McDonnell Douglas: Amendment 39–9565. Docket 95–NM–131–AD. Supersedes AD 95–09–10, Amendment 39–9213.

*Applicability:* Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (military) series airplanes, as listed in McDonnell Douglas DC–9 Alert Service Bulletin DC9–24A157, dated April 11, 1995; and Model MD–90–30 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD90–24A001, dated April 11, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent the potential for fire and uncontrolled smoke throughout the cockpit due to damaged electrical wiring, accomplish the following:

(a) For Model DC–9–80 series airplanes and Model MD–88 airplanes: Within 90 days

after May 19, 1995 (the effective date of AD 95–09–10, amendment 39–9213), perform a visual inspection to detect chafing of or damage to the wire bundle in the overhead switch panel of the cockpit, in accordance with McDonnell Douglas Alert Service Bulletin DC9–24A157, dated April 11, 1995, or Revision 1, dated November 11, 1995.

(1) If no chafing or damage is detected, prior to further flight, apply spiral wrap to the wire bundle in accordance with the alert service bulletin.

(2) If the wire insulation is chafed, prior to further flight, repair it and then apply spiral wrap to the wire bundle in accordance with the alert service bulletin.

(3) If the wire conductor is damaged, prior to further flight, splice the wires and then apply spiral wrap to the wire bundle, in accordance with the alert service bulletin.

(b) For Model DC–9, C–9 (military), and MD–90–30 series airplanes: Within 6 months after the effective date of this AD, perform a visual inspection to detect chafing of or damage to the wire bundle in the overhead switch panel of the cockpit, in accordance with McDonnell Douglas Alert Service Bulletin DC9–24A157, dated April 11, 1995, or Revision 1 dated November 9, 1995 [for Model DC–9 and C–9 (military) series airplanes]; or McDonnell Douglas Alert Service Bulletin MD90–24A001, dated April 11, 1995 (for Model MD–90–30 series airplanes); as applicable.

(1) If no chafing or damage is detected, prior to further flight, reroute the wire bundle in the overhead switch panel of the cockpit in accordance with either McDonnell Douglas Service Bulletin DC9–24–157, dated November 9, 1995 [for Model DC–9 series airplanes and C–9 (military) series airplanes], or McDonnell Douglas Service Bulletin MD90–24–001, dated November 9, 1995 [for Model MD–90–30 series airplanes], as applicable; or in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If the wire insulation is chafed, prior to further flight, repair it in accordance with the applicable alert service bulletin; then reroute the wire bundle in the overhead switch panel of the cockpit in accordance with either McDonnell Douglas Service Bulletin DC9–24–157, dated November 9, 1995 [for Model DC–9 series airplanes and C–9 (military) series airplanes], or McDonnell Douglas Service Bulletin MD90–24–001, dated November 9, 1995 [for Model MD–90–30 series airplanes], as applicable; or in accordance with a method approved by the Manager, Los Angeles ACO.

(3) If the wire conductor is damaged, prior to further flight, splice the wires in accordance with the applicable alert service bulletin; then reroute the wire bundle in the overhead switch panel of the cockpit in accordance with either McDonnell Douglas Service Bulletin DC9–24–157, dated November 9, 1995 [for Model DC–9 series airplanes and C–9 (military) series airplanes], or McDonnell Douglas Service Bulletin MD90–24–001, dated November 9, 1995 [for Model MD–90–30 series airplanes], as applicable; or in accordance with a method approved by the Manager, Los Angeles ACO.

(c) For Model DC–9–80 series airplanes and Model MD–88 airplanes: Within 6 months after the effective date of this AD, reroute the wire bundle in the overhead switch panel of the cockpit in accordance with either McDonnell Douglas Service Bulletin DC9–24–157, dated November 9, 1995 [for Model DC–9 series airplanes and C–9 (military) series airplanes], or McDonnell Douglas Service Bulletin MD90–24–001, dated November 9, 1995 [for Model MD–90–30 series airplanes], as applicable; or in accordance with a method approved by the Manager, Los Angeles ACO.

(d)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(2) Alternative methods of compliance approved in accordance with AD 95–09–10, amendment 39–9213, are approved as alternative methods of compliance with this AD.

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

(f) The actions shall be done in accordance with the following McDonnell Douglas documents:

| Service bulletin No. | Revision level | Date |
|---|---|---|
| Alert Service Bulletin MD90–24A001. | (Original) .. | April 11, 1995. |
| Service Bulletin MD90–24–001. | (Original) .. | November 9, 1995. |
| Alert Service Bulletin DC9–24A157. | (Original) .. | April 11, 1995. |
| Alert Service Bulletin DC9–24A157. | Revision 1 | November 9, 1995. |
| Service Bulletin DC9–24–157. | (Original) .. | November 9, 1995. |

The incorporation by reference of McDonnell Douglas Alert Service Bulletin DC9–24A157, dated April 11, 1995, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of May 19, 1995 (60 FR 21977, May 4, 1995). The incorporation by reference of the remainder of the service documents listed above is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 15, 1996.

Issued in Renton, Washington, on March 29, 1996.

Bill R. Boxwell,

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

[FR Doc. 96–8295 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

**[Docket No. 95–NM–88–AD; Amendment 39–9563; AD 96–07–13]**

## Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Lockheed Model L–1011–385 series airplanes, that currently requires inspections to detect cracking of certain areas of the rear spar caps, web, skin, and certain fastener holes; and repair or modification, if necessary. That AD was prompted by reports of fatigue cracks in the caps, web, and skin of the wing rear spar inboard of inner wing station 346. The actions specified by that AD are intended to prevent rupture of the rear spar, which could result in extensive damage to the wing and fuel spillage. This amendment adds various improved inspections and follow-on actions, and requires that the initial inspections be accomplished at reduced thresholds.

**DATES:** Effective May 15, 1996.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of May 15, 1996.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of November 24, 1993 (58 FR 54947, October 25, 1993).

**ADDRESSES:** The service information referenced in this AD may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be

examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Thomas Peters, Aerospace Engineer, Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7367; fax (404) 305–7348.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93–17–10, amendment 39–8681 (58 FR 54947, October 25, 1993), which is applicable to all Lockheed Model L–1011–385 series airplanes, was published in the Federal Register on December 18, 1995 (60 FR 65032). The action proposed to continue to require inspections to detect cracking of certain areas of the rear spar caps, web, skin, and certain fastener holes; and repair or modification, if necessary. The action proposed to add various improved inspections and follow-on actions, and to require that the initial inspections be accomplished at reduced thresholds.

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

Four commenters support the proposed rule.

Two commenters request that the proposed rule be issued without change, but that the FAA issue subsequent rulemaking to require a reduced repetitive inspection interval. One commenter expresses concern that analytical data and service experience do not support the repetitive inspection interval of 2,000 flight cycles recommended in Revision 4 of Lockheed L–1011 Service Bulletin 093–57–203. The commenter states that two inspection opportunities should be provided to detect cracks prior to the time at which those cracks reach critical flaw size; the proposed inspection interval will not allow two inspections to be conducted during the period between the point at which the crack becomes detectable using the specified inspection methods and the point at which the crack reaches critical length. The second commenter, the manufacturer, indicates that analysis of an incident that occurred subsequent to the issuance of Revision 4 of the service bulletin revealed a failure mode that had not been evaluated fully. The manufacturer advises that it intends to revise the service bulletin to recommend that the repetitive inspection intervals be reduced and to change the inspection requirements to ensure timely detection of cracks.

The FAA concurs with the commenters' request. The FAA may consider additional rulemaking to address the issues discussed by the commenters once an acceptable inspection interval and other inspections have been identified.

One commenter requests that the Summary section of the preamble to the proposed rule be revised to clarify that fatigue cracks were found in the web and skin, as well as the caps, of the wing rear spar inboard of inner wing station 346. The FAA concurs, and has made this change to the pertinent language in the preamble to this final rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 236 Model L–1011–385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 118 airplanes of U.S. registry will be affected by this proposed AD.

The actions that are currently required by AD 93–17–10 take approximately 21 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be $148,680, or $1,260 per airplane.

The new actions that are required by this new AD will take approximately 64 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. [This work hour estimate assumes that X-ray inspections are done of both upper and lower caps, and that the ultrasonic inspection indicates cracking in each of five bolt holes (per wing), thus requiring subsequent bolt hole eddy current inspections to confirm crack findings. The estimate includes inspections of both wings.] Based on these figures, the cost impact on U.S. operators of the new requirements of this AD is estimated to be $453,120, or $3,840 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8681 (58 FR 54947, October 25, 1993), and by adding

a new airworthiness directive (AD), amendment 39–9563, to read as follows:

96–07–13 Lockheed Aeronautical Systems Company: Amendment 39–9563. Docket 95–NM–88–AD. Supersedes AD 93–17–10, Amendment 39–8681.

*Applicability:* All Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

Note 2: Paragraphs (a)(1) and (b) of this AD restate the requirement for repetitive inspections and follow-on actions contained in paragraphs (a) and (b) of AD 93–17–10. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 93–17–10, paragraphs (a)(1) and (b) of this AD require that the next scheduled inspection be performed within 2,000 flight cycles after the last inspection performed in accordance with paragraphs (a) and (b) of AD 93–17–10.

To prevent rupture of the rear spar, which could result in extensive damage to the wing and fuel spillage, accomplish the following:

(a) Perform inspections and various follow-on actions to detect cracking in the areas specified in and in accordance with Part II of the Accomplishment Instructions of the Lockheed service documents listed below. After the effective date of this AD, the inspections and follow-on actions shall be performed only at the times specified in and in accordance with Revision 4 of Lockheed L–1011 Service Bulletin 093–57–203. [The inspections and follow-on actions include: repetitive X-ray (radiographic) inspections; repetitive eddy current surface scan inspections; bolt hole eddy current inspections at various locations; repetitive ultrasonic inspections in conjunction with eddy current surface scan inspections (for certain airplanes); and repetitive low frequency eddy current ring probe inspections.]

- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991, as amended by Lockheed L–1011 Service Bulletin Change Notification 093–57–203, R3–CN1, dated June 22, 1992; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995.

(1) For airplanes on which the inspections required by AD 93–17–10, amendment 39–8681, have been initiated prior to the effective date of this AD: Perform the inspections and follow-on actions at the times specified in Table I of Lockheed L–1011 Service Bulletin Change Notification 093–57–203, R3–CN1, dated June 22, 1992, or within 6 months after November 24, 1993 (the effective date of AD 93–17–10, amendment 39–8681), whichever occurs later.

Note 3: As allowed by the phrase, ''unless accomplished previously,'' if the inspections and follow-on actions required by this paragraph were conducted prior to November 24, 1993, in accordance with Lockheed L–1011 Service Bulletin 093–57–203, Revision 2, dated January 25, 1991, those inspections need not be repeated.

(2) For airplanes on which the inspections required by AD 93–17–10, amendment 39–8681, have not been initiated prior to the effective date of this AD: Perform the inspections and follow-on actions at the times specified in Table I of Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995, or within 6 months after the effective date of this AD, whichever occurs later.

(b) If no cracking is found, perform the repetitive inspections and follow-on actions specified in the Accomplishment Instructions of the Lockheed service documents listed below thereafter at intervals not to exceed 2,000 flight cycles. After the effective date of this AD, the inspections and follow-on actions shall be performed only in accordance with Revision 4 of Lockheed L–1011 Service Bulletin 093–57–203.

- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991, as amended by Lockheed L–1011 Service Bulletin Change Notification 093–57–203, R3–CN1, dated June 22, 1992; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995;

(c) If any finding of cracking is confirmed, prior to further flight, accomplish paragraph (c)(1), (c)(2), or (c)(3) of this AD.

(1) Repair the cracked area in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Thereafter, perform the repetitive inspections and follow-on actions required by paragraph (b) of this AD; or

(2) Repair the rear spar upper and lower caps between IWS 228 and 346 in accordance with the Lockheed Model L–1011 Structural Repair Manual. Thereafter, perform the repetitive inspections and follow-on actions required by paragraph (b) of this AD; or

(3) Modify the rear spar upper and lower caps between IWS 228 and 346 in accordance with the Lockheed service bulletins listed below, as applicable. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

- Lockheed L–1011 Service Bulletin 093–57–184, Revision 7, dated December 6, 1994, as amended by Change Notification 093–57–184, R7–CN1, dated August 22, 1995; or
- Lockheed L–1011 Service Bulletin 093–57–196, Revision 6, dated December 6, 1994, as amended by Change Notification 093–57–196, R6–CN1, dated August 22, 1995; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995.

Note 4: Accomplishment of the modification specified in paragraph (c)(3) of this AD prior to the effective date of this AD in accordance with the following Lockheed service bulletins, as applicable, is considered to be in compliance with this paragraph:

- Lockheed L–1011 Service Bulletin 093–57–184, Revision 6, dated October 28, 1991;
- Lockheed L–1011 Service Bulletin 093–57–184, Revision 7, dated December 6, 1994;
- Lockheed L–1011 Service Bulletin 093–57–196, Revision 5, dated October 28, 1991;
- Lockheed L–1011 Service Bulletin 093–57–196, Revision 6, dated December 6, 1994;
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991; or
- Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991, as amended by Change Notification 093–57–203, R3–CN1, dated June 22, 1992.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

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

(f) Certain actions shall be done in accordance with Lockheed L–1011 Service Bulletin 093–57–203, Revision 4, dated March 27, 1995. The modification, if accomplished, shall be done in accordance with Lockheed L–1011 Service Bulletin 093–57–184, Revision 7, dated December 6, 1994, as amended by Change Notification 093–57–184, R7–CN1, dated August 22, 1995; or Lockheed L–1011 Service Bulletin 093–57–196, Revision 6, dated December 6, 1994, as amended by Change Notification 093–57–196, R6–CN1, dated August 22, 1995. The incorporation by reference of these documents was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Certain other actions shall be done in accordance with Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991; and Lockheed L–1011 Service Bulletin 093–57–203, Revision 3, dated October 28, 1991, as amended by Lockheed L–1011 Service Bulletin Change Notification 093–57–203, R3–CN1, dated June 22, 1992. The incorporation by reference of these documents was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR

part 5,1 as of November 24, 1993 (58 FR 54947, October 25, 1993). Copies may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 15, 1996.

Issued in Renton, Washington, on March 28, 1996.

Bill R. Boxwell,

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

[FR Doc. 96–8584 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–P**

## 14 CFR Part 39

**[Docket No. 92–NM–75–AD; Amendment 39–9564; AD 96–07–14]**

## Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, –CC, –CD, –CE, and –CF Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all CASA Model C–212–CB, –CC, –CD, –CE, and –CF series airplanes, that requires supplemental structural inspections, and repair or replacement, as necessary, to ensure the continued airworthiness of these airplanes. This amendment is prompted by a structural reevaluation, which identified certain significant structural components to inspect for fatigue cracks as these airplanes approach and exceed the manufacturer's original fatigue design life goal. The actions specified by this AD are intended to prevent reduced structural integrity of these airplanes.

**DATES:** Effective May 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 15, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Gregory Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all CASA Model C–212–CB, –CC, –CD, –CE, and –CF series airplanes was published in the Federal Register on May 3, 1995 (60 FR 21772). That action proposed to require supplemental structural inspections, and repair or replacement, as necessary. That action also proposed to require that results of these inspections, positive or negative, be reported to CASA. Additionally, the action proposed to require replacement of certain horizontal stabilizer-to-fuselage attach fittings on Model C–212–CB series airplanes.

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

Three commenters request that Model C–212–DF series airplanes be removed from the applicability of the proposed AD. The commenters remark that those airplanes are not included in the effectivity listing of CASA Supplemental Inspection Document (SID) C–212–PV–01–SID, dated June 1, 1987 (hereinafter referred to as the ''Document''). Further, that airplane model is far from achieving the thresholds specified in the Document. Additionally, a revision of the Document is in progress currently; that revision will address the special features of that model. The FAA concurs with the commenters' request for the reasons presented, and has revised the final rule accordingly. The FAA may consider further rulemaking relevant to that model.

These commenters also request that the compliance time for replacement of the horizontal stabilizer-to-fuselage attach fittings, as specified in paragraph (a) of the proposed AD, be revised from ''16,500 total hours time-in-service'' to ''16,500 total landings,'' in order to be consistent with Spanish airworthiness directive 2–88, Revision 1, dated May 17, 1993. The FAA concurs with the commenters' request, and finds that the compliance time in terms of landings is more appropriate. The FAA has revised paragraph (a) of the final rule accordingly.

One commenter requests that the compliance time for revising the maintenance inspection program, as specified in paragraph (b)(1) of the proposed AD, be revised from ''20,000 total landings or 20,000 total hours time-in-service, whichever occurs first'' to ''20,000 total landings'' only. The commenter considers this request necessary in order to ensure that the threshold specified in proposed AD is consistent with that specified in the Document. The FAA does not concur with the commenter's request. The FAA's intent is that the compliance times specified in this AD be consistent with those of Spanish airworthiness directive 2–88, Revision 1, dated May 17, 1993. The FAA finds that the compliance time, as presented in the proposal and in the Spanish airworthiness directive, is more appropriate for initiating timely detection and correction of problems associated with fatigue in the affected components. Therefore, the compliance times specified in paragraph (b)(1) of the final rule have not been changed.

Two commenters, the manufacturer and the foreign airworthiness authority, request that the FAA add a note to the proposed AD to indicate that the thresholds and intervals specified in AD 89–02–08 R1, amendment 39–6280 (54 FR 1341, January 13, 1989), for accomplishment of certain requirements associated with the flap control system are more restrictive than the thresholds and intervals specified in the Document and in this proposed AD for accomplishment of the same requirements. The commenters request that a note be included in the AD in order to avoid confusion among the operators of the affected airplanes. The FAA concurs that clarification is necessary. The FAA acknowledges that certain thresholds and intervals specified in the Document for inspection of the flap control system may overlap with those specified in AD 89–02–08 R1. The FAA has revised paragraph (b) of this final rule to add a note specifying that where such differences exist, the thresholds and intervals specified in AD 89–02–08 R1 prevail.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 33 airplanes of U.S. registry and 16 U.S. operators will be affected by this AD.

The FAA estimates that 2 Model C–212–CB series airplanes of U.S. registry will be required to replace certain horizontal stabilizer-to-fuselage attach fittings. The required replacement will take approximately 250 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $18,941 per airplane. Based on these figures, the cost impact of the required replacement on U.S. operators of Model C–212–CB series airplanes is estimated to be $67,882, or $33,941 per airplane.

Incorporation of the SID into an operator's maintenance program is estimated to necessitate 60 work hours at an average labor rate of $60 per work hour. Sixteen U.S. operators would be required to incorporate the SID into their maintenance programs. Based on these figures, the cost to these 16 U.S. operators is estimated to be $57,600, or $3,600 per operator.

The recurring inspections cost is estimated to be 310 work hours per airplane at an average labor rate of $60 per work hour. Based on these figures, the recurring cost for these requirements is estimated to be $613,800 for the affected U.S. fleet, or $18,600 per airplane.

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

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

96–07–14 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–9564. Docket 92–NM–75–AD.

*Applicability:* All Model C–212–CB, –CC, –CD, –CE, and –CF series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent reduced structural integrity of the airplane, accomplish the following:

(a) For Model C–212–CB series airplanes: Prior to the accumulation of 16,500 total landings, or within 6 months after the effective date of this AD, whichever occurs later, replace the horizontal stabilizer-to-fuselage attach fittings, part numbers 212–31101.05 and 212–31102.05, with part numbers 212–31122.03 and 212–31123.05, respectively, in accordance with the CASA C–212 Aircraft Maintenance Manual, Chapter 5, Section 5–20, task number 55.15.

Note 2: Replacement of the attach fittings on Model C–212–CB series airplanes may be accomplished by replacing part numbers 212–31101.05 and 212–31102.05 with part numbers 212–31123.30 and 212–31122.29, respectively.

(b) For all airplanes: Incorporate a revision into the FAA-approved maintenance inspection program that provides for inspection of the Principal Structural Elements (PSE) defined in CASA Supplemental Inspection Document (SID) C–212–PV–01–SID, dated June 1, 1987 (hereinafter referred to as the ''Document''), at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

Note 3: Certain thresholds and intervals for inspections of the wing flap control system required by AD 89–02–08 R1, amendment 39–6280, are more restrictive than those specified in the Document. Where differences exist, the thresholds and intervals specified in AD 89–02–08 R1 prevail.

(1) Prior to the accumulation of 20,000 total landings or 20,000 total hours time-in-service, whichever occurs first. Or

(2) Within 9 months after the effective date of this AD.

(c) Any cracked structure detected during the inspections required by paragraph (b) of this AD must be repaired or replaced, prior to further flight, in accordance with the

instructions in the Document, or in accordance with other data meeting the certification basis of the airplane that is approved by the FAA or by the Dirección General de Aviación Civil (DGAC).

(d) Within 10 days after accomplishing each inspection required by paragraph (b) of this AD, report the results (positive or negative) of each inspection required by paragraph (b) of this AD to CASA in accordance with the Document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(g) The maintenance program revision shall be done in accordance with CASA Supplemental Inspection Document (SID) C–212–PV–01–SID, dated June 1, 1987.

Note: The date of Volumes 2 and 3 of the SID is indicated only on the title page of the volume.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 15, 1996.

Issued in Renton, Washington, on March 28, 1996.

Bill R. Boxwell,

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

[FR Doc. 96–8535 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–P**

## 14 CFR Part 39

**[Docket No. 95–SW–19–AD; Amendment 39–9569; AD 96–08–03]**

## Airworthiness Directives; Flight Trails Helicopters, Inc. Hardpoint Assemblies Installed on McDonnell Douglas Helicopter Systems Model 369D, 369E, 369F, 369FF, and 500N Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Flight Trails Helicopters, Inc. hardpoint assemblies, installed in accordance with Supplemental Type Certificate (STC) No. SH6080NM, or in accordance with Federal Aviation Administration (FAA) Form 337, ''Major Repair and Alteration,'' approved on McDonnell Douglas Helicopter Systems (MDHS) Model 369D, 369E, 369F, 369FF, and 500N helicopters, that requires removing any Flight Trails Helicopters, Inc. hardpoint assembly not identified by part number (P/N) and serial number (S/N). This amendment is prompted by two incidents in which the hardpoint assembly used to support a search light or night vision system reportedly failed. The actions specified by this AD are intended to prevent failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter.

**EFFECTIVE DATE:** May 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Wang, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (310) 627–5303, fax (310) 627–5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Flight Trails Helicopters, Inc. hardpoint assemblies installed in accordance with STC No. SH6080NM, or in accordance with FAA Form 337, ''Major Repair and Alteration,'' approved on MDHS Model 369D, 369E, 369F, 369FF, and 500N helicopters, was published in the Federal Register on September 19, 1995 (60 FR 48428). That action proposed to require, before further flight, removing the hardpoint assemblies not marked by a part number and a serial number from the affected helicopters. These hardpoint assemblies are used to secure a searchlight or night vision system to the affected helicopter.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except for adding the –1 and –2 to further identify the jacking fitting part number. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of this AD.

The FAA estimates that 59 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,540.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

AD 96–08–03 Flight Trails Helicopters, Inc.: Amendment 39–9569. Docket No. 95–SW–19–AD.

*Applicability:* McDonnell Douglas Helicopters Systems (MDHS) Model 369D, 369E, 369F, 369FF, and 500N helicopters, that have been modified in accordance with Supplemental Type Certificate (STC) No. SH6080NM, or in accordance with a Federal Aviation Administration (FAA) Form 337, ''Major Repair and Alteration,'' using Flight Trails Helicopters, Inc. hardpoint assemblies, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Note 2: Information concerning the hardpoint assemblies may be obtained from Flight Trails Helicopters, Inc., ATTN: Mr. Larry Anderson, 4805 Falcon Drive, Mesa, Arizona 85205, telephone (602) 396–8242.

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

To prevent failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter, accomplish the following:

(a) Before further flight, remove from the helicopter any Flight Trails Helicopters, Inc. hardpoint assembly not marked with a part number (P/N) and serial number (S/N) by removing the NAS 1351–3 cap screw that secures the hardpoint assembly to the jacking fitting, P/N 369H2521–1 and –2, and slipping the hardpoint assembly out of the step mount. The only Flight Trails Helicopters, Inc. hardpoint assemblies that are considered airworthy and eligible for installation are those hardpoint assemblies marked with a serial number and either P/N FTH 105 LH Mod 1, for a hardpoint assembly mounted on the left side of the helicopter, or P/N FTH 105 RH Mod 1, for a hardpoint assembly mounted on the right side.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

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

(d) This amendment becomes effective on May 20, 1996.

Issued in Fort Worth, Texas, on April 2, 1996.

Eric Bries,

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

[FR Doc. 96–9273 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–P

## FEDERAL TRADE COMMISSION

## 16 CFR Part 303

## Rules and Regulations Under the Textile Fiber Products Identification Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** On December 6, 1995, the Federal Trade Commission (''Commission'') initiated a notice-and-comment rulemaking proceeding by publishing a Notice of Proposed Rulemaking in the Federal Register to solicit comment on whether Rule 7(d) of the Rules and Regulations Under the Textile Fiber Products Identification Act should be amended to allow use of the name ''lyocell'' as an alternative to the generic name ''rayon'' for a specific subclass of rayon fibers defined in the proposed amendment. The Commission has analyzed the record developed during that proceeding and has concluded that the lyocell subclass has sufficiently different characteristics from other rayons to justify use of the term ''lyocell'' as an alternative to the generic name ''rayon'' for that subclass. The Commission announces, therefore, that Textile Rule 7(d) will be amended. The amendment will allow the use of the term ''lyocell'' as a generic name on disclosures required by the Textile Act for fibers that meet the definition of lyocell in the amendment. This Notice summarizes the comments received in response to the December 6, 1995, Notice of Proposed Rulemaking and sets out the Commission's final action in this matter.

**EFFECTIVE DATE:** May 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Bret S. Smart, Program Advisor, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, #13209, Los Angeles, CA 90024, (310) 235–4040.

**SUPPLEMENTARY INFORMATION:**

I. Background

Rule 6[1] of the Rules and Regulations under the Textile Fiber Products Identification Act (''Textile Act'')[2] requires use of generic names of the fibers contained in textile fiber products in making required disclosures of the fiber content of the products. Rule 7[3] sets forth the generic names and definitions that the Commission has established for manufactured fibers. Rule 8[4] sets forth the procedures for establishing new generic names for manufactured fibers.

On January 27, 1992, Courtaulds Fibers, Inc. (''Courtaulds'') applied to the Commission requesting establishment of a new generic name and definition for a fiber it manufactures. It recommended ''lyocell'' be adopted as the new generic name for this fiber. In its application, Courtaulds stated that this cellulosic fiber differs in kind and chemical structure from any of the existing fiber definitions of Rule 7.[5]

After an initial analysis, the Commission granted Courtaulds the designation ''CF0001'' for temporary use in identifying the fiber until final disposition of the application.

Courtaulds' application and other related documents and materials describe the lyocell fiber, its manufacture, and possible uses as follows:

Lyocell fiber results from the dissolution of cellulose into an aqueous solution of N-methyl morpholine oxide and the precipitation of the fiber out of solution. This process is unique among methods used to manufacture other existing rayons. As a result, the molecular structure of lyocell fiber is radically different from that of other rayons in that it has a substantially higher degree of polymerization and greater crystallinity. These differences induce high wet and dry tenacity as well as high initial wet modulus

[1] 16 CFR 303.6.

[2] 15 U.S.C. 70, et seq.

[3] 16 CFR 303.7.

[4] 16 CFR 303.8.

[5] Courtaulds' application and related materials have been placed on the rulemaking record.

in lyocell fiber. Consequently, garments made from the fiber are highly resistant to shrinkage and wrinkling and therefore do not require dry-cleaning, unlike other rayons.

Based on its review of Courtaulds' application and related materials, the Commission solicited comments in its December 6, 1995, Notice of Proposed Rulemaking[6] on a proposed amendment to the Rule 7(d) definition of rayon.[7] The proposed amendment would add the following sentence:

Where the fiber is composed of cellulose precipitated from an organic solution in which no substitution of the hydroxyl groups takes place and no chemical intermediates are formed, the term lyocell may be used as a generic description of the fiber.

The effect of this proposed amendment would be to allow use of the name ''lyocell' as an alternative to the generic name ''rayon'' for the subclass of fibers meeting the criteria contained in the proposed second sentence.[8]

In the Notice of Proposed Rulemaking, the Commission took the opportunity to clarify its 1973 statement of policy concerning the criteria by which it will decide the disposition of applications filed under Rule 8.[9] The Notice of Proposed Rulemaking stated as follows:

As exemplified by today's action and reflected in this notice, the Commission generally reaffirms its 1973 criteria. In addition, it notes that where appropriate, in considering application for new generic names for fibers that are of the same general chemical composition as those for which a generic name already has been established, rather than of a chemical composition that is radically different, but that have distinctive properties of importance to the general public as a result of a new method of manufacture or their substantially differentiated physical characteristics, such as their fiber structure, it may allow such fiber to be designated in required information disclosures by either its generic name, or alternatively, by its ''subclass'' name. The Commission will consider this disposition when the distinctive feature or features of the subclass fiber make it suitable for uses for which other fibers under the established generic name would not be suited or would be significantly less well suited.

Based on the information available to it at the time comments were solicited, the Commission further stated in the Notice of Proposed Rulemaking as follows:

The Commission believes that Courtaulds' current application describes a subclass of generic rayon fibers with significant distinctions to consumers resulting from physical characteristics of the fiber and its new mode of manufacture that meet the above standard for allowing designation by the subclass name ''lyocell.''

## II. Summary and Analysis of Comments

### *A. Summary*

There were twenty-seven comments submitted in this proceeding.[10] Twenty-six of these were one page in length and generally expressed support for the Commission's proposed amendment to Rule 7(d). Nearly half of the comments additionally stated that lyocell has significantly different characteristics from other rayons. Among these letters was one from the Austrian company, Lenzing AG. Describing itself as ''the world's leading producer of viscose staple fiber,'' Lenzing AG commented as follows:

[Lenzing] welcomes and supports the FTC's proposal to add ''lyocell'' to the list of approved generic names.

Lenzing AG has developed a lyocell fiber and currently operates a small scale pilot plant. A commercial scale plant of 24,000 tonnes a year is under construction, but already before its completion mid 1997 will the fiber be marketed in the USA under the trade name ''Lyocell by Lenzing.''

The decision for a new cellulosic fiber technology has been taken because of the unique and significantly different characteristics that differentiate ''lyocell'' clearly from rayon and/or viscose. We feel strongly that the consumer will actively seek the inherent fiber properties and a clear reference to ''lyocell'' in the fiber content label of a textile product will be appreciated.[11]

The American Fiber Manufacturers Association, Inc. (''AFMA'') submitted a two-page letter with thirteen pages of attachments. The letter states as follows:

AFMA is the domestic trade association for the U.S. manufactured fiber industry. The Association's membership is comprehensive with eighteen members accounting for more than 90 percent of the U.S. production of synthetic and cellulosic fiber. The Association's basic policy is to oppose the proliferation of generic fiber names, except where there is a clear and compelling rationale—which we believe exists in the case of lyocell.[12]

### *B. Analysis*

The Commission has considered the comments and all other information available to it in this matter. It concludes that, as a result of its physical characteristics and mode of manufacture, ''lyocell'' fiber is a subclass of generic ''rayon'' with significant distinctions to consumers (e.g., washability). The Commission further concludes that it is in the public interest to amend Rule 7(d) to define the ''lyocell'' subclass and to allow use of the name ''lyocell'' as an alternative to the generic name ''rayon'' for that subclass of fiber.

The temporary designation ''CF0001'' previously assigned Courtaulds' fiber for temporary use is hereby revoked as of the effective date of this amendment.

## III. Regulatory Flexibility Act

In publishing the proposed amendment, the Commission certified, subject to subsequent public comment, that the proposed amendment, if promulgated, would not have a significant economic impact on a substantial number of small entities and, therefore, that the provisions of the Regulatory Flexibility Act,[13] requiring

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[6] 60 FR 62352 (Dec. 6, 1995).

[7] Rule 7(d) (16 CFR 303.7(d)) currently defines ''rayon'' as, ''a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogens of the hydroxyl groups.''

[8] Within the established 21 generic names for manufactured fibers, there are currently two cases where such generic name alternatives may be used. Pursuant to Rule 7(e) (16 CFR 303.7(e)), within the generic category ''acetate,'' the term ''triacetate'' may be used as an alternative generic description for a specifically defined subclass of acetate fiber. Pursuant to Rule 7(j) (16 CFR 303.7(j)), within the generic category ''rubber,'' the term ''lastrile'' may be used as an alternative generic description for a specifically defined subclass of rubber fiber.

[9] In 1973 the Commission summarized its policy for adopting generic fiber names, as follows:

[T]he Commission, in the interest of elucidating the grounds on which it has based this decision and shall base future decisions as to the grant of generic names for textile fibers, sets out the following criteria for grant of such generic names.

1. The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

2. The fiber must be in active commercial use or such use must be immediately foreseen.

3. The grant of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

The Commission believes it is in the public interest to prevent the proliferation of generic names, and will adhere to a stringent application of the above-mentioned criteria in consideration of any future applications for generic names and in a systematic review of any generic names previously granted which no longer meet these criteria.

(*See* 38 FR 34114, November 12, 1973.)

[10] Los Angeles Dye & Denim Finish, Inc. (1), Parkdale Mills, Inc. (2), JPS Converter and Industrial Corp. (3), Lee Company (4), New Cherokee Corporation (5), Horizon Textiles Corp. (6), Ge-Ray Fabrics, Inc. (7), Burlington Madison Yarn Company (8), Greenwood Mills, Inc. (9), Dixie Yarns, Inc. (10), Stonecutter Mills Corporation (11), Burlington Industries, Inc. (12), New Cherokee Corporation (13), Milliken (14), David Dart (15), Burlington Denim (16), Threads USA (17), Threads USA (18), Dan River, Inc. (19), Lenzing AG (20), Milliken (21), Milliken (22), Guilford Mills, Inc. (23), American Fiber Manufacturers Association, Inc. (24), Springs (25), Eileen Fisher (26), Allied Tube & Conduit Corporation (27).

[11] Lenzing AG (20) p.1.

[12] American Fiber Manufacturers Association, Inc. (24) p.1.

[13] 5 U.S.C. 605(b).

an initial regulatory analysis, did not apply.[14] In considering the economic impact of the proposed amendment on manufacturers and retailers, the Commission noted that the amendment would impose no obligations, penalties or costs, in part because the amendment simply provides an additional, alternative method of complying with existing rules. Use of the new alternative is voluntary. The Commission nonetheless requested comment on the effects of the proposed amendment on costs, profitability, competitiveness, and employment in small entitles, in order not to overlook any substantial economic impact that would warrant a final regulatory flexibility analysis.[15]

Despite the explicit request by the Commission for comment on the impact of the amendment on small entities, and the receipt of twenty-seven comments from a variety of industry members, including the association that represents the producers of over 90% of U.S. fiber, no comments were received on this aspect of the rulemaking. The uniform silence on this issue supports the Commission's tentative conclusion contained in the Notice of Proposed Rulemaking. Accordingly, on the basis of all the information before it, the Commission has determined that the final amendment will not have a sufficiently significant economic impact on a substantial number of small entities to warrant a final regulatory flexibility analysis under the Regulatory Flexibility Act. The notice serves as certification to that effect to the Small Business Administration.

IV. Paperwork Reduction Act

This amendment does not constitute a ''collection of information'' under the Paperwork Reduction Act[16] and the implementing regulations of the Office of Management and Budget (''OMB'').[17]

The generic name petition requests have already been submitted to the OMB and have been assigned a control number, 3084–0047.

List of Subjects in 16 CFR Part 303

Labeling, Textiles, Trade practices.

## PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Accordingly, after consideration of the views, arguments and data submitted pursuant to the Notice of Proposed Rulemaking in this matter, and in consideration of other pertinent information and material available to the Commission, the Commission has determined to amend 16 CFR Part 303, Rules and Regulations under the Textile Fiber Products Identification Act, in the manner set forth below:

1. The authority citation for Part 303 continues to read as follows:

Authority: Sec. 7(c) of the Textile Fiber Products Identification Act, 15 U.S.C. 70e(c); Sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

### § 303.7 [Amended]

2. Section 303.7(d), Generic Names and Definitions for Manufactured Fibers, of 16 CFR Part 303 is hereby revised to read as follows:

### § 303.7 Generic names and definitions for manufactured fibers.

* * * * *

(d) Rayon—a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogens of the hydroxyl groups. Where the fiber is composed of cellulose precipitated from an organic solution in which no substitution of the hydroxyl groups takes place and no chemical intermediates are formed, the term *lyocell* may be used as a generic description of the fiber.

* * * * *

By direction of the Commission.

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9274 Filed 4–12–96; 8:45 am]

BILLING CODE 6750–01–M

[14] 60 FR 62352, 62354 (Dec. 6, 1995).

[15] Id.

[16] 44 U.S.C. 3501 et seq.

[17] 5 CFR 1320.7(c).

## PENSION BENEFIT GUARANTY CORPORATION

## 29 CFR Parts 2610 and 2622

## Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning April 1, 1996. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in February through April 1996. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

**EFFECTIVE DATE:** April 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TTD). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** As part of title IV of the Employee Retirement Income Security Act of 1974, as amended, the Pension Benefit Guaranty Corporation collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR § 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code (''Code''). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning April 1, 1996, the interest charged on the underpayment of taxes will be at a rate of 8 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the April 1, 1996, through June 30, 1996, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported

in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in February through April of 1996.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these actions is a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

*29 CFR Part 2610*

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

*29 CFR Part 2622*

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, part 2610 and part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

## PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning April 1, 1996, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2610—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

| From— | Through— | Interest rate (percent) |
|---|---|---|
| * * | * * | * |
| April 1, 1996 . | June 30, 1996 ... | 8.00 |

3. Appendix B to part 2610 is amended by adding to the table of interest rates new entries for premium payment years beginning in February through April of 1996, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2610—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

| For premium payment years beginning in— | Required interest rate [1] |
|---|---|
| * * * * | * |
| February 1996 ..... | 4.84 |
| March 1996 ..... | 4.99 |
| April 1996 ..... | 5.28 |

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

## PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning April 1, 1996, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2622—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

| From | Through | Interest rate (percent) |
|---|---|---|
| * * | * * | * |
| April 1, 1996 ... | June 30, 1996 .. | 8.00 |

Issued in Washington, DC, this 3d day of April 1996.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 96–8808 Filed 4–12–96; 8:45 am]

BILLING CODE 7708–01–P

## 29 CFR Parts 2619 and 2676

## Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in May 1996, and to multiemployer plans with valuation dates in May 1996. The effect of these amendments is to advise the public of the adoption of these assumptions.

**EFFECTIVE DATE:** May 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD).

**SUPPLEMENTARY INFORMATION:** This rule adopts the May 1996 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the ''single-employer regulation'') and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the ''multiemployer regulation'').

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and ''benefit liabilities,'' *i.e.*, all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during May 1996 and multiemployer plans that have undergone mass withdrawal and have valuation dates during May 1996.

For annuity benefits, the interest rates will be 6.00% for the first 20 years following the valuation date and 4.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00% for the period during which benefits are in pay status, 4.25% during the seven-year period directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent an increase (from those in effect for April 1996) of .20 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent an increase (from those in effect for April 1996) of .25 percent for the period during which benefits are in pay status and the seven years directly preceding that period; they are otherwise unchanged.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the Federal Register by the 15th of the preceding month or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during May 1996, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during May 1996, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

*29 CFR Part 2619*

Employee benefit plans, Pension insurance, and Pensions.

*29 CFR Part 2676*

Employee benefit plans and Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

## PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, Rate Set 31 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2619—Interest Rates Used To Value Lump Sums and Annuities

*Lump Sum Valuations*

In determining the value of interest factors of the form $v^{0 \leq n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee contributions upon death), the PBGC shall employ the values of $i_t$ set out in Table I hereof as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is $y$ years ($y$ is an integer and $0 < y \leq n_1$), interest rate $i_1$ shall apply from the valuation date for a period of $y$ years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is $y$ years ($y$ is an integer and $n_1 < y \leq n_1 + n_2$), interest rate $i_2$ shall apply from the valuation date for a period of $y - n_1$ years, interest rate $i_1$ shall apply for the following $n_1$ years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is $y$ years ($y$ is an integer and $y > n_1 + n_2$), interest rate $i_3$ shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate $i_2$ shall apply for the following $n_2$ years, interest rate $i_1$ shall apply for the following $n_1$ years; thereafter the immediate annuity rate shall apply.

TABLE I
[Lump Sum Valuations]

| Rate set | For plans with a valuation date | | Immediate annuity rate (percent) | Deferred annuities (percent) | | | | |
|---|---|---|---|---|---|---|---|---|
| | On or after | Before | | $i_1$ | $i_2$ | $i_3$ | $n_1$ | $n_2$ |
| * | * | | * | * | * | * | * | * |
| 31 | 05–1–96 | 06–1–96 | 5.00 | 4.25 | 4.00 | 4.00 | 7 | 8 |

*Annuity Valuations*

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of $i_t$ prescribed in Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by $i_1$, $i_2$, . . . , and referred to generally as $i_t$) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II
[Annuity Valuations]

| For valuation dates occurring in the month— | The values of $i_t$ are: | | | | | |
|---|---|---|---|---|---|---|
| | $i_t$ | for $t$ = | $i_t$ | for $t$ = | $i_t$ | for $t$ = |
| * | * | * | * | * | * | |
| May 1996 | .0600 | 1–20 | .475 | >20 | N/A | N/A |

## PART 2676—[AMENDED]

3. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 31 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2676—Interest Rates Used To Value Lump Sums and Annuities

*Lump Sum Valuations*

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13(b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of $i^t$ prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is $y$ years ($y$ is an integer and $0 < y < n_1$), interest rate $i_1$ shall apply from the valuation date for a period of $y$ years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is $y$ years ($y$ is an integer and $n_1 < y < n_1 + n_2$), interest rate $i_2$ shall apply from the valuation date for a period of $y - n_1$ years, interest rate $i_1$ shall apply for the following $n_1$ years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is $y$ years ($y$ is an integer and $y > n_1 + n_2$), interest rate $i_3$ shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate $i_2$ shall apply for the following $n_2$ years, interest rate $i_1$ shall apply for the following $n_1$ years; thereafter the immediate annuity rate shall apply.

TABLE I
[Lump Sum Valuations]

| Rate set | For plans with a valuation date | | Immediate annuity rate (percent) | Deferred annuities (percent) | | | | |
|---|---|---|---|---|---|---|---|---|
| | On or after | Before | | $i_1$ | $i_2$ | $i_3$ | $n_1$ | $n_2$ |
| * | * | | * | * | * | * | * | * |
| 31 | 05–1–96 | 06–1–96 | 5.00 | 4.25 | 4.00 | 4.00 | 7 | 8 |

*Annuity Valuations*

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of $i_t$ prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by $i_1$, $i_2$, . . . and referred to generally as $i_t$) assumed to be in effect between specified anniversaries of a valuation date

that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity Valuations]

| For valuation dates occurring in the month— | The values of $i_t$ are: | | | | | |
|---|---|---|---|---|---|---|
| | $i_t$ | for $t$ = | $i_t$ | for $t$= | $i_t$ | for $t$= |
| * * * * | | * | | * | | * |
| May 1996 | .0600 | 1–20 | .0475 | >20 | N/A | N/A |

Issued in Washington, DC, on this 3d day of April 1996.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 96–8809 Filed 4–12–96; 8:45 am]

**BILLING CODE 7708–01–P**

## 29 CFR Part 2644

## Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. This amendment adds to the appendix of that regulation a new interest rate to be effective from April 1, 1996, to June 30, 1996. The effect of the amendment is to advise the public of the new rate.

**EFFECTIVE DATE:** April 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TDD). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended, the Pension Benefit Guaranty Corporation promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates'').

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 8.25 percent, which will be effective from April 1, 1996, through June 30, 1996. This rate represents a decrease of 0.50 percent from the rate in effect for the first quarter of 1996. This rate is based on the prime rate in effect on March 15, 1996.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

### PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

Appendix A to Part 2644—Table of Interest Rates

* * * * *

| From | To | Date of quotation | Rate (percent) |
|---|---|---|---|
| * | * | * | * |
| 04/01/96 | 6/30/96 | 3/15/96 | 8.25 |

Issued in Washington, DC, on this 3d day of April 1996.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 96–8810 Filed 4–12–96; 8:45 am]

**BILLING CODE 7708–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 80

**[FRL–5457–5]**

## Approval of Colorado's Petition To Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard for 1996 and 1997

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

**ACTION:** Direct final rulemaking.

**SUMMARY:** The Environmental Protection Agency (''EPA'' or the ''Agency'') is issuing as a direct final rule its limited approval of the State of Colorado's petition to relax the Reid Vapor Pressure (RVP) standard that applies to gasoline introduced into commerce in the Denver-Boulder ozone nonattainment area from June 1 to September 15. The standard is to be relaxed from 7.8 pounds per square inch (psi) to 9.0 psi for the years 1996 and 1997. Pursuant to the Clean Air Act Amendments of 1990, Federal RVP standards were promulgated by EPA on June 11, 1990 and revised on December 12, 1991. Colorado's petition is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and consumers. Colorado's petition requests a continuation of previous relaxations of the RVP standard. Prior to today's action, EPA has approved relaxations for the past four years, from 1992 through 1995.

This action is being taken without prior notice because EPA believes that this rulemaking is noncontroversial due to the limited scope of this rulemaking, Colorado's continued attainment of the ozone standard and for the reasons discussed in this document.

**DATES:** This action will be effective on May 30, 1996 unless EPA receives adverse or critical comments by May 15, 1996. If EPA receives adverse comments by that date, EPA will withdraw this action by publishing a document in the Federal Register. In a separate action published today, EPA is concurrently proposing approval of Colorado's petition to relax the Reid Vapor Pressure standard. All correspondence should be directed to the addresses shown below.

**ADDRESSES:** Materials relevant to this rulemaking have been placed in Docket A–96–10 by EPA. The docket is located at the Docket Office of the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Room M–1500 in Waterside Mall and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

Comments should be submitted (in duplicate if possible) to the Air Docket Section at the above address. A copy should also be sent to the EPA contact person listed below at the following address: U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW. (6406–J), Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Winstead McCall of the Fuels and Energy Division at 202–233–9029 at the above address.

**SUPPLEMENTARY INFORMATION:**

I. Background

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility.[1] EPA found that gasoline had become increasingly volatile, which caused an increase in evaporative emissions from gasoline powered sources. These emissions are volatile organic compounds (VOCs), a precursor of ozone and a major contributor to the nation's serious ground level ozone problem, which results in harm to human health and to the public welfare. The Agency published a Notice of Final Rulemaking on March 22, 1989 that put into place Phase I of the program to require VOC reductions available through refining changes that could be accomplished by the beginning of the 1989 summer ozone season.[2] The Phase II volatility standards were finalized on June 11, 1990[3] and were to go[4] into effect May 1, 1992.[4 5]

The Clean Air Act Amendments of 1990 (''CAA'' or ''the Act''), however, established new requirements for the fuel volatility program. Section 211(h) of the Act required that EPA modify the Phase II fuel volatility program. Section 211(h)(1) requires that EPA promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce, gasoline with an RVP level in excess of 9.0 psi during the high ozone season as defined by the Administrator. It further provides that EPA shall establish more stringent RVP standards in nonattainment areas if EPA finds such standards are ''necessary to generally achieve comparable evaporative emissions reductions (on a per vehicle basis) in nonattainment areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors.'' The Act also allows EPA to impose an RVP standard lower than 9.0 psi in any former ozone nonattainment area that is redesignated to attainment.

On May 29, 1991, EPA published a Notice of Proposed Rulemaking which modified the Phase II summer ozone volatility standards to reflect new section 211(h) of the Act.[6] In this document, EPA proposed that, beginning in 1992, the RVP standard would be 9.0 psi in all attainment areas where this standard was not already in place. This would prohibit the sale of gasoline with a RVP above 9.0 psi during the summer ozone season in all areas designated attainment for ozone, beginning in 1992. For areas designated as nonattainment, EPA proposed to retain the original Phase II standards published on June 11, 1990. On December 12, 1991, EPA finalized these modifications.[7]

The Denver-Boulder metropolitan area is designated nonattainment for the ozone NAAQS. The nonattainment area encompasses Denver's entire six-county Consolidated Metropolitan Statistical Area, with the exception of Rocky Mountain National Park in Boulder County and the eastern portions of Adams and Arapahoe Counties. Under the Phase II rule finalized on December 12, 1991, the standard applicable in the Denver-Boulder nonattainment area beginning in 1992 was 9.0 psi in May and 7.8 psi from June 1 to September 15. The standard applicable in other areas of Colorado was 9.0 psi from May 1 to September 15.

On November 6, 1991, EPA issued its ozone nonattainment designations in the Federal Register pursuant to section 107(d)(1)(C) of the Act. In that document, EPA designated the Denver-Boulder nonattainment area to be a ''transitional area'' as determined under section 185A of the Act. A transitional area is ''an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 [that] has not violated the national primary ambient air quality standard for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989.''

As stated in the preamble for the Phase II volatility controls[8] and reiterated in the proposed change to the volatility standards published on May 29, 1991,[9] EPA will rely on states to initiate changes to the EPA volatility program that they believe will enhance local air quality and/or increase the economic efficiency of the program,

[1] 52 FR 31274 (August 16, 1987).

[2] 54 FR 11868 (March 22, 1989).

[3] 55 FR 23658 (June 11, 1990).

[4] As described in greater detail below, EPA re-promulgated the Phase II regulations to incorporate changes in the federal RVP program as directed by the Act.

[5] For further detail, see the previous notice relaxing the Colorado RVP standard. 59 FR 15629 (April 4, 1994).

[6] 56 FR 24242 (May 29, 1991).

[7] 56 FR 64704 (December 12, 1991).

[8] The Phase II final rulemaking established procedures by which states could petition EPA for more or less stringent volatility standards. 55 FR 23660 (June 11, 1980).

[9] 56 FR 24242 (May 29, 1991).

within the statutory limits. The Governor of a state may petition EPA to set a less stringent volatility standard for some month or months. The petition must demonstrate the existence of a particular local economic impact that makes such changes appropriate and must demonstrate that sufficient alternative programs are available to achieve attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS).

## II. Previous EPA Approvals of Colorado's Petitions

### *A. Petition for 1992 and 1993*

On October 16, 1991, Governor Roy Romer requested that EPA amend the federal RVP standards for the Denver-Boulder ozone nonattainment area to relax the 7.8 psi standard to 9.0 psi for 1992 and 1993. The Governor further requested that the 7.8 psi standard take effect beginning in June 1994, unless the State of Colorado specifically requested via the Colorado Ozone Maintenance State Implementation (SIP) plan that the 9.0 psi standard be retained.

On May 12, 1992, EPA proposed approval of Colorado's petition to relax until 1994 the gasoline volatility standard for the Denver-Boulder nonattainment area to 9.0 psi. EPA found the request justified based on the petition itself, the evidence of the costs of implementation of the 7.8 psi standard and the environmental need for the 7.8 psi standard. The petition and available evidence sufficiently demonstrated that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard, and that the 7.8 psi standard was not necessary for emission control until 1994 in light of the current transitional status of the Denver-Boulder area. EPA also determined that a demonstration by Colorado that sufficient alternative programs were in place to insure future attainment of the ozone standard was not necessary due to the State's consistent attainment of the ozone NAAQS since 1986. Finally, Colorado assured EPA that a two-year relaxation of the standard would provide sufficient time for the State to complete an ozone maintenance plan. Such a plan would allow the State to determine if 7.8 psi gasoline was necessary for continued attainment in future years. Thus, at that time, the State could determine if a permanent change in the standard was appropriate. EPA finalized the relaxation of the standard on April 30, 1993. (For further details, see 53 FR 26067, April 30, 1993.)

### *B. Petition for 1994 and 1995*

On September 15, 1993, Governor Roy Romer again requested that EPA amend the federal RVP standard for the Denver-Boulder nonattainment area to extend the relaxation of the RVP standard of 7.8 psi to 9.0 psi to cover the years 1994 and 1995. The Governor further requested that the 7.8 psi standard take effect beginning in June of 1996, unless the State of Colorado specifically requested, via the Colorado Ozone Maintenance SIP, that the 9.0 psi standard be retained.

As with the previous petition, the petition and available evidence indicated that retention of the 7.8 psi standard would impose significant costs on consumers and industry and that the 7.8 psi standard was not necessary in the short term, given the current transitional status of the Denver-Boulder area and the area's record of continued attainment of the ozone standard.

Because of the area's classification as transitional, EPA was required to determine whether the area had in fact attained the ozone standard by December 31, 1991. If the Administrator determined that the area had attained the standard, the state was required to submit, within twelve months of the determination, a maintenance plan meeting the requirements of section 175A of the Act.[10] In its 1993 petition, the Colorado Air Pollution Control Division (APCD) informed EPA that the ozone maintenance plan had been delayed due to a lack of staff resources, but that Colorado was committed to developing a maintenance plan by early 1995.

Based on the foregoing, EPA issued a direct final rule on April 4, 1994, relaxing the federal RVP standard from 7.8 psi to 9.0 psi for the years 1994 and 1995. For 1996, the standard would return to 7.8 psi. (For further details about this action, see 59 FR 15629, April 4, 1994.)

## III. Discussion of Colorado's Petition to Relax the RVP Standard for 1996 and 1997

On December 22, 1995, Govenor Roy Romer sent a letter to William Yellowtail, Administrator of EPA Region VIII, requesting that EPA amend the federal RVP standard for the Denver-Boulder nonattainment area to permanently extend the relaxation of the RVP standard of 7.8 psi to 9.0 psi. Governor Romer specifically requested EPA to retain the 9.0 psi standard for the 1996 and all future summers, unless the standard is modified by the Colorado Ozone Maintenance State Implementation Plan (SIP). Colorado is still in the process of redesignation from nonattainment status for ozone to attainment status.

Governor Romer's request results from specific resolutions signed by the Chairman of the Colorado Air Quality Control Commission on September 22, 1995, which endorsed a permanent relaxation of the RVP standard based upon testimony provided at a public hearing on August 17, 1995, and after consideration of the environmental and economic impact of the 7.8 psi federal standard. Documents pertaining to this hearing are available in the docket for this rulemaking. In forwarding this request to EPA, Governor Romer is following procedures stated in the preamble for the Phase II volatility rule. Requests for changes to the federal volatility standard must include the following:

(1) documentation of the local economic impact of the otherwise applicable standard, and, (2) an indication that sufficient alternative programs are available to achieve attainment and maintenance of the ozone NAAQS.

### *A. Local Economic and Environmental Factors*

The petition and available evidence submitted indicate that retention of the 7.8 psi standard would impose significant costs on consumers and industry and that the 7.8 psi standard is not necessary in the short term given the current transitional status of the Denver-Boulder area and the area's record of continued attainment of the ozone standard. Documentation submitted by Colorado indicates that the costs of implementing a 7.8 psi RVP standard (from the 9.0 psi standard which has been in place for the past four years) would cost the consumer about 1.1 cents more per gallon of gasoline and overall, would cost over $3,000,000.

In a letter of June 20, 1995, the local refinery industry states that in the 1993 hearing before the Colorado Air Quality Control Commission, they testified that imposing a 7.8 psi standard at that time in the Denver-Boulder area would cause many refiners to make irreversible capital improvements. They stated that these improvements may not be needed if the maintenance SIP indicates 7.8 psi gasoline is not needed to maintain ozone compliance. In addition, EPA notes that because the rest of the Colorado market requires a 9.0 psi standard, any refinery changes made in

[10] On October 22, 1992, EPA Region VIII sent a letter to Governor Romer stating that the Denver-Boulder transitional area had not violated the ozone NAAQS during the period from January 1, 1987 to December 31, 1991.

order to comply with the 7.8 psi standard would be in response only to the market demand in the Denver-Boulder area. In the June 20 letter, representatives of the local refinery industry state that the cost situation has not changed since 1993. In testimony presented at an August 17, 1995 hearing before the Colorado Air quality Control Commission, the Air Pollution Control Board (APCD) of the Colorado Department of Health stated that these increased refinery costs would vary among refiners.

Minutes and other documentation from the hearing held before the Colorado Air Quality Control Commission on August 17, 1995, by the Air Pollution Control Board (APCD) of the Colorado Department of Health indicate that the APCD supports a relaxation of the RVP standard. There have been no monitored violations of the ozone NAAQS since 1986. The APCD noted that the volatility standard for the Denver-Boulder nonattainment area from 1992 through 1995 was 9.0 psi and no violations of the standard were recorded. (However, there were single exceedances of the ozone NAAQS at two monitoring stations during 1993 and one exceedance at another in 1995.) The APCD also presented modelling data showing that the mobile source VOC inventory should decrease over the relevant period, even with projected increases in vehicle miles travelled (VMT). The APCD concluded that the Denver-Boulder area would be able to continue attainment of the ozone standard for 1996 and 1997 with 9.0 psi RVP gasoline.

*B. Sufficient Alternative Programs*

Because Colorado has not violated the ozone standard since 1986, EPA does not believe it is necessary for the State to show that sufficient alternative programs are in place to provide for attainment of the ozone NAAQS. EPA approved the Ozone State Implementation Plan (SIP) for the Denver-Boulder area in 1983.[11] This plan relied upon emission reductions from the Federal Motor Vehicle Control Program and an Inspection and Maintenance Program to provide for attainment of the ozone NAAQS by the statutory deadline of December 31, 1987. Since the beginning of 1986, none of the area's several ozone air quality monitors has recorded a violation of the ozone NAAQS. Because the available data showed no violations, EPA did not require the State to submit a revised Ozone SIP in 1988 during EPA's nationwide ozone SIP evaluation. As noted above, the area is currently classified as a ''transitional'' area under section 185(A) of the Act. Under these circumstances, Colorado need not provide for alternative ozone control programs in order to obtain a relaxation of the RVP standard to 9.0 psi.

*C. Maintenance Plan*

According to Colorado's 1991 petition, the APCD was to have completed an ozone maintenance plan for the Denver area by June of 1993. The maintenance plan is necessary in order for EPA to redesignate the area as having attained the ozone standard.[12] At the hearing on the 1993 petition, the Commission raised questions regarding the inability of the APCD to complete the ozone maintenance plan on time. At that time, the APCD testified that due to resource limitations caused by programmatic obligations under the Act, an ozone maintenance plan assumed a lower priority and could not be completed by the June 1993 deadline. The APCD then concluded that with a two-year extension of the relaxed RVP standard, a maintenance plan could be developed and submitted to EPA for approval in early 1995.

While there were additional delays, the APCD has now developed a maintenance plan which has been proposed for public hearing by the Commission. The public hearing date and date of consideration by the Commission is scheduled for March 21, 1996. The Commission is expected to adopt the maintenance plan on that date and request that Governor Romer forward a redesignation request, including the maintenance plan, to EPA for approval thereafter. A copy of the maintenance plan as proposed for public hearing is available in the docket for this rulemaking.

IV. EPA's Final Action

*A. Relaxation of Colorado's RVP Standard for 1996 and 1997*

EPA is approving as a direct final rule the State of Colorado's request to relax the federal volatility standard for the Denver-Boulder nonattainment area from the current standard of 7.8 psi to 9.0 psi. Colorado requested relaxation of the standard for the 1996 and all future summers. EPA is only approving this relaxation, however, for two years: 1996 and 1997. EPA cannot approve a permanent change in the RVP standard until Colorado demonstrates that it can maintain compliance with the ozone standard. Colorado has developed a maintenance plan which, with its ozone redesignation request, the State expects to submit to EPA for approval in the near future. Section 211(h) of the Act requires EPA to promulgate regulations that shall establish RVP standards in a nonattainment area that are more stringent than 9.0 psi ''as the Administrator finds necessary to generally achieve comparable evaporative emissions (on a per-vehicle basis) in nonattainment areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors.'' Based on Colorado's petition and supporting evidence, EPA believes that the requested relaxation of the standard is justified for a limited two-year time period.

The petition and available evidence indicate that retention of the 7.8 psi standard would impose significant costs on consumers and industry and that the 7.8 psi standard is not necessary in the short term given the current transitional status of the Denver-Boulder area and the area's record of continued attainment of the ozone standard. Colorado has submitted testimony regarding the costs of implementing a 7.8 psi RVP standard which states that a savings of over $3,000,000 would be realized in the Denver-Boulder area during the summer ozone season based on a savings of approximately 1.1 cents per gallon. This savings is reasonably close to the savings EPA predicted in the cost analysis it performed on Colorado's 1991 petition, and circumstances have not changed significantly in the interim.[13] EPA believes, therefore, that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard.

Moreover, EPA agrees with Colorado that the Denver-Boulder area will not need a 7.8 psi standard to comply with the ozone NAAQS in the next two years. The area has not violated the standard since 1986. Since this time, summertime gasoline volatility has been reduced significantly through the implementation of Phase I and Phase II of the federal RVP standards. Moreover, ongoing vehicle fleet turnover, as well as several new requirements of the CAA (such as tighter tailpipe standards, longer useful life definitions, on-board

[11] 48 FR 55284 (December 12, 1983).

[12] An ozone maintenance plan that demonstrates long term (10 years) maintenance of the ozone NAAQS must be developed by the state before an area can be redesignated to attainment.

[13] A detailed analysis of the costs associated with the RVP program in Colorado can be found in air docket A–92–08, created for the proposal to grant Colorado's petition for relaxation for 1992 and 1993. 57 FR 20234 (May 12, 1992). This analysis estimated cost savings of $3,500,000 to $4,000,000 in the Denver-Boulder area during the ozone season.

diagnostic and refueling equipment, and enhanced inspection and maintenance requirements) will continue to help control overall mobile source emissions of VOCs.

Although EPA believes that a short term relaxation of the RVP standard will not cause a violation of the ozone NAAQS in the Denver-Boulder area, EPA is concerned regarding the area's long term compliance. The Denver-Boulder area's growing population and increase in vehicle miles travelled generate questions regarding whether existing emission controls are sufficient to provide for maintenance of the ozone NAAQS over the long term. Moreover, the area did experience single exceedances during the 1993 and 1995 ozone seasons at three monitoring stations. Therefore, the long term maintenance of the standard in the Denver-Boulder area is in question. Until Colorado demonstrates that it can maintain compliance with the ozone NAAQS over the long term, as should be shown in its upcoming maintenance plan, EPA could not approve a permanent change in the RVP standard for the Denver-Boulder area.

As previously stated, Colorado is developing a maintenance plan for the Denver-Boulder area, which should be completed during the two year period of this relaxation of the RVP standard. The maintenance plan must show that the ozone standard will be maintained for a period of at least ten years. The development of this maintenance plan will give Colorado an opportunity to conduct a comprehensive air quality modelling exercise to determine what control measures will be necessary to provide for long term maintenance of the ozone NAAQS. Along with the existing SIP measures, tighter gasoline volatility and other strategies will be evaluated to determine the most appropriate and cost-effective strategy for maintaining the NAAQS. Today's action should provide Colorado with sufficient time to complete an ozone maintenance plan and the redesignation of the Denver-Boulder area to attainment.

While the maintenance plan is being developed, EPA believes that air quality will be protected by the ongoing control programs. The volatility standard for Denver-Boulder will drop to 7.8 psi in 1998 unless additional action by the Commission and the Governor, backed by a comprehensive maintenance plan, is taken to extend the 9.0 psi standard.

*B. Direct Final Rulemaking*

This action is being taken without prior proposal because EPA believes that this relaxation in the RVP regulation is noncontroversial. The effect of this rulemaking is limited to the Denver-Boulder, Colorado nonattainment area, and EPA anticipates no significant comments on this action. This action extends a previously approved relaxation in the RVP standard and will provide Colorado the necessary time to complete an ozone maintenance plan, at which time a long term projection will be made regarding the need for a more stringent RVP standard.

This action will be effective 45 days from the date of this Federal Register document, unless adverse or critical comments are received within 30 days of today's document. If EPA receives such comments, this action will be withdrawn by publishing a subsequent document in the Federal Register. All public comments in this regard received within the 30-day comment period will then be addressed in a subsequent final rule based on EPA's proposal to approve Colorado's petition published elsewhere in today's Federal Register. No second comment period on this action will be instituted. If no such comments are received, this action will be effective May 30, 1996.

V. Environmental Impact

The proposed amendment is not expected to have any adverse environmental effects. The Denver-Boulder six county nonattainment area has met the NAAQS since 1986. Current air quality is expected to be further maintained by a 9.0 psi standard for 1996 and 1997.

VI. Economic Impact

The proposed relaxation of the 7.8 psi standard to 9.0 psi will result in a cost reduction in refining, and an increase in summertime gasoline supply levels. For each summer, this translates into approximately a 1.1 cent per gallon cost savings to consumers at the pump.

VII. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under Section 605 of the Regulatory Flexibility Act, I certify that these regulations will not have a significant impact on a substantial number of small entities. The regulatory revision is limited to the Denver-Boulder area and should have no significant economic impact on a substantial number of small entities. These regulations, therefore, do not require a regulatory flexibility analysis.

Under Executive Order 12886,[14] the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. Specifically, this rule will not have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This direct final rule does not create any new information requirements or contain any new information collection activities.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under Section

[14] 58 FR 51735 (October 4, 1993).

205, EPA must select the most cost effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the regulatory relaxation in this action does not include a federal mandate that may result in estimated costs of $100 million or more to those entities mentioned above.

The statutory authority for the action in this action today is granted to EPA by Sections 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7545 and 7601(a)).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution, Motor vehicle and motor vehicle engines, Penalties, Reporting and recordkeeping requirements.

Dated: April 4, 1996.

Carol M. Browner,

*Administrator.*

For the reasons set forth in the preamble, Part 80 of Title 40 of the Code of Federal Regulations is amended as follows:

## PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for Part 80 continues to read as follows:

Authority: Sections 114, 211, and 301(a) of the Clean Air Act as amended, (42 U.S.C. 7414, 7545 and 7601(a)).

2. In § 80.27 the table in paragraph (a)(2) introductory text is amended by revising the entry for Colorado to read as follows:

**§ 80.27 Controls and prohibitions on gasoline volatility.**

* * * * *

(a) * * *

(2) * * *

APPLICABLE STANDARDS[1] 1992 AND SUBSEQUENT YEARS

| State | May | June | July | August | Sept |
|---|---|---|---|---|---|
| * * * * | * | * | * | * | |
| Colorado[2] | 9.0 | 7.8 | 7.8 | 7.8 | 7.8 |
| * * * * | * | * | * | * | |

[1] Standards are expressed in pounds per square inch (psi).

[2] The standard for 1992 through 1997 in the Denver-Boulder nonattainment area will be 9.0 for June 1 through September 15.

* * * * *

[FR Doc. 96–9176 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

**[CS Docket No. 9660; FCC 96122]**

### Cable Television Leased Commercial Access

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted an Order on Reconsideration of the First Report and Order and Further Notice of Proposed Rulemaking regarding implementation of the leased commercial access provisions of the 1992 Cable Act. The Further Notice of Proposed Rulemaking segment of this decision may be found elsewhere in this issue of the Federal Register. The Order on Reconsideration (''Order'') segment addresses several issues regarding leased commercial access, including the highest implicit fee formula, the provision of rate information, part-time rates, time increments, billing and collection services, security deposits, the calculation of statutory set-aside requirements, and reporting requirements. The Order is intended to respond to certain petitions for reconsideration of the Commission's current leased access rules.

**DATES:** Rule changes become effective May 15, 1996, except for § 76.970(e) which contains information collection requirements which are not effective until approved by the Office of Management and Budget (''OMB''). When approval is received, the agency will publish a document announcing the effective date. Written comments by the public on the proposed and/or modified information collections are due May 15, 1996. Written comments must be submitted by OMB on the proposed and/or modified information collections on or before June 14, 1996.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. A copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

**FOR FURTHER INFORMATION CONTACT:** Lynn Crakes, Cable Services Bureau, (202) 416–0800. For additional information concerning the information collections contained in this Order, contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order on Reconsideration of the First Report and Order, CS Docket 96–60 (formerly MM Docket 92–266), adopted March 21, 1996 and released March 29, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1919 M Street, N.W., Washington, D.C. 20554.

Synopsis of the Order on Reconsideration

I. Introduction

1. In the Order, the Commission addressed ten petitions for reconsideration of the cable television commercial leased access rules adopted in its Report and Order and Further Notice of Proposed Rule Making, MM Docket No. 92–266, FCC 93–177, 58 FR 29736 (May 21, 1993) (''Rate Order''),

pursuant to the provisions of the Cable Television Consumer Protection and Competition Act of 1992, Public Law No. 102–385, 106 Stat. 1460 (1992), 47 U.S.C. 521, et seq. (1992) (''1992 Cable Act''). The Order was adopted in conjunction with a Further Notice of Proposed Rule Making (''Further Notice'') that sought comment on certain leased access issues not resolved by the Order.

2. The statutory framework for commercial leased access was established by the Cable Communications Policy Act of 1984, Public Law No. 98–549, 98 Stat. 2779 (1984), 47 U.S.C. 521 et seq. (''1984 Cable Act'') and amended by the 1992 Cable Act. The 1984 Cable Act established commercial leased access to assure access to the channel capacity of cable systems by parties unaffiliated with the cable operator that wish to distribute video programming free of the editorial control of the cable operator. Channel set-aside requirements were established in proportion to a system's total activated channel capacity.

3. In the Rate Order in this docket, the Commission established initial regulations to implement the leased access provisions of the 1992 Cable Act. The Commission adopted the highest implicit fee formula as the method to set maximum reasonable rates, and adopted various standards governing access terms and conditions, tier placement, technical standards for use, technical support, security deposits, conditions based on program content, requirements for billing and collection service, and procedures for the expedited resolution of disputes. The Order further addresses several of these issues.

## II. Maximum Rate Formula

4. *Background:* Section 612 of the Communications Act of 1934, as amended, (''Communications Act'') section 612, 47 U.S.C. section 532, directs the Commission to determine the maximum reasonable rates that a cable operator may impose for leased commercial access. Previously, the Commission adopted rules that base the maximum rate on an ''implicit'' fee paid by non-leased access program services that are being distributed. In the non-leased access context, cable system operators generally receive a payment from subscribers and pay contractual license fees to programmers for the channels the operators distribute. The differences between these dollar amounts may be thought of as the implicit fees that the programmers pay to have their services distributed to subscribers. The Commission determined that the implicit fee is the price per channel each subscriber pays the operator minus the amount per subscriber the operator pays the programmer. Section 76.970(c) of the Commission's rules provides that this difference is multiplied by the percentage of subscribers able to receive the unaffiliated programmer's service. The implicit fee for a contracted service may not include fees, stated or implied, for services other than the provision of channel capacity (e.g., billing and collection, marketing, or studio services). Section 76.970(d) of the rules states that maximum rates for shorter periods of time can be calculated by prorating the monthly maximum rate.

5. Under our current rules, the maximum rate is the highest of the implicit fees charged any unaffiliated programmer within the same programmer category. Cable operators are required to calculate the highest implicit fee for each of the following programmer categories: (a) Those charging subscribers directly on a per-event or per-channel basis; (b) those using a channel for more than 50 percent of the time to sell products directly to customers (e.g., home shopping networks, infomercials, etc.); and (c) all others. Under the rules, cable operators are required to calculate annually the maximum rates for each programmer category based on the contracts with unaffiliated programmers in effect in the previous calendar year. Operators are further required to provide rate schedules to prospective programmers upon request.

6. *Clarifications for Calculating the Highest Implicit Fee:* Through the Commission's complaint process as well as this reconsideration proceeding, it has come to the Commission's attention that the highest implicit fee formula may be unclear in some respects. Although the Further Notice proposes an alternative formula for determining maximum leased access rates, the highest implicit fee formula will continue to be in effect on an interim basis until any new rules become effective. The Order therefore clarified certain issues regarding the application of the highest implicit fee formula. We do not, however, believe that these clarifications will in any way solve the conceptual problems we perceive to be present with the highest implicit fee, as described in the Further Notice.

7. As a preliminary matter, we modified Section 76.970(c) to correct certain errors contained therein so that the calculation of the implicit fee is clear and easy to follow. Specifically, the rule states that the subscriber revenue is deducted from the program license fee when, in fact, the program license fee is supposed to be deducted from the average subscriber revenue. We therefore corrected the language in the rule accordingly. We also corrected the title of Section 76.977 of the Commission's rules.

8. In addition, we believe that the highest implicit fee calculation should not include the implicit fee for non-retransmission consent broadcast signal and PEG access channels in determining which channel has the highest implicit fee. For the carriage of local ''must carry'' broadcast signals, cable operators typically collect a fee from subscribers, but pay no direct charge for the programming. Because there is no sharing of subscriber revenues between the system operator and the programmer, the channel appears to be the most highly valued, i.e., the programmer is willing to permit the cable operator to retain the entire value of the channel and so these channels are often the basis for the highest implicit fee calculation. Because of the mandatory carriage rules and the compulsory copyright licensing system, this does not seem to be a calculation that reflects a marketplace decision as to the value of the channel. Similarly, where an operator is required by the local franchising authority to carry PEG channels, the cable operator has not made a marketplace decision to carry the channels. Accordingly, we concluded that the implicit fee for each must carry broadcast signal channel and PEG access channel should not be considered for purposes of determining which implicit fee is the highest. These channels should, however, be used to determine the monthly average subscriber revenue per channel for all the channels on the tier.

9. Furthermore, we believe that operators should calculate the highest implicit fees on a tier-by-tier basis; that is, if the leased access channel is to be on the BST, the calculation of the highest implicit fee should be based on the BST channels, and, if the leased access channel is to be on a CPST, the implicit fees should be determined for the channels on that CPST.

10. We also clarified that programming revenues received by the operator from an unaffiliated programmer, as opposed to programming costs paid by the operator to the unaffiliated programmer, should not be included in the highest implicit fee calculation. In certain circumstances, such as with direct sales or ''home shopping'' channels, the programmer pays the cable operator a percentage of its revenues, rather than the operator paying the programmer a license fee. We concluded that these

payments from the programmer to the operator should not be added into the implicit fee calculation.

11. The Rate Order specifies that the difference between the rate per month that the cable operator pays the programmer and the rate that the subscriber pays per month for the programming should be multiplied by the percentage of subscribers able to receive that channel or programming. Neither the Rate Order nor our current rule explicitly states that this number must then be multiplied by the number of subscribers on the system. We modified our rule to clarify that, for leased access programming on either the BST or a CPST, the highest per-subscriber implicit fee should be multiplied by the number of current subscribers who actually subscribe to the tier on which the leased access channel will be placed. However, for leased access programming in the per-channel/per-event program category, the highest per-subscriber implicit fee should be multiplied by the average number of subscribers that subscribe to the operator's premium services. Requiring the highest per-subscriber implicit fee to be multiplied by the actual number of subscribers to a leased access premium service would unfairly penalize the operator for low subscribership to the leased access programming. Using the average number of subscribers that subscribe to the operator's premium services derives an approximation that is equally fair for both the operator and the leased access programmer.

12. *Provision of Rate Information*: Section 76.970(e) of the Commission's rules provides that a schedule of commercial leased access rates shall be provided to prospective leased access programmers upon request. Our leased access complaint process has revealed that rate information is often not provided in a timely manner. We therefore modified our rule to require an operator to provide to a prospective leased access programmer within seven business days of such programmer's request: (a) A complete schedule of the operator's full and part time leased access rates; (b) how much of its set-aside capacity is available; (c) rates associated with technical and studio costs; and (d) if specifically requested, a sample leased access contract. Requests can be made by any reasonable means (in person, by telephone, by facsimile, or by mail), and the information will be deemed provided when the operator sends or gives the information to the programmer. Because this information must be provided within seven business days of the request, operators may not require that prospective programmers first provide any information (e.g., fill out an application) before the information listed above is provided. In this context, we affirmed that, as stated in the Rate Order, the Commission has the authority to, among other things, issue forfeitures for violations of the leased access statute and rules. Failure to provide the above information within the seven business day period will constitute a violation of our rules.

III. Part-Time Rates

13. The Rate Order stated that maximum rates for leasing less than a full-time channel could be calculated by prorating the monthly maximum rate. The Rate Order did not, however, address whether operators would be permitted to charge higher rates for part-time use during more desirable ''prime time'' viewing hours. In TV–24 *Sarasota, Inc.* v. *Comcast Cablevision of West Florida, Inc.*, 10 FCC Rcd 3512 (Cable Serv. Bur. 1994), the Cable Services Bureau stated that such time of day pricing is permitted.

14. The only restriction on cable operators' rates under the current rules is that they may not exceed the maximum monthly rate as calculated on a monthly basis from the highest implicit fee. We recognize, however, that the media industry places different values on the different hours of the day in recognition of the different values that different hours of the day have in the television marketplace (i.e., ''prime time'' and ''non-prime time''). We therefore affirmed the Cable Services Bureau's ruling in the TV–24 Sarasota case referenced above and did not construe our rule as requiring a cable operator to adhere to a rigid formula for determining its hourly leased access rate by prorating its maximum rate for a full-time channel into equal hourly amounts. We concluded that cable operators may charge different time-of-day rates, provided that the total of the rates for a day's schedule (i.e., a 24 hour block) does not exceed the maximum rate for one day of a full-time leased channel (prorated from the monthly rate) and provided that the overall pattern of time of day rates is otherwise reasonable and not intended to unreasonably limit leased access use. A reasonable time-of-day rate structure that is appropriately related to time-of-day pricing in the media industry and does not frustrate leased access channel use would not conflict with our rules.

15. Accordingly, the rules we adopted on reconsideration provide that operators may establish reasonable time-of-day pricing schedules. In order to ensure that operators' part-time rates do not exceed the maximum rate, we required operators to establish a schedule of rates, or rate card, for different times of day, pursuant to which, if all times were used, the sum of the part-time charges for any single leased access channel within a 24-hour period would not exceed its maximum rate for the leased access channel if the daily rate were prorated evenly from the monthly maximum rate and were calculated in accordance with Section 76.970 of our rules.

IV. Time Increments

16. In the Rate Order, we concluded that cable operators should be required to accommodate leases of any time increment (e.g., leasing an hour on a regular leased channel, leasing a whole channel, or leasing for use a subscription service) in a reasonable manner because neither Section 612, its legislative history nor the record indicated any reason to prevent part-time leased access. On reconsideration, we reaffirmed our conclusion that cable operators should be required to accommodate both full and part-time leases. We recognize the legitimate concern of cable operators that negotiating contracts for numerous small time intervals may be an administrative and financial burden. As a practical matter, however, the most common programming time increment is typically one half to one hour. Imposing a full-time only requirement could effectively preclude most leased access programmers from obtaining access. Thus, in order to balance these competing interests, we concluded that operators should not be required to accept leases which are for less than a one-half hour interval. This decision will allow programmers to lease time in relatively small increments, but will avoid the administrative burden of providing leased access in very small increments, such as one or two minutes. Although not required to do so, operators may accept requests for less than one-half hour.

V. Billing and Collection Services

17. Section 612(c)(4)(A)(ii) of the Communications Act requires the Commission to establish reasonable terms and conditions for billing of rates to subscribers and for the collection of revenue from subscribers for leased access channels (not including subscriber revenue generated from the sale of products promoted on leased access programs such as home shopping programs or infomercials). In the Rate Order, we required cable operators to provide billing and collection services

to leased access programmers unless operators could demonstrate the existence of third party billing and collection services which, in terms of cost and accessibility, offer leased access programmers an alternative substantially equivalent to that offered to comparable non-leased access programmers. We noted in the Order that the mere existence of third party billing and collection providers does not relieve the operator of its obligation to provide these services. Rather, the critical issue is whether, in terms of cost and accessibility, these alternatives are substantially equivalent, to what the operator offers non-leased access programmers. Operators have not demonstrated to us that such alternatives exist to such an extent that we should change our requirements adopted in the Rate Order. We remain convinced, therefore, that pursuant to Section 612(c)(4)(A)(ii), we have the authority to require cable operators to provide billing and collection services for leased access cable programmers and that there is a need for cable operators to provide such services.

18. In the Rate Order, we did not adopt specific rules relating to the rates that might be charged for billing and/or collection services. We stated that competition, where it exists, in the provision of services of this type will set an upper limit on charges by cable operators. On reconsideration, we did not believe that the adoption of specific rate rules at this time is warranted. Cable operators should have the incentive to quote reasonable and competitive rates in order to obtain the additional revenues that billing and collection services could generate for them. As we stated in the Rate Order, if a dispute arises, we will address what constitutes a maximum rate for billing and collection services on a case-by-case basis.

VI. Security Deposits

19. In the Rate Order, we agreed with cable operators that they should have discretion to require reasonable security deposits or other assurances from programmers that are unable to prepay in full for leased access channel capacity. On reconsideration, we declined to set specific monetary guidelines in this area and concluded that it is sufficient to state that the term ''reasonable'' should be interpreted in relation to the objective of such a deposit. That is, it should be sufficient to insure the payment of lease rates, without discouraging leased access. We clarified that operators may not demand a security deposit for channel time from a programmer that pays the full rate in advance. If carriage is not purchased for discreet or individual time spots, but is leased on a full-time or periodic basis, the full rate will be considered the full monthly rate (or whatever period of time is relevant if the programming is periodic). Determinations of what is a ''reasonable'' security deposit will be made on a case-by-case basis, taking into consideration the past relationship between the operator and the programmer, the amount of time to be leased, the credit history of the leased access programmer, the operator's practices with respect to security deposits in other, similar contexts, and any other relevant factors.

VII. Calculation of Statutory Set-Aside Requirements

20. Section 612 of the Communications Act requires a cable system to set aside up to 15 percent of its activated channels for leased commercial access. The statutory set-aside requirements for leased commercial access channels are expressed as a percentage of ''channels not otherwise required for use by federal law or regulation.'' 47 U.S.C. 532(b)(1). The Rate Order did not specify what channels are considered as required for use by federal law or regulation.

21. We clarified that, for purposes of calculating the set-aside requirements, only must-carry channels are excluded, as these channels are required for use by federal law. Retransmission consent and PEG channels, on the other hand, are not required by federal law, although federal statutory provisions permit local authorities to require operators to provide PEG channels and also require operators to obtain retransmission consent in some cases. Therefore, we determined that retransmission consent and PEG channels will be included among activated channels for purposes of determining a systems' leased access set-aside requirements.

VIII. Reporting Requirements

22. We did not require cable operators to make the contracts underlying their leased access rates public. We believe that this could be unnecessarily intrusive on business relationships between operators and non-leased access programmers. However, we noted that upon request from the Commission in the context of a leased access complaint, operators are required to justify fully their leased access rates, including by presentation of underlying contracts if necessary, subject to the operators' right under our rules to request confidentiality of this information.

IX. Regulatory Flexibility Analysis

23. Pursuant to the Regulatory Flexibility Act of 1980, Public Law 96–354, 94 Stat. 1164, 5 U.S.C. 601–612 (''Regulatory Flexibility Act''), the Commission's final analysis with respect to this Order on Reconsideration is as follows:

24. Need and purpose of this action. The Commission, in compliance with Section 9 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. 532 (1992), pertaining to leased commercial access, is required to adopt rules and procedures intended to ensure the availability of and accessibility to leased commercial access on cable systems.

25. Summary of issues raised by the public in response to the Initial Regulatory Flexibility Analysis. There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

26. Significant alternatives considered and rejected. Petitioners for reconsideration did not submit comments analyzing the administrative burden of the leased access rules pursuant to the Regulatory Flexibility Act. The Commission nonetheless has attempted to minimize such burdens.

X. Procedural Provisions

27. Redesignation of Docket. We believe that it would facilitate consideration of leased commercial access issues by the Commission if they were separated from MM Docket 92–266 and redesignated as a separate docket. Accordingly, we are redesignating the Commission's consideration of leased commercial access issues as CS Docket No. 96–60. Parties are required to caption filings in response to this Order under this new docket number.

XI. Ordering Clauses

28. Accordingly, *It is ordered* that the Petitions for Reconsideration in MM Docket No. 92–266 which pertain to commercial leased access are granted in part and denied in part.

29. *It is further ordered* that Part 76 of the Commission's rules is hereby amended as indicated below. The amendments to 47 CFR 76.970 (a), (b), (c), (d), 76.971(g) and 76.977 shall go into effect 30 days following publication of this *Order on Reconsideration* in the Federal Register. The amendments to 47 CFR 76.970(e) impose information collections, and will therefore not go into effect until approved by OMB.

*Paperwork Reduction Act*

This Order contains either a proposed or modified information collection. The Commission, as part of its continuing

effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due May 15, 1996; OMB notification of action is due 60 days from date of publication of this Order in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* 3060–0568.

*Title:* Section 76.970 Commercial leaesed access rates; 76.971 Commercial leased access terms and conditions.

*Type of Review:* Revision of existing collection.

*Respondents:* Business and other for profit.

*Number of Respondents:* 6,270 cable systems.

*Estimated Time Per Response:* 1 hour per respondent for recordkeeping and sending the leased access schedule and other information to prospective leased access programmers. 1 hour per respondent to implement 76.971 third party disclosure requirements. 12 hours per respondent for completing the proposed ''cost schedule'', instead of the existing ''maximum rate schedule''. If the proposed ''cost schedule'' is not adopted by the Commission, the burden for completing the ''maximum rate schedule'' is 4 hours per respondent.

*Total Annual Burden:* 87,780 hours. If the proposed ''cost schedule'' is not adopted, the Commission will further adjust the burden for this collection from 12 hours per respondent in completing the ''cost schedule'' to 4 hours per respondent to continue to use the existing ''maximum rate schedule''. This would result in an adjustment reduction of 50,160 hours (6,270 x 8 hours), leaving a total burden of 87,780 − 50,160=37,620 hours.

*Estimated costs per respondent:* We estimate the postage and stationery costs incurred by cable operators for record keeping activities and for sending out leased access information to prospective programmers, as required, to be roughly $4.00 per respondent. We therefore report a total annual cost of $25,000 for all respondents.

*Needs and Uses:* The information collected is used by the prospective leased access programmers and the Commission to verify rate calculations for leased access channels. The Commission's leased access requirements were designed to promote diversity of programming sources and competition in programming delivery as required by Section 612 of the Communications Act, and serve to eliminate uncertainty in negotiations for leased commercial access.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

Rule Changes

Part 76 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 76—CABLE TELEVISION SERVICE

1. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 535, 542, 543, 552, as amended, 106 Stat. 1460.

2. Section 76.970 is amended by revising paragraphs (a), (b), (c), (d), and (e) to read as follows:

### § 76.970 Commercial leased access rates.

(a) Cable operators shall designate channel capacity for commercial use by persons unaffiliated with the operator in accordance with the requirement of 47 U.S.C. 532. For purposes of 47 U.S.C. 532(b)(1)(A) and (B), only those channels that must be carried pursuant to 47 U.S.C. 534 and 535 qualify as channels that are required for use by Federal law or regulation.

(b) The maximum commercial leased access rate that a cable operator may charge is the highest implicit fee charged any unaffiliated programmer (excluding leased access programmers, non-retransmission consent broadcasters and public, educational and governmental access programmers) within the same programming category.

(c) The per subscriber implicit fee charged an unaffiliated programmer shall be calculated by determining the monthly price a subscriber pays to view the programming of the unaffiliated programmer and subtracting the monthly price per subscriber that the operator pays to carry the programming of the unaffiliated programmer. The implicit fee is determined by multiplying the per subscriber implicit fee by:

(1) If the leased access programming is carried on a programming tier, the number of subscribers that subscribe to the programming tier on which the leased access programming is carried; or

(2) If the leased access programming is carried as a premium service, the average number of subscribers that subscribe to unaffiliated non-leased access programming services that are carried as premium services. The implicit fee for a contracted service may not include fees, stated or implied, for services other than the provision of channel capacity (e.g., billing and collection, marketing, or studio services).

(d) For each of the three programming categories as defined in paragraph (f) of this section, the highest implicit fee charged any unaffiliated programmer (excluding leased access programmers, non-retransmission consent broadcasters and public, educational and governmental access programmers) in each category shall be the maximum monthly leased access rate per subscriber that the operator could charge a commercial leased access programmer in the same category. The highest implicit fee shall be based on contracts in effect in the previous calendar year. Maximum rates for shorter periods can be calculated either by prorating the monthly maximum rate uniformly, or by developing a schedule of and applying different rates for different times of day, provided that the total of the rates for a 24-hour period does not exceed the maximum rate for one day of a full-time leased access channel (prorated evenly from the monthly rate derived in accordance with paragraphs (b), (c), and (d) of this section).

(e) Within seven business days of a prospective leased access programmer's request, a cable system operator must provide such programmer with the following information:

(1) A complete schedule of the operator's full-time and part-time leased access rates;

(2) How much of the operator's leased access set-aside capacity is available;

(3) Rates associated with technical and studio costs; and

(4) If specifically requested, a sample leased access contract. Requests under this paragraph (e) may be made by any reasonable means (e.g., in person, by telephone, by facsimile or by mail), and the information shall be deemed provided when the operator sends or gives the information to the programmer. Operators shall maintain,

for Commission inspections, sufficient supporting documentation to justify the scheduled rates, including supporting contracts, calculations of the implicit fees, and justifications for all adjustments.

* * * * *

3. Section 76.971 is amended by adding new paragraph (g) to read as follows:

**§ 76.971 Commercial leased access terms and conditions.**

* * * * *

(g) Operators are not required to accept leases which are for less than a one-half hour interval.

4. Section 76.977 is amended by revising the heading to read as follows:

**§ 76.977 Minority and educational programming used in lieu of designated commercial leased access capacity.**

* * * * *

[FR Doc. 96–9194 Filed 4–12–96; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 620

**[Docket No. 960126016–6105–03; I.D. 040896B]**

### General Provisions for Domestic Fisheries; Amendment of Emergency Fishing Closure in Block Island Sound

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

**ACTION:** Emergency interim rule; amendment.

**SUMMARY:** In response to a request from the State of Rhode Island, NMFS is amending further the emergency interim rule that closed a portion of Federal waters off the coast of the State of Rhode Island, in Block Island Sound subsequent to an oil spill. This amendment allows all legal fishing to resume with the exception of lobstering in a small portion of the previously closed area.

**EFFECTIVE DATE:** April 9, 1996 through May 01, 1996.

**FOR FURTHER INFORMATION CONTACT:** Daniel Morris at (508) 281–9388.

**SUPPLEMENTARY INFORMATION:** On January 19, 1996, an oil barge grounded and spilled more than 800,000 gallons (3.0 million liters) of heating oil into the waters of Block Island Sound, RI. On January 26, 1996, NMFS, at the request of and in conjunction with the State of Rhode Island, prohibited the harvest of seafood from an area of approximately 250 square miles (647 square km) in Block Island Sound. The original area of closure was announced and defined in an emergency interim rule published in the Federal Register on February 1, 1996 (61 FR 3602).

On March 13, 1996, NMFS opened the entire area to fishing for and landing finfish and squid by gear types other than bottom trawl gear. This same action, published in the Federal Register on March 19, 1996 (61 FR 11164), expanded by approximately 28 square miles (73 square km) the area in which fishing for and landing lobsters, clams, and crabs is prohibited. The use of lobster traps, bottom trawl or dredge gear was prohibited throughout the expanded closed area.

Following the oil spill, State officials, in consultation with Federal agencies and the responsible party, developed a protocol for reopening fisheries in the affected area. The protocol sets sampling, inspection, and analysis standards, which, if met, would ensure that seafood is wholesome and would provide a basis for reopening fisheries.

In accordance with the protocol, State and Federal agencies have been testing the water and marine life in and around the closed area since the closure began. Seafood species have been subjected to inspection by sensory experts and chemical analysis. Though all seafood from the area has been determined to be safe for consumption, certain lobsters from one particular sector still show some evidence of oil adulteration. Therefore, NMFS, at the request of the State, is opening all areas to all fishing with the exception of the one sector (described below) where oil adulteration has been detected in lobsters. This area remains closed to fishing for, or possessing or landing American lobsters from the closed area.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

Testing has determined that consumption of seafood from the previously closed area does not pose a threat to human health. Fishermen who operate in the area would suffer severe economic hardship unnecessarily if the current prohibition were to remain in effect. Hence, the AA finds that the foregoing constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Further, as this provision relieves a restriction, it is made effective immediately pursuant to authority at 5 U.S.C. 553(d)(1).

This emergency rule has been determined to be not significant for the purposes of E.O. 12866.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 620

Fisheries, Fishing.

Dated: April 9, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 620 is amended as follows:

## PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

1. The authority citation for part 620 continues to read as follows:

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

2. In § 620.7, paragraphs (j) and (k) are removed, and paragraph (i) is revised to read as follows:

**§ 620.7 General prohibitions.**

* * * * *

(i) Fish for American lobsters in, or possess or land American lobsters from, the Federal waters of Block Island Sound bounded as follows: From the point where LORAN line 14470 intersects with the 3–nautical mile (6–km) line south of Point Judith, RI, proceeding south-southeasterly to its intersection with the 43870 line, thence southwesterly along the 43870 line to its intersection with the 3–nautical mile (6–km) line east of Block Island, RI, thence northerly and along said 3–nautical mile (6–km) line to the northern intersection of the 3–nautical mile (6–km) line and the 14540 line, thence northwesterly along the 14540 line to the intersection of the 3–nautical mile (6–km) line, thence northeasterly along the 3–nautical mile (6–km) line to the starting point.

[FR Doc. 96–9198 Filed 4–9–96; 4:51 pm]

BILLING CODE 3510–22–F

**50 CFR Part 663**

**[Docket No. 960221041–6102–02; I.D. 013196A]**

**RIN 0648–AI34**

## Pacific Coast Groundfish Fishery; Delay in Start of Regular Fishing Seasons for Nontrawl Sablefish and Pacific Whiting

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing regulations that would delay the start of the ''regular'' fishing seasons by 1 month or less for the nontrawl sablefish and the Pacific whiting (whiting) limited entry fisheries 3–200 nautical miles (6–370 km) off Washington, Oregon, and California. This rule accommodates requests from the industry for delayed fishing seasons, which are intended primarily to enable nontrawl sablefish fishers to participate in other fisheries and to enhance the quality of whiting.

**EFFECTIVE DATES:** May 15, 1996, except the change to the whiting season at § 663.23(b)(3)(i), which is effective April 15, 1996.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Reviews (EA/RIRs) may be obtained from the Pacific Fishery Management Council (Council), 2000 SW First Avenue, Suite 420, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

**SUPPLEMENTARY INFORMATION:** These actions are taken under the authority of the Pacific Coast Groundfish Fishery Management Plan and the Magnuson Fishery Conservation and Management Act (Magnuson Act). This final rule delays the start of the regular fishing seasons for the limited entry fisheries for nontrawl sablefish and for whiting, as recommended by the Council at its October 1995 meeting in Portland, OR. NMFS published a proposed rule at 61 FR 8021 (March 1, 1996), requesting comments through March 22, 1996. Two comments were received, both in support of the delay in the whiting season, from representatives of more than 75 percent of the at-sea processing fleet. The background and rationale for this rule appear in the proposed rule and the (EA/RIR) prepared for this action (see **ADDRESSES**).

For the reasons set forth in those documents, NMFS concurs with the Council's recommendation. This final rule is the same as proposed.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this final rule is necessary for management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for this rule (contained in the EA/RIR) and the AA concluded that this rule would not significantly affect the quality of the human environment.

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

NMFS finds good cause, pursuant to 5 U.S.C. 553(d)(3), to implement the whiting season portion of this rule before the beginning of the April 15, 1996, regular season for whiting north of 42° N. lat., rather than delaying effectiveness for 30 days. Since the industry expects the delay in opening, a delay in effectiveness would not provide time to adjust, but would disrupt the businesses of the regulated community. The whiting are healthier and larger by May, which means better profits for the industry. Furthermore, an opening on April 15 would result in increased groundfish bycatch (wasteful) and increased salmon bycatch (both wasteful and harmful to depleted/listed species). NMFS finds no need to waive the delay in effectiveness for the nontrawl sablefish portion of this rule.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 9, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 663 is amended as follows:

## PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, effective May 15, 1996, paragraphs (b)(2)(i)(A), (b)(2)(i)(B), (b)(2)(ii), and (b)(2)(iv) are revised, and effective April 15, 1996, paragraph (b)(3)(i) is revised to read as follows:

**§ 663.23 Catch restrictions.**

* * * * *

(b) * * *

(2) * * *

(i) * * * (A) Sablefish taken with fixed gear in the limited entry or open access fishery in the EEZ may not be retained or landed from 12 noon August 29 through 12 noon September 1.

(B) All fixed gear used to take and retain groundfish must be out of EEZ waters from 12 noon August 29 through 12 noon September 1, except that pot gear used to take and retain groundfish may be deployed and baited in the EEZ after 12 noon on August 31.

(ii) *Regular season—Limited entry fishery.* The regular season for the limited entry nontrawl sablefish fishery begins at 12:01 on September 1. During the regular season, the limited entry nontrawl sablefish fishery may be subject to trip limits to protect juvenile sablefish. The regular season will end when 70 percent of the limited entry nontrawl allocation has been or is projected to be taken. The end of the regular season may be announced in the Federal Register either before or during the regular season.

* * * * *

(iv) The dates and times that the regular season ends (and trip limits on sablefish of all sizes are resumed) and the mop-up season begins and ends, and the size of the trip limit for the mop-up fishery, will be announced in the Federal Register, and may be modified. Unless otherwise announced, these seasons will begin and end at 12 noon on the specified date. A vessel landing sablefish in Puget Sound that was taken under a limited entry permit with nontrawl gear during a regular season is not subject to trip limits on that trip (except the regular season trip limits to protect juvenile sablefish), provided the landing complies with Washington State regulations governing sablefish landings in Puget Sound after the regular season.

* * * * *

(3) *Pacific whiting*—(i) *Season.* The regular season for Pacific whiting begins on May 15 north of 42°00′ N. lat., on March 1 between 42°00′ N. lat. and 40°30′ N. lat., and on April 15 south of 40°30′ N. lat. Before and after the regular season, trip landing or frequency limits may be imposed under paragraph (c) of this section.

* * * * *

[FR Doc. 96–9207 Filed 4–10–96; 9:53 am]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 61, No. 73
Monday, April 15, 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.

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 614 and 619

**RIN 3052–AB64**

### Loan Policies and Operations; Definitions; Loan Underwriting

**AGENCY:** Farm Credit Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Farm Credit Administration (FCA), by the Farm Credit Administration Board (Board), proposes amendments to the regulations relating to loan underwriting in response to comments received from the Board's initiative to reduce regulatory burden, streamline the regulations, and set clear minimum regulatory standards where practicable. The proposed regulations would require each institution to adopt loan underwriting policies and standards, eliminate unnecessary regulations, and make other changes to the regulations governing prudent credit administration, the lending authority of production credit associations, and collateral evaluations.

**DATES:** Comments should be received on or before May 15, 1996.

**ADDRESSES:** Comments may be mailed or delivered to Patricia W. DiMuzio, Associate Director, Regulation Development, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090. Copies of all communications received will be available for review by interested parties in the Office of Examination, Farm Credit Administration.

**FOR FURTHER INFORMATION CONTACT:**

John J. Hays, Policy Analyst, Regulation Development, Office of Examination, (703) 883–4498, TDD (703) 883–4444;
or
Joy E. Strickland, Senior Attorney, Regulatory Enforcement Division, Office of General Counsel, (703) 883–4020, TDD (703) 883–4444.

**SUPPLEMENTARY INFORMATION:** On June 10, 1993, the FCA Board approved a notice seeking public comment on the appropriateness of requirements that the FCA regulations impose on the Farm Credit System (System or FCS). *See* 58 FR 34003 (June 23, 1993). The FCA has addressed many of those comments in previous rulemakings. Of the comments received in response to the notice, 24 were related to loan underwriting and the independent credit judgment rule for loan sale and purchase transactions through agents. This rulemaking addresses those issues. In addition to responding to the regulatory burden comments, the FCA is also proposing other amendments to refocus regulatory requirements for loan underwriting, make the regulations more understandable and useful to the reader, set minimum regulatory standards, and make conforming amendments.

In response to regulatory burden comments and in an attempt to achieve consistency throughout the regulations in subparts C through E of part 614, the FCA is proposing a substantial revision to the structure and content of the regulations. In addition, some areas that were addressed in loan underwriting are more properly the focus of subpart A, *Lending Authorities*, and the FCA is proposing relocating those items from subpart E to subpart A. The explanation of proposed amendments to subpart A is contained in the discussion of the proposed amendments to subpart E, *Loan Terms and Conditions*. Accordingly, the following discussion begins with subparts C and D.

In order to provide readers with a guideline for the changes proposed, the following is a list of changes for the proposed revisions in parts 614 and 619:

*Subpart A—Lending Authorities*

§§ 614.4000 through 614.4050—Revised.

*Subpart C—Bank/Association Lending Relationship*

§§ 614.4100, 614.4110, and 614.4130—No changes proposed.
§ 614.4120—Revised.
§§ 614.4135 through 614.4145—Deleted.

*Subpart D—General Loan Policies for Banks and Associations*

§ 614.4150—Revised.
§ 614.4160—Deleted.
§ 614.4165—Revised.

*Subpart E—Loan Terms and Conditions*

§ 614.4200—Revised.
§§ 614.4210 through 614.4230—Deleted.
§ 614.4231—Revised.
§§ 614.4232 and 614.4233—No changes proposed.

*Subpart F—Collateral Evaluation Requirements*

§§ 614.4245 and 614.4250—Revised. No other amendments proposed.

*Subpart H—Loan Purchases and Sales*

§ 614.4325—Revised. No other amendments proposed.

*Subpart J—Lending Limits*

§§ 614.4355 and 614.4358—Revised. No other amendments proposed.

*Subpart Q—Banks for Cooperatives Financing International Trade*

§ 614.4810—Revised. No other amendments proposed.

*Part 619—Definitions*

§§ 619.9165 and 619.9290—Removed. No other amendments proposed.

I. Subparts C and D—Bank/Association Lending Relationship and General Loan Policies for Banks and Associations

In response to the request for comments on regulatory burden, one association commented that most Farm Credit Banks (FCBs) have changed their relationship with associations from a supervisory to a wholesale lending relationship. The association stated that the FCA examiners encourage direct lender associations to adopt their own policies and procedures. FCA regulations, however, continue to contemplate a supervisory role for FCBs over association lending operations as if all banks retained direct (retail) lending authorities without recognizing the role of many banks as wholesale or discount lenders to Farm Credit associations. The association stated that operational policies for direct lenders should be developed by the associations rather than the banks, but noted that this practice is inconsistent with existing regulations and that clarifying language from the FCA would be helpful.

The criticized regulations, §§ 614.4135, 614.4140, and 614.4145, were promulgated in 1972 to implement the Farm Credit Act of 1971. These regulations, addressing credit supervision, have not been amended since their adoption. At that time, the banks in the Farm Credit System

performed many supervisory functions over associations, including conducting credit reviews. The FCA's primary focus at the time was to regulate the banks' own operations, including their supervision of associations and did not emphasize the agency's present practice of exercising its regulatory and enforcement authorities directly over associations.

Since 1972, the importance of direct lender associations in the Farm Credit System has increased substantially. As a result, many banks are becoming wholesale lenders rather than direct lenders. Statutory changes since 1972 in FCA's structure and authorities and in the relationship of associations with their funding banks result in a greater need for accountability of direct lender associations. The FCA believes that autonomy in association operations promotes accountability in many areas including prudent lending operations. Therefore, the FCA proposes to delete existing §§ 614.4135, 614.4140, and 614.4145 and clarify the role of Farm Credit Banks (and Agricultural Credit Banks) in supervision of association's credit operations. However, the FCA does not intend to minimize the importance of general bank oversight of association credit activities that may have a material impact on the bank and on the association's ability to perform on its direct loan(s) from the bank. These issues, however, can be appropriately addressed in the agreements governing the lending relationship between a bank and an association.

The FCA believes that each direct lender, through its board of directors, should adopt and follow its own policies and procedures for operations. The FCA agrees with the commenter that duplication and possibly conflict may result when an association is required by regulation to abide by district policies and at the same time is encouraged to develop its own local policies and procedures.

In order to emphasize that the responsibility for developing prudent loan policies and underwriting standards rests with each institution, the FCA proposes to delete certain existing regulations. For example, § 614.4150 currently defines ''sound loan.'' Rather than define ''sound loan'' by regulation, the FCA proposes to require each institution to adopt loan underwriting policies and standards that contain measurable criteria appropriate for the type of loan and the institution's risk-bearing capacity, which criteria can be used to determine whether the applicant's operational, financial, and management resources are sufficient to ensure repayment of the debt from cashflow, taking into account the borrower's other debt obligations.

Existing § 614.4160 requires that each bank adopt policies to ensure that lending practices result in sound loans and specifies five credit factors that must be analyzed and documented in evaluating the creditworthiness of each loan applicant. The five credit factors listed, however, need not be given the same weight in every transaction and may be only a portion of the variables that should be considered in some transactions. The FCA believes that each institution should have the responsibility and the flexibility to adapt its loan underwriting program to its particular circumstances without regulatory mandates for the basic and well understood principles of prudent lending. Therefore, existing § 614.4160 would be deleted under the proposed regulations, and the mandate for an appropriate analysis of creditworthiness would be included in proposed § 614.4150(g) governing loan underwriting standards.

To implement the requirement that each institution must develop its own policies, the FCA proposes a new regulation that addresses credit supervision by each institution's board of directors and the establishment of loan policies and underwriting standards by each direct lending institution. In instances where direct lending authority has not been transferred to the Federal land bank associations (FLBAs), FCBs must still develop lending policies and standards that all FLBAs within their respective districts must follow in making credit decisions for the bank. Additionally, in certain circumstances where loss exposure accrues to individual FLBAs through loss sharing agreements with the FCB, loan policies and standards may be needed by FLBAs to augment and supplement those established by their supervisory banks.

The proposed rule, § 614.4150, addresses the responsibility of each institution's board of directors to adopt policies to guide lending. Under these policies, each direct lending institution would be required to adopt written standards for lending and issue written policies, operating procedures, and control mechanisms that reflect those standards for guidance in the extension and administration of sound credit. These requirements parallel the current requirements in existing § 614.4145, which address each bank's responsibilities to supervise credit operations in its district. This regulation would clearly establish that each direct lending institution's board of directors is not only accountable for providing policy direction for credit operations, but also is responsible for more specific guidance in the extension and administration of sound credit.

The FCA proposes to leave the prescription of specific credit policies and underwriting standards to each direct lender institution's board rather than to prescribe them by regulation. However, the proposed regulation would require certain minimum standards that must be addressed in the institution's policies. Proposed § 614.4150 would require that the institution's policies and procedures address minimum standards for credit information and verification, credit analysis, loan disbursement and servicing, collateral requirements, loan approval delegations and requirements for board reporting, loan pricing requirements, prudent loan underwriting standards, loan terms and conditions that are appropriate for a loan's purpose, and other areas necessary for the professional conduct of a lending organization.

Under the proposed rule, the FCA would evaluate the adequacy of each institution's policies to ensure that its board is providing sufficient direction, guidance, and internal controls for the institution's credit operations. The procedures implementing these policies should be in sufficient detail to properly manage and control risk in the institution's portfolio consistent with the institution's risk-bearing capacity. Each lending program should be guided by policies and underwriting standards that address the specific types of risks associated with the types of loans within an institution's overall lending program. The FCA believes that institutions should have the flexibility to develop different lending programs for the types of customers within their chartered territory. The FCA's primary concern is whether or not the programs are conducted in a safe and sound manner in compliance with the statute and the regulations.

The FCA is aware that some System institutions are making increased use of credit scoring techniques in the evaluation of certain types of loans. Credit scoring and other techniques used in minimum information programs, when fully understood and well managed by an institution and its board of directors, can be a valuable tool in making credit decisions. These proposed regulatory changes will allow System institutions the flexibility to use credit scoring and enhance minimum information programs in credit delivery decisions.

Proposed § 614.4150(g) would require each direct lending institution to develop written, measurable loan underwriting standards to be used to determine whether the applicant has the operational, financial, and management resources necessary to ensure repayment of the debt from cashflow, taking into consideration all other obligations. Such standards would be required to be applied to each loan transaction as appropriate, taking into consideration the amount of the loan, the loan's purpose, the nature and type of credit risk and enterprise being financed. The measurements should be quantitative to the extent feasible (as for financial information), but may be qualitative for factors that do not lend themselves to quantification, but are considered important to the credit decision. Such standards and their application would be required to be related to the institution's risk-bearing ability and to take into account future credit risk uncertainties. Under proposed § 614.4150(g), each institution would be required to embody the concepts underlying existing §§ 614.4150 and 614.4160 in a comprehensive, written loan policy. In addition, the proposed regulations would require that for any loans made that do not meet the loan underwriting standards, the written credit analysis must document the compensating factors or extenuating circumstances that demonstrate repayment capacity. The FCA recognizes that even among acceptable credits the level of perceived risk will vary. Accordingly, a well capitalized institution with strong capital and sound earnings potential will be better positioned to extend credit to a borrower who appears to have the capacity to repay but nonetheless presents a higher risk. A weaker institution will need to establish higher standards until it improves its risk-bearing capacity.

Proposed § 614.4150(h) would require that loan terms and conditions are appropriate for the purpose of a loan. In this regard, assets with a useful life of 5 to 10 years would not be financed with a loan that has a 30-year repayment obligation. This provision is added in order to retain the existing regulatory requirement in § 614.4160(e) that the institution has to consider the constructiveness and practicality of the loan amount, purpose, and terms and conditions.

Existing § 614.4165 requires that bank lending policies give special consideration to the credit needs of young, beginning, or small farmers, ranchers, and producers or harvesters of aquatic products. The regulation also defines terms and requires associations to make annual reports to the banks regarding the operations and achievements in these lending programs. The banks, in turn, are required to make annual reports to the FCA. Although two institutions commented that the FCA should eliminate the reporting requirements in § 614.4165, these requirements are statutory and cannot be eliminated. Section 4.19 of the Act obligates *each* institution to take the needs of young, beginning, and small farmers and ranchers into consideration and report annually on *its* progress. However, the reporting instructions can be eliminated as a regulatory requirement and be implemented instead through the Agency's call report instructions. The FCA proposes to retain the regulatory requirement to have a lending program for this segment of the market, as required by section 4.19 of the Act, but to transfer the instructions for reporting to the call report. The call report instructions will provide specific direction and timing for consistent reporting from System institutions to the FCA. The FCA will continue to report to the Congress as the Act requires.

## II. Subpart E—Loan Terms and Conditions

Existing § 614.4200 requires institutions to set forth the terms and conditions of each loan in a written loan agreement between the borrower and the lender. Seven institutions commented that the FCA should eliminate the requirement that loan terms and conditions be set forth in a written loan agreement. Some of the commenters suggested that the reference to a loan agreement should be changed to reference a written instrument, thus permitting institutions to document loans in the most appropriate fashion. Other commenters requested that the FCA eliminate the loan agreement requirement for loans below a de minimus level, such as $250,000. Finally, one commenter noted that the requirement that loan terms and conditions be adequately disclosed to the borrower prior to closing is unclear and troublesome and should be deleted.

The FCA originally adopted the requirement for a loan agreement between the lender and borrower in order to ensure that borrowers have the requisite information in order to meet all loan conditions and to provide institutions with a means of imposing a legal obligation on borrowers to provide certified financial statements. *See* 55 FR 24861 (June 19, 1990). Because the FCA is proposing amendments to its financial statement collection requirements and wishes to provide institutions with more flexibility, the FCA is proposing to delete the requirement that there be a loan agreement for each loan. Instead, proposed § 614.4200(a)(1) would require institutions to set forth the terms and conditions of each loan in a written instrument. Such written instrument could be a loan agreement, promissory note, or other instrument appropriate to the type and amount of the credit extended. The FCA notes that continued use of loan agreements is a prudent practice for complex loans, loans of above average risk, and loans with conditions that are not standard or that contain elements that the borrower must fulfill prior to loan closing or during the term of the loan. The FCA also notes that when periodic financial statements are required, the written instrument used to convey terms and conditions or the promissory note should create a legal obligation on the part of the borrower to provide the statements.

Proposed § 614.4200(a)(2) also would replace the current rules with a simple requirement that the borrower be given notice of the terms and conditions of the loan prior to loan closing. Existing § 614.4200 requires that if the loan closing will occur more than 15 days after notification of the approval is provided to the borrower, the notice of approval must set forth the terms and conditions on which credit will be extended. One institution commented that the regulator should not prescribe the contents of the notice of approval. The FCA does not wish to dictate to institutions what may be contained in its notice of approval to borrowers. However, the FCA continues to believe that it is important that borrowers receive prompt written notice of all terms and conditions on which credit will be extended. It is especially important that the borrower receive prompt written notice in situations where the borrower must take certain actions prior to loan closing. Therefore, the proposed regulations would require institutions to provide prompt written notice of approval of the loan and ensure that loan terms and conditions are properly and promptly disclosed to the borrower not later than loan closing. In addition, copies of all documents executed by a borrower in connection with the closing of a loan under titles I or II of the Act must be provided to the borrower at the time of execution and any time thereafter that the borrower requests copies. This is a requirement of section 4.13A of the Act for each

qualified lender and is restated in the regulation as a matter of convenience.

The FCA also notes that System institutions are subject to the requirements of the Federal Equal Credit Opportunity Act (ECOA), 15 U.S.C. 1691 *et seq.*, with respect to the timing and content of notification of action taken on credit applications. The ECOA generally requires creditors to provide applicants with notice that their credit request has been approved or denied within 30 days after receiving a completed application and entitles rejected applicants to learn the principal, specific reasons for the adverse decision. Proposed new § 614.4200(a)(3) incorporates by reference the requirements contained in the ECOA's implementing Regulation B, 12 CFR 202.9.

The FCA received comments from nine institutions regarding the requirements in existing § 614.4200 and the former requirement in section 1.10(a)(5) of the Act regarding obtaining financial statements from borrowers. Section 1.10(a)(5) of the Act, which required financial statements for long-term real estate loans at least every 3 years or sooner as determined by the FCA through regulation, was removed from the statute by the Farm Credit System Reform Act of 1996 (1996 Amendments)(Pub. L. 104–105, Feb. 10, 1996).

Several institutions commented that the requirement for obtaining annual financial statements from borrowers was excessive. One institution stated that institutions should obtain financial statements from borrowers based upon an institution's assessment of risk with respect to categories of loans. Another stated that the need for periodic financial information should be determined according to loan size, complexity, and performance history as well as the institution's risk-bearing ability. One commenter stated that the requirement to obtain periodic financial statements should be changed from obtaining statements annually to obtaining them every 3 years as required in the Act. Finally, one institution stated that there should be an annual requirement only for loans in excess of one million dollars.

The FCA agrees that as long as institutions have in place sufficient loan underwriting standards that include requirements for obtaining necessary financial information, annual submission of a verifiable balance sheet and an income statement is not needed for many loans. As a result, the FCA is proposing significant amendments to the existing financial information requirements in § 614.4200, including a proposed separation of the provisions requiring that financial statements be obtained when making or renewing a loan from the requirement for requiring periodic financial statements during the term of a loan. The FCA believes it is essential, for safety and soundness reasons, that appropriate financial information be required when making every loan, and that certain loans, i.e. those with larger balances and those not classified acceptable, should be supported with more detailed financial information, which is provided by a balance sheet and income statement.

The FCA proposes to retain the general requirement that when making, renewing, or taking a material servicing action, such as a release of a significant portion of the collateral, institutions obtain a verifiable balance sheet and income statement, certified true and correct by the borrower, for certain categories of loans made under title I or II of the Act. However, rural home loans and loans of $500,000 or less that are amortized monthly would be exempt from this regulatory requirement, and institutions would be given the flexibility to address this need through their own credit standards and lending policies. A borrower's monthly payment record on such a loan provides an ongoing indication to a lender of the borrower's financial condition and repayment capacity. The FCA is also proposing that all other loans and commitments with an aggregate outstanding balance of $100,000 or less per borrower be exempt from the requirement to obtain financial statements when making and servicing such loans. Under each exemption, however, institutions would be required to have adequate procedures and controls in place to obtain and verify sufficient financial information to establish repayment capacity and assess the risk in the loan.

The requirement for obtaining periodic financial statements is also modified in the proposed regulations. The regulation would require annual financial statements for all loans, except: (1) Rural home loans; (2) loans (other than rural home loans) amortized monthly of $500,000 or less; (3) loans classified acceptable that have an aggregate outstanding balance and commitment per borrower of $200,000 or less; and (4) loans that have an aggregate outstanding balance and commitment per borrower of $100,000 or less, regardless of credit classification.

The FCA believes that obtaining verifiable balance sheets and income statements is a necessary tool for managing adversely classified credit. As the credit risk in a particular loan increases, identified through its assigned credit classification, it is imperative that the lender have complete and accurate borrower financial information to appropriately monitor and service the account. For loans classified acceptable under $200,000, the FCA believes that institutions should have the flexibility to forego reviews of annual financial statements, but encourages institutions to require financial statements for loans under this threshold in which the risk level warrants closer monitoring. Such financial information would permit lenders to learn of any potential changes in the borrower's repayment capacity. The FCA acknowledges that there are no industrywide standards for the size or complexity of loans warranting current and complete financial information. However, prudent credit practices dictate that risk be assessed in each loan. The FCA believes that the best method for assessing risk in certain loans is through an analysis of a balance sheet and income statement and incorporates such practices in its proposed amendments to § 614.4200. The FCA proposes $200,000 as an appropriate threshold to require balance sheets and income statements, even for acceptable loans.

The FCA received four comments regarding the security requirements for long-term real estate loans. Existing § 614.4210(a) requires that long-term real estate mortgage loans must be secured by a first lien on an interest in real estate comprising agricultural property, an eligible farm-related business, an eligible rural residence, or real estate used as an integral part of an eligible aquatic operation. Additional security may be taken for long-term real estate loans, but it may not be included in meeting the requirement in § 614.4210(b) that funds only be advanced if the outstanding loan balance after the advance would not exceed 85 percent of the appraised value of the real estate taken as primary security.

One commenter requested that the FCA remove the requirement that the primary security for a loan be agricultural land and suggested that the requirement creates an eligibility test for both the borrower and the collateral. Another commenter suggested that any additional security taken should be considered toward meeting the loan-to-value limitation in § 614.4210(b). Two commenters suggested that the FCA eliminate the existing requirement to report regularly to the institution's board any advance of funds by an

institution to protect the institution's collateral position.

In response to the commenters and in order to achieve the goal of adequately collateralized loans and safe and sound lending activities with a minimum of regulatory burden, the FCA is proposing to delete existing § 614.4210. Requirements relating to security for long-term loans would be placed in revised § 614.4200, *General requirements.* Under the proposal, § 614.4200(c)(1) would continue to require long-term real estate mortgage loans to be secured by a first lien on real estate. The proposed regulation would also maintain the existing requirement regarding the agricultural nature of the real estate security and continue to permit other real estate to be taken as additional security. The proposal would, however, delete the requirement in existing § 614.4210(b) that only the value of the agricultural property be considered for the purpose of meeting the loan-to-value ratio. When both agricultural and nonagricultural property is taken as security, the total value of the real estate may be considered, provided that the security is primarily agricultural, in that the value of the agricultural property is greater than the other real estate security.

The FCA believes that this modification preserves the rural focus of long-term mortgage lenders contemplated by section 1.7 of the Act and also implements the safety and soundness concern reflected in the loan-to-value requirements of section 1.10. At the same time, the proposal would offer institutions greater flexibility to take the type of real estate collateral that best secures each loan. If the proposed regulations are adopted, the FCA will require institutions to include standards for real estate collateral that ensure safe and sound lending practices in their loan policies and underwriting standards, pursuant to proposed § 614.4150 and subpart F of part 614.

The FCA is also proposing to delete the requirement to report periodically to the institution's board of directors in situations in which the institution has advanced funds in order to protect its collateral position. Instead, the FCA expects the board of directors of each institution to direct management to establish appropriate procedures and reporting requirements for monitoring and controlling the advance of funds to protect collateral. Institutions should document that the advance is in the institution's best interest despite the fact that the real estate may not fully secure the advance.

The FCA is proposing another modification to implement a provision of the 1996 Amendments regarding the loan security requirements. Existing § 614.4210(b) requires that no funds can be advanced if the outstanding loan balance after the advance exceeds 85 percent (or 97 percent if guaranteed by a Government agency) of the appraised value of the real estate taken as primary security. Section 202 of the 1996 Amendments provides that a loan on which private mortgage insurance (PMI) is obtained may exceed 85 percent of the appraised value of the real estate security to the extent that the loan amount in excess of 85 percent is covered by PMI. The proposed regulations would incorporate this change in revised § 614.4200(c)(1).

The FCA also received a comment relating to the requirements for intermediate-term loans in existing § 614.4220. The commenter stated that the FCA should eliminate the requirement that intermediate-term loans be specifically identified and have a regular level amortization schedule (i.e., no graduated schedules, balloons, or bullet maturities). The institution asserts that good credit sense should dictate loan terms, rather than limiting them through regulation.

In response, the FCA notes that loans that currently must be amortized and specifically identified are loans that are made for major capital items, such as new equipment and new or remodeled buildings and facilities. Existing § 614.4220(b)(2) requires that the maturity of such loans must be shorter than the useful life of the item, and the amount outstanding must at all times be less than the value of the item after normal depreciation.

The FCA believes that existing § 614.4220(b)(2) contains an important credit philosophy that should be maintained by Farm Credit lenders. However, the FCA believes that matters such as loan amortization and maturity for short-term loans are more appropriately addressed in each lender's loan underwriting policies and standards and that prudent underwriting standards would reflect such a philosophy. Therefore, the FCA proposes to delete the requirements in § 614.4220(b)(2). The items in § 614.4220 that address loan terms would be relocated to § 614.4040 in subpart A, and the items addressing loan underwriting standards and loan security requirements are contained in the proposed amendments to § 614.4200. As a result of incorporating the provisions relating to short- and intermediate-term loans in §§ 614.4040 and 614.4200, existing § 614.4220 is proposed to be deleted. In addition, the proposed regulations would codify guidance that the FCA has provided to institutions regarding loans made by production credit associations (PCAs) that have amortization schedules longer than 7 years.

Proposed § 614.4200(c)(3) would continue the provision in existing § 614.4220(b)(1) that short- and intermediate-term loans may be secured or unsecured as the documented creditworthiness of the borrower warrants. Institutions would be expected to include collateral standards for short-and intermediate-term loans in the loan underwriting standards adopted pursuant to proposed § 614.4150. Existing § 614.4040 would be amended to specify the terms for which PCAs can make loans. Authority would continue for PCAs to make loans with maturities of up to 7 years and make loans with maturities in excess of 7, but not more than 10 years, if authorized in policies adopted by the funding bank. The FCA is proposing to add flexibility for PCAs to make loans with maturities of 10 years or less having amortization schedules of up to 15 years when such loans are authorized in policies approved by the funding bank.

The FCA notes that neither the Act nor FCA regulations prohibit PCAs from offering borrowers a loan amortization period greater than the term of the loan with a balloon payment at maturity. Nor are PCAs precluded from refinancing such loans when safety and soundness conditions are met and the circumstances warrant such action. Therefore, the FCA is clarifying in the proposed regulations that PCAs may make loans with maturities of 10 years or less that are amortized over a period of up to 15 years, the longest period that Congress has considered appropriate for production lenders. This authority is subject to the following restrictions:

(1) The loan may be refinanced only if the lender determines at maturity that the loan meets its current loan policy and loan underwriting criteria;

(2) Any refinancing of the loan may not extend beyond 15 years from the date of the original loan; and

(3) The loan must be for refinancing or acquisition of a capital asset or other permissible purpose and may not be made solely to finance the acquisition of real estate.

The FCA notes that in making loans with an amortization in excess of 10 years, institutions cannot include an explicit or implicit guarantee or promise of refinancing. However, prudent lending criteria dictate that PCAs should determine whether a borrower's circumstances are likely to warrant refinancing of the balloon payment at

the maturity date. Also, the FCA clarifies that although loans cannot be made solely for the purpose of acquiring real estate, loans may be made for facility expansions that include the purchase of real estate on which to build the facilities. Finally, the FCA reiterates that any loans made by PCAs with an amortization in excess of 7 years must be authorized in policies adopted by the funding bank. In adopting such policies, the FCA expects the bank boards to consider the competitive impact on other chartered System institutions operating in the district territory and minimize any disruptive impact of new lending programs to the extent possible, consistent with the authority to make loans with an amortization of up to 15 years.

The PCAs will continue to have the authority to make loans with terms of up to 15 years to producers and harvesters of aquatic products for major capital expenditures. Such loans are not subject to the restrictions delineated above.

The FCA also proposes to continue the requirement that all short- and intermediate-term loans be made with maturities that are appropriate for the purpose of the loan and comply with the institution's loan underwriting standards. This requirement would be moved to § 614.4040.

III. Other Proposed Amendments

The FCA is proposing a clarifying amendment to § 614.4050 that would recognize the authority of agricultural credit associations (ACAs) to make long-term real estate mortgage loans of not less than 5 nor more than 40 years, rather than not less than 10 nor more than 40 years as stated in the existing regulation. The current provision was adopted in order to recognize that ACAs have the option to make loans under their short- and intermediate-term lending authority without requiring a first lien on real estate if the term is 10 years or less. The proposed amendment would clarify that an ACA has the option of making loans with maturities between 5 and 10 years under either its long-term or its short- and intermediate-term lending authority as appropriate.

The FCA received a comment relating to regulatory burden that pertains to the independent credit judgment requirements of § 614.4325(e). The commenter states that this regulation eliminates the ability of FCS institutions to fully utilize an agent in the administration of loan participations. The regulation requires that independent credit judgment be applied by an employee of the purchasing participant, and does not allow the authority to be delegated to an agent who is not an employee.

The FCA agrees that an institution may sometimes find it advantageous to use an agent in connection with its loan purchase authorities. The FCA observes, however, that the institution's board remains fully accountable for transactions through agents and fully responsible for the sound administration of all loans, whether made directly by the institution or purchased through the institution's participation authority. Therefore, the FCA proposes, by adding a new § 614.4325(h), to allow transactions through agents as long as the institution remains accountable for all the agent's actions by ensuring that the agent complies with the institution's specific underwriting and other criteria for the purchase of loans. The FCA proposes that these types of transactions are permissible, only if: (1) The institution's board establishes the necessary criteria in a written agency agreement that outlines the scope of the agent relationship and obligates the agent to follow the institution's loan underwriting standards; and (2) the agent relationship is reviewed periodically by the institution's board to determine if the agent's actions are in the best interest of the institution. In order to maintain the independent judgment of the institution, the proposed regulation also requires that the agent must be independent of the seller or any intermediate broker in the transaction.

The FCA Board believes that these actions represent the minimum practices that will not only outline the authority of the agent, but also establish how the institution will hold the agent accountable for compliance with the institution's loan policies and underwriting standards. The FCA Board expects an agent agreement to outline the type of business that is acceptable to the board and specific authorities with respect to approval levels, reporting requirements, and other performance elements that the board of directors could utilize to ensure that the agent relationship is in the institution's best interest. Given the supervisory role of a bank and its control over the association's funding, the FCA believes it would not be practical for an association to attempt to hold its funding bank accountable. Therefore, under proposed § 614.4325(h)(3), a funding bank will be specifically prohibited from being an agent for an association it funds.

The FCA Board is also proposing amendments that are not a result of the regulatory burden comments, but are nonetheless consistent with FCA's initiatives to reduce burden and clarify existing regulations where necessary.

The FCA proposes to delete § 614.4222, non-farm rural home loans, and relocate the provisions to § 614.4200(c)(4) that pertain to general security requirements for such rural home loans. This action is proposed to achieve more consistent and concise regulations. The FCA notes that there is an outstanding proposed amendment to § 614.4222, and this proposal will be in addition to the amendment proposed at 60 FR 47121 (September 11, 1995).

The FCA proposes to delete § 614.4230 and include the provisions on security for title III loans in a new § 614.4200(c)(5), in the same manner as is proposed for § 614.4222. The provisions in § 614.4230(a) pertain to loan underwriting and must be considered by the institution pursuant to proposed § 614.4150.

The FCA proposes to significantly revise § 614.4231, which contains the specific requirements outlined for different commodity programs, and instead require that loans on commodities covered by government programs comply with the criteria established for those programs. This revision is proposed because of the changing nature of the government programs for the listed commodities.

Since their publication in 1995, the FCA has received several requests to review certain provisions of the collateral regulations contained in this subpart. Specifically, Farm Credit institutions and examiners have pointed out two potentially burdensome areas: (1) The applicability of the collateral evaluation requirements in § 614.4250 within an institution's small loan program; and (2) the income capitalization approach to valuing collateral and related provisions of § 614.4265.

Comments received suggest the amount of documentation specifically required by § 614.4250 (a)(4), (a)(5), and (a)(6) is burdensome and yields little extra risk protection for loans that qualify under an institution's small loan program. In addition to comments received from System institutions, FCA examiners have observed some instances in which these particular collateral evaluation requirements may be impeding prudent underwriting of certain loans in some institutions. Some lending officials have made unsecured loans in the institution's small loan program rather than taking available collateral to avoid the documentation burden of § 614.4250. The FCA now recognizes that certain elements of

collateral evaluations required in the existing regulation may not be conducive to the effective and efficient delivery of credit demanded by the current market place for certain small, low risk loans. The FCA believes such programs can be structured to ensure prudent lending practices are imposed and remain in place while alleviating the burden of the existing regulations.

The FCA proposes to amend §§ 614.4245 and 614.4250 by making parts of § 614.4250 requirements inapplicable to an institution's small loan program. However, each System institution must establish appropriate procedures for the valuation of collateral taken to secure loans under any small loan program. At a minimum, these procedures should require documentation and certification of the value of the collateral taken for small loans by an individual sufficiently skilled to assign values to the collateral taken. The FCA believes certain minimum requirements for collateral evaluations will sufficiently document valuations for loans qualifying under an institution's small loan program and meet the central, but not all, requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) guidelines. The FCA, through this proposal, seeks to ensure that the most essential requirements of § 614.4250 for small loan programs, namely paragraphs (a)(1), (a)(2), (a)(3), and (a)(7), are retained. To accomplish this change, a new paragraph § 614.4245(d) is proposed to permit an institution to adopt policies and standards for a small loan program that exclude documentation requirements presently existing in § 614.4250 (a)(4) through (a)(6). A corresponding modification is proposed for § 614.4250. This proposal would allow greater flexibility to institutions and require that policies and standards be adopted that address small loan program collateral criteria.

Requirements contained in (a)(1), (a)(2), (a)(3), and (a)(7) of § 614.4250 would continue to apply to an institution's small loan program. These provisions require all collateral evaluations to be based on the property's market value, be in a written format, consider the property's use or intended use, and contain a certification by a competent appraiser/evaluator. The FCA further observes that the use of a limited or restricted appraisal, completed in accordance with USPAP Standard 2.2, is a valid statement of value under the revisions to this section. While the FCA is proposing to exempt certain requirements contained in § 614.4250(a), institutions are reminded that if real estate is taken as collateral and State-sanctioned (certified or licensed) appraisers are used for the valuation process, the proposed exclusion of the provisions contained in § 614.4250 (a)(4) through (a)(6) may cause the resulting evaluations not to comply with USPAP and State certification or licensing standards in certain instances. In such cases, appraisers/evaluators may not meet terms and conditions under which those States have certified or licensed them. This, however, is considered a professional issue and institutions may include the provisions of § 614.4250(a)(4) through (a)(6) as they deem appropriate.

The second area concerning the Agency's collateral regulations centers on the clarification of requirements of the departure provisions and income capitalization approach to valuing collateral found in § 614.4265. The FCA has received several comments and suggestions to reconsider the appropriate use of, or exclusion of, one or more of the three recognized approaches to valuation of real estate. Most comments focused on § 614.4265(b) and the intent and purpose of the requirements of § 614.4265 (d) and (e). Upon review and consideration of comments received and the changes proposed herein, the FCA concludes that no revisions to the existing requirements of § 614.4265 should be made. However, the FCA believes it is necessary to clarify the purposes of, and alternatives provided by, § 614.4265 (d) and (e), and the FCA intends to make this clarification through its bookletter process.

Finally, the FCA proposes to clarify that § 614.4325, purchase and sale of interests in loans, also applies to transactions involving pools of loans in the same manner as they apply to transactions pertaining to individual loans. The FCA proposes an expanded definition of the term ''interests in loans'' in § 614.4325(a)(1) to include transactions involving a pool of loans. The FCA is proposing this amendment to relieve any potential regulatory burden and clarify how pool transactions are to be handled.

The FCA proposes many conforming amendments within subparts A, C, H, J, and Q of part 614, and in part 619 so that affected regulations are consistent with the substantive changes proposed. Certain conforming amendments in subpart A are in regulation sections that are proposed to be revised as conforming amendments in the proposed rule addressing eligibility and scope of financing. *See* 60 FR 47103 (September 11, 1995). The conforming amendments in this rulemaking are in addition to those proposed on September 11, 1995, and include §§ 614.4000, 614.4010, 614.4020, 614.4030, 614.4040, 614.4050, 614.4222, and 614.4810.

List of Subjects

*12 CFR Part 614*

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

*12 CFR Part 619*

Agriculture, Banks, Banking, Rural areas.

For the reasons stated in the preamble, parts 614 and 619 of chapter VI, title 12 of the Code of Federal Regulations are proposed to be amended to read as follows:

## PART 614—LOAN POLICIES AND OPERATIONS

1. The authority citation for part 614 continues to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4101b, 4106, and 4128; Secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E. 4.18, 4.18A, 4.19, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.7, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2096, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2206a, 2207, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279b–1, 2279b–2, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

### Subpart A—Lending Authorities

2. Section 614.4000 is amended by removing the words ''agricultural credit association of a Federal land credit association'' and adding in its place, the words ''agricultural credit association or a Federal land credit association'' in the introductory text of paragraph (f), and revising paragraph (a) to read as follows:

**§ 614.4000 Farm Credit Banks.**

(a) *Long-term real estate lending.* Except to the extent such authorities are transferred pursuant to section 7.6 of the Act, Farm Credit Banks are authorized to make, subject to the requirements in § 614.4200 of this part, real estate mortgage loans with maturities of not less than 5 years nor more than 40 years and continuing commitments to make such loans.

* * * * *

3. Section 614.4010 is amended by removing the reference ''§ 614.4230''

and adding in its place, the reference ''§ 614.4200'' in paragraphs (d)(1) and (d)(2); and revising paragraph (a) to read as follows:

**§ 614.4010 Agricultural credit banks.**

(a) *Long-term real estate lending.* Except to the extent such authorities are transferred pursuant to section 7.6 of the Act, agricultural credit banks are authorized to make, subject to the requirements of § 614.4200, real estate mortgage loans with maturities of not less than 5 years nor more than 40 years and continuing commitments to make such loans.

* * * * *

**§ 614.4020 [Amended]**

4. Section 614.4020 is amended by removing the reference ''614.4230'' and adding in its place, the reference ''614.4200'' in paragraphs (a)(1) and (a)(2).

5. Section 614.4030 is amended by revising paragraph (a) to read as follows:

**§ 614.4030 Federal land credit associations.**

(a) *Long-term real estate lending.* Federal land credit associations are authorized to make, subject to the requirements of § 614.4200, real estate mortgage loans with maturities of not less than 5 years nor more than 40 years and continuing commitments to make such loans.

* * * * *

6. Section 614.4040 is amended by removing paragraph (b); redesignating paragraphs (c) and (d) as new paragraphs (b) and (c), respectively; removing the reference ''paragraph (c)(2)'' and adding in its place, the reference ''paragraph (b)(2)'' in newly designated paragraph (b)(1) introductory text; and by revising paragraph (a) to read as follows:

**§ 614.4040 Production credit associations.**

(a) *Loan terms.*

(1) Production credit associations are authorized to make or guarantee loans and other similar financial assistance for the following terms:

(i) Repayable in not more than 7 years;

(ii) Repayable in more than 7 years, but not more than 10 years, subject to authorization in policies approved by the funding bank;

(iii) Repayable in not more than 15 years to producers or harvesters of aquatic products for major capital expenditures, including but not limited to the purchase of vessels, construction or purchase of shore facilities, and similar purposes directly related to the producing or harvesting operation; ′and

(2) Subject to policies approved by the funding bank, production credit associations may make loans authorized under paragraph (a)(1) of this section that are amortized over a period not to exceed 15 years, provided that:

(i) The loan may be refinanced only if the lender determines, at the time of maturity, that the loan meets its loan policy and underwriting criteria;

(ii) Any refinancing may not extend repayment beyond 15 years from the date of the original loan; and

(iii) The loan is not being made solely for the purpose of acquiring real estate;

(3) Short- and intermediate-term loans shall be made with maturities that are appropriate for the purpose of the loan and that comply with the institution's loan underwriting standards adopted pursuant to § 614.4150 and the general requirements of § 614.4200 of this part.

* * * * *

7. Section 614.4050 is amended by adding introductory text and by revising paragraphs (a) and (b) to read as follows:

**§ 614.4050 Agricultural credit associations.**

Agricultural credit associations are authorized to make, subject to the requirements of § 614.4200 of this part:

(a) *Long-term real estate mortgage loans* with maturities of not less than 5 nor more than 40 years, and continuing commitments to make such loans; and

(b) *Short- and intermediate-term loans* and provide other similar financial assistance for a term not more than 10 years (15 years for aquatic producers and harvesters).

* * * * *

## Subpart C—Bank/Association Lending Relationship

**§ 614.4120 [Amended]**

8. Section 614.4120 is amended by removing the words ''the factors set forth in §§ 614.4150 and 614.4160'' and adding in their place, the words ''the loan underwriting policies and standards adopted pursuant to § 614.4150'' in the last sentance of paragraph (a).

**§§ 614.4135, 614.4140, and 614.4145 [Removed]**

9. Sections 614.4135, 614.4140, and 614.4145 are removed.

## Subpart D—General Loan Policies for Banks and Associations

**§§ 614.4150, 614.4160 [Removed]**

10. Sections 614.4150 and 614.4160 are removed.

11. New section 614.4150 is added to read as follows:

**§ 614.4150 Lending policies and loan underwriting standards.**

Under the policies of its board, each institution shall adopt written standards for prudent lending and shall issue written policies, operating procedures, and control mechanisms that reflect prudent credit practices and comply with all applicable laws and regulations. Written policies and procedures shall, at a minimum, prescribe:

(a) The minimum supporting credit information, frequency for submission of information, and verification of information required in relation to loan size, complexity and risk exposure;

(b) The procedures to be followed in credit analysis;

(c) The minimum standards for loan disbursement, servicing and collections;

(d) Requirements for collateral and methods for its administration;

(e) Loan approval delegations and requirements for reporting to the board;

(f) Loan pricing practices;

(g) Loan underwriting standards that include measurable standards for determining that an applicant has the operational, financial, and management resources necessary to repay the debt from cashflow, are appropriate for each loan program and the institution's risk-bearing ability, and consider the nature and type of credit risk, amount of the loan, and enterprise being financed;

(h) Requirements that loan terms and conditions are appropriate for loan purposes; and

(i) Such other requirements as are necessary for the professional conduct of a lending organization, including documentation for each loan transaction of compliance with the loan underwriting standards or the compensating factors or extenuating circumstances that establish repayment capacity notwithstanding the failure to meet any single loan underwriting standard.

12. Section 614.4165 is amended by removing paragraphs (b) and (c); redesignating paragraphs (d) and (e) as new paragraphs (b) and (c); and revising paragraph (a) to read as follows:

**§ 614.4165 Special credit needs.**

(a) The board of each direct lender institution shall adopt policies to establish programs to provide credit and related services to young, beginning, and small farmers, ranchers, and producers or harvesters of aquatic products.

* * * * *

## Subpart E—Loan Terms and Conditions

13. Section 614.4200 is revised to read as follows:

**§ 614.4200 General requirements.**

(a) *Terms and conditions.* (1) The terms and conditions of each loan made by a Farm Credit bank or association shall be set forth in a written document, such as a loan agreement, promissory note, or other instrument appropriate to the type and amount of the credit extension, in order to establish loan conditions and performance requirements and, where appropriate, to obligate the borrower to provide financial statements, certified true and correct by the borrower, as required or requested during the term of the loan. Copies of all documents executed by the borrower in connection with the closing of a loan made under titles I or II of the Act shall be provided to the borrower at the time of execution and at any time thereafter that the borrower requests additional copies.

(2) The terms and conditions of all loans shall be adequately disclosed in writing to the borrower not later than loan closing. For loans made under titles I and II of the Act, the institution shall provide prompt written notice of the approval of the loan.

(3) Applicants shall be provided notification of the action taken on each credit application in compliance with the requirements of 12 CFR 202.9.

(b) *Obtaining borrower financial statements.* As part of the loan underwriting policies adopted pursuant to § 614.4150, each direct lender institution must adopt policies and procedures for obtaining sufficient financial information from all borrowers in order to establish repayment capacity and assess the risk inherent in each loan. In addition, for loans, except rural home loans, made under titles I or II of the Act:

(1) Farm Credit banks and associations shall require from each borrower a verifiable balance sheet and income statement that has been certified true and correct as a condition precedent to making, renewing or extending the terms of a loan or taking any material servicing action for the following loans:

(i) Monthly payment loans with an aggregate outstanding balance of loans and commitments per borrower greater than $500,000; and

(ii) Loans, except monthly payment loans, with an aggregate outstanding balance of loans and commitments per borrower greater than $100,000.

(2) Farm Credit banks and associations shall require annually from each borrower a verifiable balance sheet and income statement that has been certified true and correct for the following loans:

(i) Monthly payment loans with an aggregate outstanding balance of loans and commitments per borrower greater than $500,000;

(ii) Loans, except monthly payment loans, with an aggregate outstanding balance of loans and commitments per borrower greater than $200,000; and

(iii) Loans, except monthly payment loans, that are classified as less than acceptable and that have an aggregate outstanding balance of loans and commitments per borrower greater than $100,000.

(c) *Security.* (1) Long-term real estate mortgage loans must be secured by a first lien interest in real estate. No funds shall be advanced, under a legally binding commitment or otherwise, if the outstanding loan balance after the advance would exceed 85 percent (or 97 percent as provided in section 1.10(a) of the Act) of the appraised value of the real estate, except that a loan on which private mortgage insurance is obtained may exceed 85 percent of the appraised value of the real estate to the extent that the loan amount in excess of 85 percent is covered by such insurance. Real estate securing long-term mortgage loans must be comprised primarily of agricultural or rural property, including agricultural land, a farm-related business, a marketing or processing operation, a rural residence, or real estate used as an integral part of an aquatic operation.

(2) Notwithstanding the requirements of paragraph (c)(1) of this section, the lending institution may advance funds for the payment of taxes or insurance premiums with respect to the real estate, reschedule loan payments, grant partial releases of security interests in the real estate, and take other actions necessary to protect the lender's collateral position. Any action taken that results in exceeding the loan-to-value limitation shall be in accordance with a policy of the institution's board of directors and adequately documented in the loan file.

(3) Short- and intermediate-term loans may be secured or unsecured as the documented creditworthiness of the borrower warrants.

(4) In addition to the requirements in paragraph (c)(1) of this section, a long-term, non-farm rural home loan, including a revolving line of credit, shall be secured by a first lien on the property, except that it may be secured by a second lien if the institution also holds the first lien on the property. A short- or intermediate-term loan on a rural home, including a revolving line of credit, must be secured by a lien on the property unless the financing is provided exclusively for repairs, remodeling, or other improvements to the rural home, in which case the credit may be secured by other property or unsecured if warranted by the documented creditworthiness of the borrower.

(5) Except as provided in § 614.4231, loans made under title III of the Act may be secured or unsecured, as appropriate for the purpose of the loan and the documented creditworthiness of the borrower.

**§§ 614.4210, 614.4220, 614.4222, 614.4230 [Removed]**

14. Sections 614.4210, 614.4220, 614.4222, and 614.4230 are removed.

15. Section 614.4231 is revised to read as follows:

**§ 614.4231 Certain seasonal commodity loans to cooperatives.**

Loans on certain commodities that are part of government programs shall comply with the criteria established for those programs. Security taken on program commodities shall be consistent with prudent lending practices and ensure compliance with the government program. The bank shall provide for periodic review by bank officials of any custodial activities and shall provide notice to the custodians that their activities are subject to review and examination by the Farm Credit Administration.

## Subpart F—Collateral Evaluation Requirements

16. Section 614.4245 is amended by adding a new paragraph (d) to read as follows:

**§ 614.4245 Collateral evaluation policies.**

* * * * *

(d) An institution's board of directors may adopt modified collateral evaluation requirements, consistent with § 614.4250(b), for loans designated as part of a small loan program, which shall be limited to loans to borrowers with aggregate outstanding balances to the institution of $100,000 or less.

* * * * *

17. Section 614.4250 is amended by removing the words ''Specifically, all collateral evaluations must:'' and adding in their place, the words ''Except for security taken on loans that are designated as part of an institution's small loan program, all collateral evaluations must:'' in paragraph (a) introductory text; redesignating paragraph (b) as new paragraph (c) and adding new paragraph (b) to read as follows:

**§ 614.4250 Collateral evaluation standards.**

* * * * *

(b) Collateral evaluations of property that secures a loan designated as part of an institution's small loan program must comply only with the requirements of paragraphs (a)(1), (a)(2), (a)(3), and (a)(7) of this section.

* * * * *

### Subpart H—Loan Purchases and Sales

18. Section 614.4325 is amended by removing the reference ''§ 614.4160'' and adding in its place, the words ''the loan underwriting standards adopted pursuant to § 614.4150'' in the fourth sentence of paragraph (e); revising paragraph (a)(1); and adding new paragraph (h) to read as follows:

**§ 614.4325 Purchase and sale of interests in loans.**

(a) * * *

(1) *Interests in loans* means ownership interests in the principal amount, interest payments, or any aspect of a loan transaction and transactions involving a pool of loans, including servicing rights.

* * * * *

(h) *Transactions through agents.* Transactions pertaining to purchases of loans, including the judgment on creditworthiness, may be performed through an agent, provided that:

(1) The institution establishes the necessary criteria in a written agency agreement that outlines, at a minimum, the scope of the agency relationship and obligates the agent to comply with the institution's underwriting standards;

(2) The institution periodically reviews the agency relationship to determine if the agent's actions are in the best interest of the institution;

(3) Restrictions.

(i) An association's funding bank cannot act as its agent; and

(ii) The agent must be independent of the seller or intermediate broker in the transaction.

### Subpart J—Lending Limits

**§ 614.4355 [Amended]**

19. Section 614.4355 is amended by removing the word ''seasonal'' and adding in its place, the word ''commodity'' the second place it appears in paragraphs (a)(6) and (b)(1) respectively, and in paragraph (a)(8).

**§ 614.4358 [Amended]**

20. Section 614.4358 is amended by removing the words ''on the credit factors set forth in § 614.4160'' and adding in their place, the words ''under the loan underwriting standards adopted pursuant to § 614.4150'' in paragraph (a)(1)(ii).

### Subpart Q—Banks for Cooperatives Financing International Trade

**§ 614.4810 [Amended]**

21. Section 614.4810 is amended by removing the words ''credit factors listed in § 614.4160'' and adding in their place, the words ''the loan underwriting standards adopted pursuant to § 614.4150'' in paragraph (b).

### PART 619—DEFINITIONS

21. The authority citation for part 619 continues to read as follows:

Authority: Secs. 1.7, 2.4, 4.9, 5.9, 5.12, 5.17, 5.18, 7.0, 7.6, 7.7, 7.8 of the Farm Credit Act (12 U.S.C. 2015, 2075, 2160, 2243, 2246, 2252, 2253, 2279a, 2279b, 2279b–1, 2279b–2).

**§§ 619.9165 and 619.9290 [Removed]**

22. Sections 619.9165 an 619.9290 are removed.

* * * * *

Dated: April 9, 1996.

Floyd Fithian,

*Secretary, Farm Credit Administration Board.*

[FR Doc. 96–9155 Filed 4–12–96; 8:45 am]

BILLING CODE 6705–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 94–NM–197–AD]**

### Airworthiness Directives; Boeing Model 727 Series Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to Boeing Model 727 series airplanes. That action would have superseded an existing AD to require repetitive visual inspections to detect cracking in the elevator rear spar and repair, if necessary; provide for an optional terminating action for the repetitive inspections; and add a one-time inspection of certain airplanes for clearance between the shear plate and the radii of the rear spar. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued other rulemaking that requires actions equivalent to those proposed. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Walter Sippel, Aerospace Engineer, Airframe Branch (ANM–121S), Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2774; fax (206) 227–1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, was published in the Federal Register as a Notice of Proposed Rulemaking (NPRM) on January 4, 1995 (60 FR 386). The proposed rule would have superseded AD 87–24–03, amendment 39–5769 (52 FR 43742, November 16, 1987), which was issued in 1987 to require repetitive visual inspections to detect cracking in the elevator rear spar and repair, if necessary. AD 87–24–03 also provided for an optional terminating action for the repetitive visual inspections. The issuance of AD 87–24–03 was prompted by reports of cracking in the rear spar of the elevator at the hinge fitting attachment of the control tab and reports of loose hinge fittings at the crack locations.

The NPRM would have superseded AD 87–24–03 to continue to require the repetitive visual inspections, but also to add an additional one-time inspection of certain airplanes for clearance between the shear plate and the radii of the rear spar. The NPRM also would have provided additional instructions for the terminating action. The actions specified by both the NPRM and AD 87–24–03 were intended to prevent cracking of the elevator rear spar, which could cause excessive free play of the elevator control tab and possible tab flutter, and could result in loss of controllability of the airplane.

Since the issuance of that NPRM, the FAA has issued AD 96–06–05, amendment 39–9542 (61 FR 11529, March 21, 1996), which is applicable to Boeing Model 727 series airplanes. That AD supersedes AD 87–24–03, as well as AD 84–22–02, amendment 39–4951 (49 FR 45743, November 20, 1984). It requires various repetitive inspections to detect cracks and loose brackets of the elevator rear spar, and repair, if necessary; and provides for a terminating modification for the inspections. That AD was prompted by reports of cracking in the spar radii at the tab hinge location of the elevator rear spar on certain airplanes. The actions specified by that AD are intended to prevent cracking in elements of the elevator rear spar assembly, which could result in excessive free play of the elevator control tab and possible tab flutter.

The requirements of AD 96–06–05 incorporate and implement the same actions that were proposed by the NPRM issued as Docket 94–NM–197–AD. In light of this, the issuance of a final action for that NPRM is unnecessary. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 94–NM–197–AD, published in the Federal Register on January 4, 1995 (60 FR 386), is withdrawn.

Issued in Renton, Washington, on April 9, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–9237 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–U**

## 14 CFR Part 39

**[Docket No. 95–NM–221–AD]**

## Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. This proposal would require a one-time inspection to detect cracking of the main landing gear (MLG) pistons, and repair or replacement of the pistons with new or serviceable parts, if necessary. This proposal is prompted by reports of failure of the MLG pistons that occurred during towing of the airplanes. The actions specified by the proposed AD are intended to prevent fatigue cracking of the MLG pistons, which could result in failure of the pistons and subsequent damage to the airplane structure or injury to airplane occupants.

**DATES:** Comments must be received by June 10, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–221–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Brent Bandley, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5237; fax (310) 627–5210.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–221–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–221–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received two reports of failure of the main landing gear (MLG) pistons that occurred during towing of a McDonnell Douglas Model DC–9–82 series airplane and a Model MD–88 airplane. In both cases, the fracture surface extended around the barrel section at the piston/axle transition. The fractures originated at a fatigue crack. Fatigue cracking occurred due to vibration-induced high stress loads on the pistons and a blending induced stress concentration in the transition area of the piston/axle transition. Such vibration occurs primarily during landing and rejected takeoff during moderate to heavy braking. Fatigue cracking of the MLG pistons, if not detected and corrected in a timely manner, could result in failure of the pistons and subsequent damage to the airplane structure or injury to airplane occupants.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996, which describes procedures for a one-time dye penetrant and magnetic particle inspection to detect cracking of the MLG pistons, and repair or replacement of cracked pistons with new or serviceable parts.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time dye penetrant and magnetic particle inspection to detect cracking of the MLG pistons, and repair or replacement of the pistons with new or serviceable parts, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

There are approximately 1,119 Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 609 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $73,080, or $120 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

McDonnell Douglas: Docket 95–NM–221–AD.

*Applicability:* Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes, and Model MD–88 airplanes; as listed in McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent fatigue cracking of the main landing gear (MLG) pistons, which could result in failure of the pistons and subsequent damage to the airplane structure or injury to airplane occupants, accomplish the following:

(a) Perform a one-time dye penetrant and magnetic particle inspection to detect cracking of the MLG pistons, in accordance with McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Prior to the accumulation of 4,000 total landings on the MLG piston.

(2) Within 1,500 landings or 12 months after the effective date of this AD, whichever occurs first.

(b) If no cracking is found, no further action is required by this AD.

(c) If any cracking is found that is within the limits specified in McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996, prior to further flight, repair in accordance with the service bulletin.

(d) If any cracking is found that is outside the limits specified in McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996, prior to further flight, replace the MLG piston with a new or serviceable part in accordance with the service bulletin.

(e) As of the effective date of this AD, no person shall install an MLG piston having part number 5935347–1 through 5935347–509 inclusive on any airplane unless that piston has been inspected in accordance with McDonnell Douglas Service Bulletin MD80–32–277, Revision 01, dated February 23, 1996, and found to be crack-free; or unless it is repaired or modified in accordance with the service bulletin.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

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

Issued in Renton, Washington, on April 9, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–9236 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

**[Docket No. 95–NM–216–AD]**

## Airworthiness Directives; Airbus Model A320 Series Airplanes

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

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

**SUMMARY:** This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that currently requires a one-time inspection to detect cracking of the floor beams and the side box-beams between frames 42 and 43, and repair of cracks. It also requires modification of the pressure floor. That AD was prompted by the results of a full-scale fatigue test. This action would add a new improved modification requirement for the pressure floor at section 15 of the fuselage. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the fuselage.

**DATES:** Comments must be received by May 28, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–216–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this

location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–216–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–216–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On July 9, 1993, the FAA issued AD 93–14–04, amendment 39–8628 (58 FR 39440, July 23, 1993), applicable to certain Airbus Model A320 series airplanes, to require a one-time inspection to detect cracking of the floor beams and the side box-beams between frames 42 and 43, and repair of cracks. It also requires modification of the pressure floor. That action was prompted by the results of a full-scale fatigue test, which indicated that fatigue cracking can occur in those areas. The requirements of that AD are intended to prevent reduced structural integrity of the fuselage due to problems associated with fatigue cracking.

Since the issuance of that AD, Airbus has issued Revision 1 of Service Bulletin A320–53–1024, dated March 31, 1994. This service bulletin is essentially identical to the original version of the service bulletin (which was referenced in AD 93–14–04), but contains certain editorial changes. This service bulletin permits further flight with cracks in various areas around the fastener/bolt holes, provided that those cracks do not exceed certain limits. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified this service bulletin as mandatory and issued French airworthiness directive 92–205–033(B)R1, dated June 22, 1994, in order to assure the continued airworthiness of these airplanes in France.

In addition, Airbus has issued Revision 3 of Service Bulletin A320–53–1023, dated March 18, 1994. This service bulletin describes new improved procedures for modification of the pressure floor at section 15 of the fuselage. The modification involves the following actions:

1. Removing components of the free-fall extension system of the main landing gear and removing specified fasteners from various areas;
2. Cleaning the fastener holes;
3. Performing an eddy current (rotary probe) non-destructive test inspection of the fastener holes;
4. Drilling/Reaming the fasteners holes;
5. Cold expanding the crack-free fastener holes;
6. Installing new fittings with the oversize fasteners; and
7. Installing the bell crank assembly and the pulley of the free-fall extension system of the main landing gear.

Implementation of the new improved modification will positively address the unsafe condition identified as reduced structural integrity of the fuselage.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 93–14–04 to continue to require a one-time eddy current and detailed visual inspection to detect cracks of various areas around the fastener/bolt holes of the pressure floor. However, this proposal would add a new improved modification of the pressure floor at section 15 of the fuselage. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Operators should note that, unlike the procedures described in Airbus Service Bulletin A320–53–1024, Revision 1, dated March 31, 1994, this proposed AD would not permit further flight with cracking detected in various areas around the fastener/bolt holes. The FAA has determined that, due to the safety implications and consequences associated with such cracking, all areas around the fastener/bolt holes that are found to be cracked must be repaired prior to further flight. The repair would be required to be accomplished in accordance with a method approved by the FAA.

Furthermore, the FAA has determined that long term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

There are approximately 24 Airbus Model A320 series airplanes of U.S. registry would be affected by this proposed AD.

The inspections that are currently required by AD 93–14–04 take approximately 37 work hours per

airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators of the inspections currently required is estimated to be $53,280, or $2,220 per airplane.

The new modification that is proposed in this AD action would take approximately 241 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $5,603 per airplane. Based on these figures, the cost impact on U.S. operators of the proposed modification requirements of this AD is estimated to be $481,512, or $20,063 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39–8628 (58 FR 39440, July 23, 1993), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 95–NM–216–AD. Supersedes AD 93–14–04, Amendment 39–8628.

*Applicability:* Model A320 series airplanes, manufacturer's serial numbers 002 through 008 inclusive, 010 through 078 inclusive, and 080 through 107 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent reduced structural integrity of the fuselage, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings, or 6 months after August 23, 1993 (the effective date of AD 93–14–04, amendment 39–8628), whichever occurs later, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD, in accordance with Airbus Industrie Service Bulletin A320–53–1024, dated September 23, 1992, or Revision 1, dated March 31, 1994. As of the effective date of this new AD, only Revision 1 of this service bulletin shall be used.

(1) Conduct an eddy current inspection to detect cracking around the fastener/bolt holes at the top horizontal flange of the floor beams and side box-beams, at the two sides of the pressure floor, and at the vertical integral stiffener of the side box-beams; and

(2) Conduct a detailed visual inspection to detect cracking around the fastener/bolt holes at the fillet radius and riveted area of the top outboard flange of the side box-beams, and at the flange-corner radius of the slanted inboard flange of the side box-beam and fittings.

(b) If any crack is detected during the inspections required by paragraph (a) of this AD, prior to further flight, repair the crack in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(c) Modify the pressure floor at section 15 of the fuselage in accordance with Airbus Service Bulletin A320–53–1023, Revision 3, dated March 18, 1994, at the time specified in either paragraph (c)(1) or (c)(2) of this AD, as applicable. Accomplishment of the modification terminates the requirements of this AD.

(1) For airplanes on which the modification specified in Airbus Service Bulletin A320–53–1023, dated September 23, 1992, as amended by Service Bulletin Change Notice 0A, dated January 20, 1993; Revision 1, dated March 23, 1993; or Revision 2, dated October 22, 1993; has been accomplished: Modify prior to the accumulation of 24,000 total landings, or 6 months after the effective date of this AD, whichever occurs later.

(2) For all other airplanes not subject to paragraph (c)(1) of this AD: Modify prior to the accumulation of 18,000 total landings, or 6 months after the effective date of this AD, whichever occurs later.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on April 9, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–9235 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

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## 14 CFR Part 39

**[Docket No. 95–NM–255–AD]**

## Airworthiness Directives; Beech Model 400, 400A, MU–300–10, and 2000 Airplanes, and Model 200, B200, 300, and B300 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400, 400A, MU–300–10, and 2000 airplanes, and Model 200, B200, 300, and B300 series airplanes. This proposal would require replacement of outflow/safety valves

with serviceable valves. This proposal is prompted by a report of cracking and subsequent failure of outflow safety valves in the pressurization system. The actions specified by the proposed AD are intended to prevent such cracking and subsequent failure of the outflow/safety valves, which could result in rapid decompression of the airplane.

**DATES:** Comments must be received by May 28, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–255–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AlliedSignal Aerospace, Technical Publications, Dept. 65–70, P.O. Box 52170, Phoenix, Arizona 85072–2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5336; fax (310) 627–5210.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–255–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–255–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of the failure of a safety valve in the pressurization system on a Learjet Model 31A airplane. Failure of the valve resulted in depressurization of the cabin. Investigation revealed that the poppets of certain outflow/safety valves were cracked. These discrepant valves, including the safety valve installed on the incident airplane, had been manufactured since January 1, 1989. Certain valves manufactured since that date have been found to be susceptible to cracking due to an improper molding process during their manufacture. Cracking in the poppets of the outflow/safety valves in the pressurization system can result in an open valve with an effective flow area of 4.4 square inches; additionally, the valve may close and remain closed. This condition, if not corrected, could result in cracking and subsequent failure of the airflow/safety valves, which could lead to rapid decompression of the airplane.

On September 20, 1995, the FAA issued AD 95–20–03, amendment 39–9381 (60 FR 51709, October 3, 1995), to address this unsafe condition on certain Learjet Model 24, 25, 28, 29, 31, 35, 36, and 55 series airplanes. Subsequently, on December 5, 1995, the FAA issued AD 95–25–10, amendment 39–9456, (60 FR 66484, December 22, 1995), to address the unsafe condition on certain Cessna Model 441, 500, 550, and 560 series airplanes. The outflow/safety valves installed on these Cessna and Learjet airplane models are similar to the valves installed on Beech Model 400, 400A, MU–300–10, and 2000 airplanes, and Model 200, B200, 300, and B300 series airplanes. Therefore, the FAA has determined that the latter airplane models also are subject to the unsafe condition described previously.

The FAA has reviewed and approved Allied Signal Aerospace Service Bulletins 103570–21–4012 (for airplanes equipped with valves having part number 103570–25, 103570–26, or 103570–27) and 103648–21–4022 (for airplanes equipped with valves having part number 103648–1, 103648–3, 103648–4, 103648–5, 103648–6, 103648–7, or 103648–13), both Revision 1, both dated May 30, 1995, which describe procedures for replacement of certain discrepant outflow/safety valves with serviceable valves.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of certain discrepant outflow/safety valves with serviceable valves. The actions would be required to be accomplished in accordance with the service bulletins described previously.

Operators should note that Allied Signal Aerospace Service Bulletin 103570–21–4012 recommends accomplishing the replacement within 150 flight hours (after the release of the service bulletin), but no later than June 30, 1996. Allied Signal Aerospace Service Bulletin 103648–21–4022 recommends accomplishing the replacement within 200 flight hours (after the release of the service bulletin), but no later than June 30, 1996. However, the FAA has determined that an interval of 18 months will address the identified unsafe condition in a timely manner. This proposed compliance time of 18 months was determined to be appropriate in consideration of the safety implications, the average utilization rate of the affected fleet, the practical aspects of accomplishment of the replacement during regular maintenance periods, and the availability of required replacement parts.

There are approximately 150 Model 400, 400A, MU–300–10, and 2000 airplanes, and Model 200, B200, 300, and B300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 105 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. The parts manufacturer has advised that it will provide replacement parts at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $75,600, or $720 per airplane.

The cost impact figure discussed above is based on assumptions that no

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

Beech Aircraft Corporation: Docket 95–NM–255–AD.

*Applicability:* Model 400, 400A, MU–300–10, and 2000 airplanes, Model 200 and B200 series airplanes having a maximum altitude capability of greater than 31,000 feet, and Model 300 and B300 series airplanes; equipped with Allied Signal outflow/safety valves, as identified in Allied Signal Aerospace Service Bulletins 103570–21–4012 and 103648–21–4022, both Revision 1, both dated May 30, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent cracking and subsequent failure of the outflow/safety valves, which could result in rapid decompression of the airplane, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace the outflow/safety valve in accordance with Allied Signal Aerospace Service Bulletin 103570–21–4012 (for airplanes equipped with valves having part number 103570–25, 103570–26, or 103570–27), or 103648–21–4022 (for airplanes equipped with valves having part number 103648–1, 103648–3, 103648–4, 103648–5, 103648–6, 103648–7, or 103648–13), both Revision 1, both dated May 30, 1995, as applicable.

(b) As of the effective date of this AD, no person shall install an outflow/safety valve, having a part number and serial number identified in Allied Signal Aerospace Service Bulletin 103570–21–4012 (for airplanes equipped with valves having part number 103570–25, 103570–26, or 103570–27), or 103648–21–4022 (for airplanes equipped with valves having part number 103648–1, 103648–3, 103648–4, 103648–5, 103648–6, 103648–7, or 103648–13), both Revision 1, both dated May 30, 1995, on any airplane unless that valve is considered to be serviceable in accordance with the applicable service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

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

Issued in Renton, Washington, on April 9, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–9234 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

**[Docket No. 95–NM–228–AD]**

## Airworthiness Directives; Airbus Model A300–600 Series Airplanes

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300–600 series airplanes. This proposal would require an inspection to detect cracks of certain attachment holes; and installation of a new fastener and follow-on inspections or repair, if necessary. This proposal is prompted by reports of fatigue cracking found on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the airframe.

**DATES:** Comments must be received by May 28, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–228–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on all Airbus Model A300–600 series airplanes. The DGAC advises that it has received reports of cracking on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting on Airbus Model A300 B2 and B4 series airplanes. The incidents occurred on airplanes that had accumulated approximately 20,000 total flights. The cause of such cracking has been attributed to fatigue. Fatigue cracking on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airframe.

The subject area on certain Model A300–600 series airplanes is identical to that on the affected Model A300 B2 and B4 series airplanes. Therefore, those Model A300–600 series airplanes may be subject to the same unsafe condition revealed on the Model A300 B2 and B4 series airplanes. [AD 93–01–24, amendment 39–8478 (58 FR 6703, February 2, 1993) requires inspections of the subject area for affected Airbus Model A300 B2 and B4 series airplanes.]

Explanation of Relevant Service Information

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A300–57–6049, dated September 9, 1994, which describes procedures for performing a rotating probe inspection to detect cracks of the attachment holes H and I, and various follow-on actions. (These follow-on actions include installing new fasteners and reaming/drilling holes.) The service bulletin permits further flight, under certain conditions, with attachment holes that are cracked within certain limits. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 94–241–170(B), dated November 9, 1994, in order to assure the continued airworthiness of these airplanes in France.

Explanation of the Proposed Rule

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require a rotating probe inspection to detect cracks of the attachment holes H and I, and installation of a new fastener and follow-on inspections, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Differences Between the Proposed Rule and Relevant Service Information

Operators should note that, unlike the procedures described in the referenced service bulletin, this proposed AD would not permit further flight with cracking detected in the attachment holes. The FAA has determined that, due to safety implications and consequences associated with such cracking, the subject attachment holes that are found to be cracked must be repaired. Certain repairs would be required to be accomplished in accordance with a method approved by the FAA.

In addition, the service bulletin specifies that inspection thresholds and intervals may be adjusted based on certain average flight operations of the airplane. However, the FAA has determined that in certain cases such adjustments would not address the unsafe condition in a timely manner. Therefore, this proposed AD does not permit such adjustments. In developing the appropriate compliance time for the proposed rule, the FAA considered not only the manufacturer's recommendation, but the safety implications involved with cracking on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting and the number of landings that had been accumulated when cracking was detected. In light of these factors, the FAA finds the compliance times specified in the proposed AD for initiating the required actions to be warranted, in that they represent an appropriate interval of time allowable for the affected airplanes to continue to operate without compromising safety.

Furthermore, the service bulletin specifies that operators need not count touch-and-go landings in determining the total number of landings between two consecutive inspections, even if those landings are less than five percent of the landings between inspection intervals. Since fatigue cracking that was found on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting is aggravated by landing, the FAA finds that all touch-and-go landings must be counted in determining the total number of landings between two consecutive inspections.

Cost Impact

The FAA estimates that 35 Airbus Model A300–600 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 37 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. The required kits for accomplishing the inspection would cost approximately $75 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is

estimated to be $80,325, or $2,295 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

Airbus Industrie: Docket 95–NM–228–AD.

*Applicability:* All Model A300–600 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

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

To prevent fatigue cracking on the forward fitting of frame 47 at the level of the last fastener of the external angle fitting, which could result in reduced structural integrity of the airframe, accomplish the following:

(a) Perform a rotating probe inspection to detect cracks of the attachment holes H and I in accordance with Airbus Service Bulletin A300–57–6049, dated September 9, 1994, at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes on which Airbus Modification 10454 (reference Airbus Service Bulletin A300–57–6050) has not been installed: Inspect prior to the accumulation of 13,800 total landings, or within 750 landings after the effective date of this AD.

(2) For airplanes on which Airbus Modification 10454 (reference Airbus Service Bulletin A300–57–6050) or Airbus Modification 10155 has been installed: Inspect prior to the accumulation of 18,700 total landings, or within 750 landings after the effective date of this AD.

(b) If no crack is found, prior to further flight, install a new fastener in accordance with Airbus Service Bulletin A300–57–6049, dated September 9, 1994. Repeat the rotating probe inspection thereafter at intervals not to exceed 5,600 landings.

(c) If any crack in hole I is found to be greater than 0.196 inches in length and/or depth, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(d) If any crack in hole H is found to be greater than .062 inches in length, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(e) If any crack in hole H or hole I is found to be less than or equal to the limits specified in paragraphs (c) and (d) of this AD, prior to further flight, repair it in accordance with Airbus Service Bulletin A300–57–6049, dated September 9, 1994.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on April 9, 1996.

Darrell M. Pederson,

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

[FR Doc. 96–9233 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

**[Docket No. 95–ANE–63]**

## Airworthiness Directives; CFM International CFM56–5 Series Turbofan Engines

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to CFM International CFM56–5 series turbofan engines. This proposal would require rework of the air turbine engine starter. This proposal is prompted by three reports of air turbine engine starter failures. The actions specified by the proposed AD are intended to prevent an air turbine engine starter failure, which could result in damage to the engine electrical harnesses.

**DATES:** Comments must be received by June 14, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–63, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from CFM International, Technical Publications Department, One Neumann Way, Cincinnati, OH 45215; telephone (513)552–2981, fax (513)552–2816. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Ganley, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7138, fax (617) 238–7199.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–63.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–63, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

This proposed airworthiness directive (AD) is applicable to CFM International (CFMI) CFM56–5 series turbofan engines. The Federal Aviation Administration (FAA) has received three reports of air turbine engine starter failures. During high speed clutch engagements, the clutch pawls can fail and liberate into several pieces. These liberated pieces can then jam in between the driveshaft and the hub gear. This jamming can permit the engine to backdrive the starter, resulting in failure of the starter. The resulting heat from the failure may cause damage to the engine electrical harnesses. The installation of a pawl retaining plate on the driveshaft will assure the pawl remains in the correct position during high impact re-engagements. This condition, if not corrected, could result in an air turbine engine starter failure, which could result in damage to the engine electrical harnesses.

The FAA has reviewed and approved the technical contents of CFMI CFM56–5 Service Bulletin (SB) No. 80–003, Revision 5, dated October 25, 1994, that describes procedures for the air turbine engine starter rework.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require rework of the air turbine engine starter prior to October 31, 1996. This compliance end-date has been determined based on shop visit rates. The actions would be required to be accomplished in accordance with the SB described previously.

The FAA estimates that 190 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $2,400 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $478,800.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

CFM International: Docket No. 95–ANE–63.

*Applicability:* CFM International (CFMI) CFM56–5 series turbofan engines, installed with air turbine engine starter, Part Number 301–781–201–0, installed on but not limited to Airbus A320 series aircraft.

Note: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

*Compliance:* Required on or before October 31, 1996, unless accomplished previously.

To prevent an air turbine engine starter failure, which could result in damage to the engine electrical harnesses, accomplish the following:

(a) For air turbine engine starters, Part Number 301–781–201–0, that have not been previously reworked in accordance with any revision level of CFMI CFM56–5 Service Bulletin (SB) No. 80–003, rework the air turbine engine starter in accordance with the Accomplishment Instructions of CFMI CFM56–5 SB No. 80–003, Revision 5, dated October 25, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

Issued in Burlington, Massachusetts, on March 29, 1996.

Jay J. Pardee,

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 96–9231 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Chapter I

**[Docket No. 96N–0094]**

### Uniform Compliance Date for Food Labeling Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to establish January 1, 1998, as its new uniform compliance date for all food labeling regulations that are issued after the publication of a final rule based on this proposal and before January 1, 1997. FDA periodically has announced uniform compliance dates for new food labeling requirements to minimize the economic impact of label changes. In 1992, FDA suspended this practice pending the issuance of regulations implementing the Nutrition Labeling and Education Act of 1990 (the 1990 amendments). With the adoption and implementation of those regulations, FDA is proposing to establish a new uniform compliance date.

**DATES:** Written comments by July 1, 1996. FDA is proposing that January 1, 1998, be the new uniform compliance date for food labeling regulations published after the publication of a final rule based on this proposal and before January 1, 1997, except as otherwise provided in individual regulations.

**FOR FURTHER INFORMATION CONTACT:** Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFS–150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

**SUPPLEMENTARY INFORMATION:** FDA periodically issues regulations requiring changes in the labeling of packaged food. If these labeling changes were effective on separate dates, the cumulative economic impact on the food industry of frequent changes would be substantial. Therefore, the agency periodically has announced uniform compliance dates for new food labeling requirements (see, e.g., the Federal Register of October 19, 1984 (49 FR 41019)). Use of a uniform compliance date provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. This policy serves consumers' interests as well because the increased cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher food prices.

The last uniform compliance date was January 1, 1993, which FDA established on January 4, 1990 (55 FR 276). The agency did not issue a new uniform compliance date in 1992 because of the pending issuance of a number of new final regulations implementing the 1990 amendments. The regulations implementing the 1990 amendments became effective May 8, 1994.

The agency has tentatively decided to establish a new uniform compliance date of January 1, 1998. If adopted, this date will apply to all FDA regulations requiring changes in food labels, except where special circumstances require a different compliance date. The agency has tentatively selected January 1, 1998, to ensure that manufacturers have adequate time to make any changes in food labeling that may be required by FDA final regulations published after the publication of a final rule based on this proposal and before January 1, 1997.

The agency generally encourages industry to comply with new labeling regulations as quickly as is feasible, however. Thus, when industry members voluntarily change their labels, it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

The uniform compliance date that FDA adopts in response to this proposal will apply to final FDA food labeling regulations published after its adoption and before January 1, 1997. Moreover, FDA will consider adopting a consistent effective date in any rulemakings in which it publishes a final rule before it completes the present proceeding.

Previously, FDA has established the uniform compliance date by issuance of a final rule without providing an opportunity for comment. Because of the passage of time since the agency had last established a uniform compliance date, the agency believes it appropriate to establish the new uniform compliance date of January 1, 1998, through the issuance of this notice of proposed rulemaking and an opportunity for comment. FDA intends, however, to return to its former practice of establishing uniform compliance dates through issuance of a final rule without the opportunity for comment. Thus, for example, on or before December 31, 1996, FDA intends to issue a final rule establishing January 1, 2000, as the uniform compliance date for regulations published in the Federal Register between January 1, 1997, and December 31, 1998.

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities.

The agency estimates that this proposed rule would reduce costs by providing a uniform compliance date that will permit an orderly and economical industry adjustment to any new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. Alternative approaches that FDA considered include setting a uniform compliance date such that firms have either more or less time to comply with labeling regulations. In general, providing a minimum compliance period of 2 years would be half as expensive as the proposed compliance

date, but it would delay implementation of labeling changes thus decreasing the value of any benefits. A minimum compliance period of 6 months, although providing earlier labeling changes that would increase the value of the benefits, would be twice as expensive as the proposed 1 year.

Therefore, the agency finds that the proposed rule is not a significant regulatory action as defined by the Executive Order. Similarly, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

This proposed action is not intended to change existing requirements for compliance dates contained in final rules published before the publication of a final rule in this proceeding. Therefore, all final FDA regulations published in the Federal Register before April 15, 1996, that have effective dates other than January 1, 1998, will still go into effect on the date stated in the respective final rule.

Interested persons may, on or before July 1, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 1996.

William K. Hubbard,

*Associate Commissioner for Policy Coordination.*

[FR Doc. 96–9319 Filed 4–10–96; 5:08 pm]

**BILLING CODE 4160–01–F**

## 21 CFR Part 101

**[Docket Nos. 95N–0282, 95N–0347, 95N–0245]**

## Food Labeling; Extension of Comment Periods

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

**ACTION:** Proposed rules; extension of comment periods.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it is extending to June 10, 1996, the comment periods for certain proposed regulations regarding food labeling that appeared in the Federal Register of December 28, 1995. This action is being taken in response to several requests for brief extensions of the comment periods on these documents.

**DATES:** Comments by June 10, 1996.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the appropriate docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Camille Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5966, or Susan Thompson (address above), 202–205–5587.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of December 28, 1995, FDA published the following proposed rules:

(1) Food Labeling; Requirements for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements (Docket No. 95N–0282 (see 60 FR 67176));

(2) Food Labeling; Nutrient Content Claims: Definition for ''High Potency'' Claim for Dietary Supplements and Definition of ''Antioxidant'' for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods (Docket No. 95N–0347 (see 60 FR 67184)); and

(3) Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements (Docket No. 95N–0245 (see 60 FR 67194)).

Interested persons were given until March 13, 1996, to comment on the proposals. FDA received several requests for brief extensions of the comment periods to properly respond to the proposals. After careful consideration, FDA decided to extend the comment periods to April 11, 1996 (61 FR 11349, March 20, 1996). FDA placed a memorandum, dated March 13, 1996, that reflected that decision in each of the referenced dockets.

During the extended comment period, FDA has received additional requests for longer extensions of the comment periods. The dietary supplement industry has stated that it is conducting consumer research to determine how consumers perceive nutrition label terms and what label approaches are most usable by average consumers. Having carefully considered these requests, the agency has decided to grant a further extension of the comment period until June 10, 1996.

This extension will mean that it will be extremely difficult for the agency to publish final rules and the industry to comply with these final rules before the January 1, 1997 compliance date established in the Dietary Supplement Health and Education Act (the DSHEA). Given this fact, FDA is now considering exercising its enforcement discretion with respect to the DSHEA such that it will not enforce the provisions of the DSHEA until January 1, 1998, which coincides with the next uniform compliance date for food labeling regulations that FDA is proposing elsewhere in this issue of the Federal Register. FDA requests comments on this use of its enforcement discretion.

Dated: April 10, 1996.

William K. Hubbard,

*Associate Commissioner for Policy Coordination.*

[FR Doc. 96–9318 Filed 4–10–96; 5:08 pm]

**BILLING CODE 4160–01–F**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 80

**[FRL–5457–6]**

## Approval of Colorado's Petition to Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard for 1996 and 1997

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (''EPA'' or the ''Agency'') is proposing a limited approval of the State of Colorado's petition to relax the Reid Vapor Pressure (RVP) standard that applies to gasoline introduced into commerce in the Denver-Boulder ozone nonattainment area from June 1 to September 15. It is proposed that the standard be relaxed from 7.8 pounds per square inches (psi) to 9.0 psi for the years 1996 and 1997. Pursuant to the Clean Air Act Amendments of 1990, Federal RVP standards were promulgated by EPA on June 11, 1990 and revised on December 12, 1991. Colorado's petition is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and

consumers. Colorado's petition requests a continuation of previous relaxations of the RVP standard. EPA has approved relaxations in the Denver-Boulder area for the past four years, from 1992 through 1995.

**DATES:** Comments on this proposed rule must be received in writing by May 15, 1996.

**ADDRESSES:** Materials relevant to this rulemaking have been placed in Docket A–96–10 by EPA. The docket is located at the Docket Office of the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Room M–1500 in Waterside Mall and may be inspected from 8:30am to 5:30 pm, Monday through Friday. A reasonable fee may be charged for copying docket material.

Comments should be submitted (in duplicate if possible) to the Air Docket Section at the above address. A copy should also be sent to the EPA contact person listed below at the following address: U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW. (6406–J), Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Winstead McCall of the Fuels and Energy Division at 202–233–9029 at the above address.

**SUPPLEMENTARY INFORMATION:** For more detailed information on this proposal, please see EPA's Direct Final Rulemaking published in the Final Rules section of this Federal Register which approves for a limited time period Colorado's petition to relax the Reid Vapor Pressure standard in the Denver-Boulder area from 7.8 psi to 9.0 psi for the summer ozone season beginning June 1, 1996. The Agency views this as a noncontroversial action due to the limited scope of this proposed rulemaking, Colorado's continued attainment of the ozone standard and for the reasons discussed in the direct final rulemaking published in today's Federal Register. If no adverse comments are received in response to this proposed rule, no further action is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

Authority: 42 U.S.C. 7545 and 7601(a).

Dated: April 4, 1996.

Carol M. Browner,

*Administrator.*

[FR Doc. 96–9177 Filed 4–12–96; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 0

**[GC Docket No. 96–55, FCC 96–109]**

## Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has adopted a Notice of Inquiry and a Notice of Proposed Rulemaking to begin a proceeding to evaluate its practices and policies concerning the treatment of competitively sensitive information that has been provided to the Commission. The Commission's objective is to develop a policy that will guide it in evaluating an increasing number of requests that it afford confidential treatment to information that has been provided to it by regulated entities and others. The central issue that confronts the Commission is how to avoid unnecessary competitive harm that could be caused by the disclosures of such information and still fulfill its regulatory duties in a manner that is efficient and fair to the parties and members of the public who have an interest in its proceedings.

**DATES:** Comments are due on or before June 14, 1996 and Reply comments are due on or before July 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joel Kaufman, Office of General Counsel, (202) 418–1720.

**SUPPLEMENTARY INFORMATION:** The complete text of this Notice of Inquiry and Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis

*I. Background*

A. Authority To Disclose and Withhold Competitively Sensitive Information

*1. Freedom of Information Act*

1. Under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Commission is required to disclose reasonably described agency records requested by any person, unless the records contain information that fits within one or more of the nine exemptions from disclosure provided in the Act. For the purposes of this proceeding, the most important of the FOIA exemptions is commonly referred to Exemption 4. Exemption 4 provides that the government need not disclose ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' 5 U.S.C. § 552(b)(4).

2. For many years, the applicable standard for whether commercial or financial information was ''confidential'' under Exemption 4 of FOIA was set forth in *National Parks and Conservation Association* v. *Morton*, 498 F.2d 765 (D.C. Cir. 1974). In National Parks, the Court set forth a two-part test, stating that ''[c]ommercial or financial matter is 'confidential' * * * if disclosure of the information is likely * * * either * * * (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.'' Id. at 770. In *Critical Mass Energy Project* v. *Nuclear Regulatory Commission*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993), the court limited National Parks to situations where a party must submit information to a federal agency. Under Critical Mass, ''financial or commercial information provided to the Government on a voluntary basis is 'confidential' for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.'' *Id.* at 879.

*2. The Trade Secrets Act and Commission Authority To Disclose Exemption 4 Records*

3. While FOIA Exemption 4 allows an agency to withhold business competitive information from public disclosure, the Trade Secrets Act, 18 U.S.C. 1905, acts as an affirmative restraint on an agency's ability to release such information. It states:

Whoever, being an officer or employee of the United States or of any department or

agency thereof, * * * publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties * * * [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus * * * shall be fined not more than $1000, or imprisoned not more than one year, or both; and shall be removed from office or employment.

18 U.S.C. 1905 (emphasis added).

4. In *Chrysler Corp.* v. *Brown,* 441 U.S. 281 (1979), the Supreme Court discussed the relationship between the Trade Secrets Act and Exemption 4 as follows:

> Although there is a theoretical possibility that material might be outside Exemption 4 yet within the substantive provisions of [the Trade Secrets Act] * * * that possibility is at most of limited practical significance in view of the similarity of language between Exemption 4 and the substantive provisions of [the Trade Secrets Act].

*Id.* at 319 n. 49. Thus, if information may be withheld under Exemption 4, the agency is barred from disclosing it by the terms of the Trade Secrets Act unless the disclosure is otherwise authorized by law.

5. Sections 0.457(d)(1) and 0.457(d)(2)(i) of the Commission's rules, 47 CFR §§ 0.457(d)(1), 0.457(d)(2)(i), constitute the requisite legal authorization for disclosure of competitively sensitive information under the Trade Secrets Act. These rules permit disclosure of trade secrets and commercial or financial information upon a ''persuasive showing'' of the reasons in favor of the information's release.

5. The Commission's legal authority to adopt a rule that permits disclosure of materials covered by the Trade Secrets Act is grounded in Section 4(j) of the Communications Act, 47 U.S.C. § 4(j). In Federal Communications Commission v. Schreiber, 381 U.S. 279, 291–92 (1965), the Supreme Court expressly addressed the Commission's authority under that Section, noting: ''Grants of agency authority comparable in scope to § 4(j) [of the Communications Act] have been held to authorize public disclosure of information, or receipt of data in confidence, as the agency may determine to be proper upon a balancing of the public and private interests involved.''

B. Review of Commission's Policies Governing Disclosure

*1. Commission Rules and Procedures*

6. The Commission has adopted general rules to implement the provisions of the FOIA. Section 0.457(d) of the Commission's Rules, 47 CFR § 0.457(d), implements FOIA Exemption 4. Quoting Exemption 4, it provides that records not routinely available for public inspection include ''[t]rade secrets and commercial or financial information obtained from any person and privileged or confidential.'' Section 0.457 of the Commission's rules also provides that certain categories materials listed therein are deemed to be within Exemption 4 and therefore are ''not routinely available for public inspection.'' Such Exemption 4 materials may not be disclosed by Commission employees unless an appropriate request for inspection is made and, after weighing the considerations favoring disclosure and non-disclosure, the Commission determines that a ''persuasive showing'' has been made to warrant disclosure. 47 CFR §§ 0.451(b)(5), 0.457(d)(1); 0.457(d)(2)(i); 0.461(f)(4).

7. Any person submitting information or materials to the Commission not falling within the specific categories set forth in Section 0.457 may also request on an *ad hoc* basis that such information not be made routinely available for public inspection under Exemption 4. Each such request must contain a statement of the reasons for withholding the materials from inspection and of the facts upon which those reasons are based. A request that information not be made routinely available for public inspection will be granted if it presents by a preponderance of the evidence a case for non-disclosure consistent with the provisions of FOIA. 47 CFR § 0.459(b). If a request that materials not be routinely available for public inspection is granted, the material will be treated the same as those categories of information presumed not routinely available for public disclosure. 47 CFR § 0.459(h). The Commission's rules also contain procedures to protect the confidentiality of information until administrative and judicial appeals procedures have been completed. 47 CFR § 0.459(g).

*2. General Policies Regarding Disclosure of Exemption 4 Records*

8. As indicated above, the Commission's rules provide for the disclosure of Exemption 4 material if a ''persuasive showing is made.'' The Commission generally has exercised its discretion to release FOIA Exemption 4 information only in very limited circumstances such as where a party placed its financial condition at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosure. See e.g., The Western Union Telegraph Company, 2 FCC Rcd 4485, 4487 (1987) (citing Kannapolis Television Co., 80 FCC 2d 307 (1980)); MCI Telecommunications Corporation, 58 RR 2d 187 (1985). In determining whether a public interest in the privacy of proprietary business data exists, the Commission has adhered to a policy whereby it ''will not authorize the disclosure of confidential financial information on the mere chance that it might be helpful, but insists upon a showing that the information is a necessary link in a chain of evidence that will resolve a public interest issue.'' E.g., Classical Radio for Connecticut, Inc., 69 FCC 2d 1517, 1520 n.4 (1978).

*3. The Protective Order Approach*

9. In recent years, the Commission also has increasingly relied on special remedies such as redaction,[1] aggregated data or summaries,[2] and protective orders[3] to balance the interests in disclosure and the interests in preserving the confidentiality of competitively sensitive materials. In particular, the Commission has refined the manner in which it releases confidential information by relying more frequently on protective orders or agreements. Protective orders or agreements essentially require parties to whom confidential information is made available to limit the persons who will have access to the information and the purposes for which the information will be used. Disclosure under a protective order or agreement may serve the dual purpose of protecting competitively

[1] Allnet Communications Services, Inc., 8 FCC Rcd 5629, 5630 (1993) (withholding from public release some redacted material provided to the parties under a protective order, but releasing other redacted material that did not contain confidential information).

[2] Id. (finding certain averaged data not to be competitively sensitive); Bellsouth Corp., 8 FCC Rcd 8129, 8130 (1993) (releasing summary of audit findings despite claim of confidentiality since summary nature of information significantly diminished the likelihood of competitive harm).

[3] See, e.g., Cincinnati Bell Telephone Co. (''Cincinnati''), 10 FCC Rcd 10574 (Com. Car. Bur. 1995); Petition of Public Utilities Commission, State of Hawaii, for Authority to Extend its Rate Regulation of Commercial Mobile Radio Services in the State of Hawaii (''Hawaii''), 10 FCC Rcd 2359 and 10 FCC Rcd 2881 (Wireless Bur. 1995); In re Applications of Craig O. McCaw, Transferor, and American Telephone and Telegraph Company, Transferee, for Consent to the Transfer of Control of McCaw Cellular Communications, Inc. and its Subsidiaries, 9 FCC Rcd 2610 (Com. Car. Bur. 1994); Commission Requirements for Cost Support Material to be Filed with Open Network Architecture Access Tariffs (''Open Network Architecture''), 7 FCC Rcd 1526 (Com. Car. Bur. 1992), aff'd, 9 FCC Rcd 180 (1993); Motorola Satellite Communications, Inc. Request for Pioneer's Preference to Establish a Low-Earth Orbit Satellite System in the 1610–1626.5 MHz Band (''Motorola''), 7 FCC Rcd 5062 (1992).

valuable information while still permitting limited disclosure for a specific public purpose. Cincinnati, 10 FCC Rcd at 10575; Hawaii, 10 FCC Rcd at 2366. While protective orders permit the Commission to make confidential information available on a limited basis while minimizing the competitive harm that might ensue from widespread disclosure, the Commission is mindful of the fact that extensive reliance on protective orders may also impose burdens on the public and the Commission. See e.g., Motorola Satellite Communications Inc., 7 FCC Rcd 5062, 5064 (1992) (quoting Letter of Thomas P Stanley, Chief Engineer (June 3, 1992)).

*II. Issues for Comment*

A. General Issues

10. The Commission's policies implementing its rules governing confidentiality affect both the competitive nature of the telecommunications industry and performance of the Commission's public responsibilities. The Commission has long been sensitive to the concern that fulfillment of its regulatory responsibilities does not result in unnecessary disclosure of confidential information that places Commission regulatees at an unfair competitive disadvantage. In that respect, we recognize that the ''private'' interests of regulatees in ensuring their own competitive vitality generally coincide with the public interest in promoting a robust and competitive telecommunications market. Further, allowing confidential submission increases the willingness of holders of confidential information to provide that information to the Commission and, even where submission is mandatory, often avoids the burden and delay of invoking such mandatory means. For these reasons, the Commission's policy has been to avoid disclosures of confidential information except where necessary to the effective performance of its regulatory duties and to employ protective orders where appropriate.

11. At the same time, allowing confidential submission necessarily decreases the amount of information publicly available to facilitate public participation in the regulatory process. Public participation in Commission proceedings cannot be effective unless meaningful information is made available to the interested persons. As noted, in recent years, the Commission also has relied more frequently on protective orders and agreements. Protective orders and agreements have the advantage of permitting the release—albeit on a limited basis—of more information than would be possible without them, given our obligations to protect trade secrets and commercial or financial information. On the other hand, protective orders are inconvenient and sometimes cumbersome and increase the administrative burdens on the Commission and those subject to them. In addition, protective orders may make it less likely that the Commission will receive a diversity of public comment on the protected materials. Given the Commission's obligation to balance these concerns, we therefore seek comment whether the Commission should adopt additional policies or rules governing the treatment of information submitted to the Commission in confidence.

12. Specifically, we seek comment on the standard in the Commission's current rules that permits disclosure of trade secrets and confidential commercial or financial information upon a ''persuasive showing'' of the reasons in favor of the information's release. See 47 CFR § 0.457(d)(1), (d)(2)(i). We ask commenters to address whether this continues to be the appropriate standard or whether the Commission should adopt some other standard. Assuming we retain this standard, we seek comment on what should constitute a ''persuasive showing'' of the reasons in favor of the information's release. As discussed in more detail below, we also ask comment on standards that should apply in particular types of Commission proceedings.

13. We also seek comment on whether the Commission's current approach to the use of protective orders is the appropriate approach or whether the Commission should adopt some other approach. Advantages and disadvantages of the current approach should be discussed. We specifically request comment on any problems or burdens that commenters perceive with the current protective order approach and ways in which these problems or burdens might be minimized. Commenters should also address whether the Commission's willingness to release confidential information subject to a protective order reduces submitters willingness to voluntarily submit information to the Commission. And, we seek comment on whether the use of protective orders unduly interferes with the Commission's ability to obtain public comment or with the public's right to know what actions the Commission is taking and why it is taking them.

14. As a related matter, we note that a recent D.C. Circuit opinion suggests that the Commission may have the option of releasing all or part of an order under seal. *SBC Communications, Inc.* v. *FCC*, 56 F.3d 1484, 1492 (D.C. Cir. 1995). We seek comment whether it is appropriate for the Commission to draft a decision that relies on confidential data (or data disclosed pursuant to protective order) without publicly revealing the information. If the Commission determines that the data is necessary to support the order, should the Commission place the relevant order under seal or should the information lose protected status at this point?

15. Commenters also are invited to address and comment on any other issues relating to the Commission's policies and rules governing confidential treatment of information submitted to the Commission.

B. Model Protective Order

16. As discussed, release of confidential information under a protective order or agreement can often serve to resolve the conflict between safeguarding competitively sensitive information and allowing interested parties the opportunity to fully respond to assertions put forth by the submitter of confidential information. We seek comment as to whether it would be helpful for the Commission to develop a standard form protective order that could then be modified as appropriate to fit the circumstances of particular cases. We have supplied, as an Attachment to this Notice of Proposed Rulemaking, a draft model protective order. We look forward to receiving comments on this draft order, and in particular what modifications need to be made to make it suitable to the varied types of Commission proceedings in which issues of confidentiality arise.

17. We also seek comment on what procedures the Commission should use to resolve disputes about the issuance and content of protective orders and how to ensure compliance with them. We are especially interested in whether commenters believe that our rules should be amended to address such issues directly.

C. Issues That Arise With Respect to Specific Types of FCC Proceedings

18. As indicated above, we also seek comment on whether different standards should apply for various categories of proceedings with respect to (i) what constitutes a ''persuasive showing'' of the reasons in favor of confidential information's release and (ii) what, if any, protective conditions we should place upon released material and whether this should vary depending on the nature of a proceeding.

Specifically, we seek comment on whether the Commission should apply different disclosure policies to rulemakings, licensing proceedings, tariff proceedings and perhaps other categories of proceedings. For example, we seek comment on whether the Commission should require public disclosure of information without protective orders in some types of Commission proceedings even though that information is within FOIA Exemption 4. Specific issues that arise in connection with various types of proceedings are discussed below. In addition, we request comments on whether special disclosure policies should apply to other categories of proceedings, not specifically mentioned below, and, if so, what those procedures should be.

*1. Title III Licensing Proceedings*

19. Section 309 of the Communications Act provides that the Commission must allow at least 30 days following issuance of a public notice of certain radio license applications for interested parties to file petitions to deny an application. 47 U.S.C. 309(b), (d)(1). Section 309 thus contemplates that interested members of the public will have a full opportunity to challenge the grant of license applications. In addition, relevant case law indicates generally that petitioners to deny must be afforded access to all information submitted by licensees that bear upon their applications. *See,* e.g., *Bilingual Bicultural Coalition on Mass Media, Inc.* v. *FCC,* 595 F.2d 621, 634 (D.C. Cir. 1978) (en banc).

20. We seek comment on whether the fact that the statutory scheme expressly contemplates public participation in Title III license application proceedings makes it inappropriate to withhold information filed in such proceedings from routine public disclosure. In this regard, we note that Commission rules currently specify that broadcast and other Title III license applications are routinely available for public inspection. See 47 CFR §§ 0.453, 0.455. Nevertheless, applicants do sometimes request confidential treatment pursuant to Section 0.459 of our rules for information submitted with their applications in both contested and uncontested application proceedings. In light of the special issues regarding public participation that arise in Section 309 proceedings, we therefore seek comment on whether our general policy should be to discourage submission of confidential information in the application context but still to leave the Commission some discretion to use protective orders where it seems warranted. Or, is it appropriate to adopt a general policy with regard to licensing proceedings, permitting disclosure of trade secrets and commercial or financial information only pursuant to protective orders?

21. If the Commission were to adopt a policy favoring the use of protective orders in licensing proceedings, we assume that petitioners would be given an opportunity to supplement their petitions to deny after reviewing the protected material. We also seek comment on whether members of the public should be afforded access to such protected material (pursuant to protective orders) in order to enable them to determine whether they wish to file petitions to deny. Would such policies tend to unduly delay Commission action on license applications? We also seek comment on whether it is ever appropriate to withhold from release entirely some Exemption 4 information, as has sometimes been done in the context of licensing proceedings and if so what standard should be used. See e.g., Application of Mobile Communications Holdings, Inc. for Authority to Construct the ELLIPSO Elliptical Orbit Mobile Satellite System, 10 FCC Rcd 1547, 1548 (Int'l Bur. 1994) (declining to release, even under protective order, detailed cost and pricing information of applicant for a license). Finally, we seek comment on whether different policies apply to different categories of material. For example, commenters should address whether our policy would be to use protective orders in licensing proceedings only in instances in which the material in question satisfies the trade secrets or ''substantial competitive harm'' prongs of Exemption 4 and to require public disclosure in all other cases in which the Exemption is invoked.

*2. Tariff Proceedings*

22. Section 203 of the Communications Act, 47 U.S.C. 203, requires that common carriers file and maintain tariffs with the Commission. Section 204, 47 U.S.C. 204, gives the Commission the authority to review tariffs for lawfulness, which involves, among other things, a determination of whether the tariff is just and reasonable pursuant to Section 201(b), 47 U.S.C. 201(b), and is not unjustly discriminatory pursuant to Section 202, 47 U.S.C. 202. The Commission has adopted rules specifying what support materials carriers must file to enable it to carry out its tariff review authority. See 47 CFR §§ 61.38, 61.49. Pursuant to Section 0.455(b)(11) of the Commission's rules, 47 CFR § 0.455(b)(11), cost support data are routinely available for public inspection.

23. The Commission has generally made tariff support material publicly available. See, e.g., Cincinnati, 10 FCC Rcd at 10575. It has departed from this policy only in a few limited circumstances, for example, to protect third-party vendor data where the data were made available subject to a protective agreement. See Letter from Kathleen M.H. Wallman to Jonathan E. Canis, et al., 9 FCC Rcd 6495 (Com. Car. Bur. 1994) (denying unrestricted access to cost support data filed in connection with virtual collocation tariff, but allowing access pursuant to protective order), application for review pending. Recently, a number of carriers have filed requests for confidential treatment of their cost support data with their tariff transmittals. This presents a number of problems during the tariff review process. The maximum period for tariff review is defined by statute. The Commission has a maximum of one hundred and twenty days to determine the lawfulness of the tariff transmittal. See 47 U.S.C. 203(b)(2); 47 CFR § 61.58(a)(2). The tariff goes into effect on its effective date unless the Commission issues an order rejecting or suspending and investigating the tariff. 47 U.S.C. 204. Section 402(b) of the Telecommunications Act of 1996 provides that, effective one year after enactment, a local exchange carrier may file charges, classifications, regulations or practices on a streamlined basis, which shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which they are filed unless the Commission takes action before the end of the period.

24. A request for confidential treatment may not be resolved within the 120 day statutory time frame established for the tariff review process under current law, especially if a ruling is appealed. A request for confidentiality is unlikely to be resolved under the 7 or 15 day time frame that is to become effective for streamlined local exchange carrier filings under the Telecommunications Act of 1996. We therefore seek comment on how to resolve a request for confidentiality made in the context of the tariff review process. One possibility that takes account of the statutory time frame for the tariff review process is to require that carriers file any confidential information first, independent of the filing of the tariff transmittal. Under this alternative, the tariff filing could not be made until the request for confidentiality was resolved.

Commenters should also address whether we should continue to make exceptions to the Commission's rule requiring such data to be made publicly available. In this regard, we seek comment on how petitioners will be able to formulate meaningful objections to the proposed tariff rates, terms and conditions, often a critical part of the tariff review process, if they are unable to review all support material prior to the date that petitions are due. One possible solution is to develop a generic protective agreement that parties can use to protect the information during the tariff review process.

25. Commenters also should address whether different disclosure policies should apply to different phases of the tariff review process. Specifically, should different disclosure policies be applied to the tariff review and tariff investigation stages? Actions denying petitions to suspend or reject tariffs, thereby allowing a tariff to go into effect, are considered non-final, non-judicially reviewable actions because a party can seek further redress by filing a formal complaint pursuant to Section 208 of the Act. In contrast, a tariff set for investigation is assigned a docket number and a pleading cycle is established providing for direct cases, comments and replies. At the conclusion of the investigation, the Commission issues an order which is subject to judicial review. Therefore since decisions to allow tariffs to go into effect are non-reviewable, non-final orders, should the Commission's policies focus on the need for disclosure to petitioners (whether or not pursuant to protective orders) primarily in instances in which a particular tariff has been set for investigation?

*3. Rulemaking Proceedings*

26. Section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires notice and an opportunity to comment before promulgation of a final agency rule. An agency's decision to withhold information in the context of a rulemaking can have a significant impact on whether meaningful notice and opportunity to comment on the bases of an agency's decision have been given. In addition, issues arise to the extent that an agency relies on information that has not been made available to commenters. For these reasons, the Commission generally has not afforded confidential treatment to material submitted in rulemakings, although it has on rare occasions utilized protective orders or agreements in the context of rulemakings. Rulemakings also may create special problems for use of protective orders, however, because a large number of commenters may be involved. On the other hand, a blanket refusal to apply protective orders in the context of rulemakings might cause the Commission to have access to less information than if it used protective orders. We seek comment on these issues as well as the general issue of whether it is ever appropriate to withhold competitively sensitive information filed in rulemaking proceedings from routine public disclosure. We note that the Commission has the option of refusing to consider information in a rulemaking that is submitted along with a request for confidentiality.

*4. Requests for Special Relief and Waivers*

27. Parties affected by our rules have the right to seek special relief from the rules' scope or waiver of these rules. In certain cases, parties may base their request for relief upon—or otherwise put into issue—information that is confidential. This information may include financial information explaining cash flow, profitability, or bankruptcy problems, or corporate or partnership structure designed to demonstrate insulation from control or interest. For example, in various cable television special relief proceedings, a party may seek relief based on severe financial difficulties, or upon corporate or partnership structure and insulation from control. See 47 CFR § 76.7(a) (cable petitions for special relief). We seek comment on whether and under what circumstances it is appropriate to withhold information filed in such proceedings from routine public disclosure, particularly when the information is potentially decisional to a point placed in issue by the party seeking to withhold such information and may have precedential value for future cases.

*5. Formal Complaints*

28. Section 208 of the Communications Act, 47 U.S.C. § 208, permits any party to bring before the Commission a complaint against a common carrier for acts or omissions in violation of either the Act or a Commission rule or order. Our rules, in turn, establish both informal and formal procedures for handling such complaints. 47 CFR § 1.711 et seq. Confidentiality issues frequently arise in formal complaint proceedings, especially in connection with discovery. See 47 CFR § 1.731; see also Amendment of Rules Governing Procedures to Be Followed When Formal Complaints Are Filed Against Common Carriers, 58 FR 25569 (1993), 8 FCC Rcd 2614, 2621–22 (1993).

29. We ask commenters to consider the most effective means of balancing our sometimes conflicting obligations to ensure protection of proprietary business data, to prevent undue delay in resolving formal complaints, and to produce decisions that adequately explain, by reference to a specific record, the basis for our disposition of a complaint. For instance, in some cases, a factually and legally sound decision cannot be drafted without referring to information subject to a claim of confidentiality. The particular information deemed by the staff as necessary for resolution may be only a small portion of voluminous materials that are subject to a protective order and provided to the Commission in confidence. Thus, considerable time might be necessary for the staff to examine all materials subject to claims of confidentiality and rule on those claims. If the staff were to rule on the confidentiality of only the particular information determined to be decisionally significant, however, this ruling might prematurely indicate to the parties the staff's recommendation for Commission or Bureau disposition of the complaint. In either instance, the complaint process could be delayed by administrative and judicial appeals of a confidentiality ruling. We ask commenters to consider whether any such delays and burden on Commission resources could or should be mitigated by issuing parts of adjudicatory decisions that rely on confidential information under seal. We seek comment on whether such a procedure would serve the public interest, given that complaint cases—although adjudications of disputes between particular parties—may result in rulings that indirectly, through the establishment of precedent, determine the legality of the practices of non-parties. We welcome suggestions as to how we can preserve the broad utility of the formal complaint process to elucidate the Commission's judgments regarding carrier conduct without either compromising sensitive business data or miring complaint proceedings in protracted peripheral disputes involving confidentiality.

*6. Audits*

30. The Commission has a statutory right of access to all accounts, records and memoranda, including all documents, papers, and correspondence kept or required to be kept by common carriers. 47 U.S.C. 220(c). The detailed financial and commercial information

inspected during an audit is generally sensitive in nature and is not customarily released to the public. This fact is highlighted by section § 220(f) of the Communications Act, 47 U.S.C. § 220(f), which expressly prohibits the release of information gathered during an audit absent a Commission or court order. The Commission has held that the public disclosure of data gathered in an audit is likely to impair its future ability to obtain such data because while the Commission could rely on compulsory measures to obtain the desired materials, such measures would involve significant expense and delay. J. David Stoner, 5 FCC Rcd 6458, 6459 (1990); Martha H. Platt, 5 FCC Rcd 5742, 5743 (1990); Scott J Rafferty, 5 FCC Rcd 4138, 4138 (1990); Western Union Telegraph Co., 2 FCC Rcd 4485, 4486 (1987).

31. The Commission has departed from its general policy and publicly released audit reports only in extraordinary circumstances when (i) the summary nature of the data contained in a particular report is not likely to cause the providing carrier substantial competitive injury, (ii) the release of the summary data and information is not likely to impair our ability to obtain information in future audits and (iii) overriding public interest concerns favor release of the report. See Bell Telephone Operating Companies, FCC 94–418 (released Oct. 17, 1995); see also, e.g., Bell Communications Research, Inc, 7 FCC Rcd 891 (1992); BellSouth Corp., 8 FCC Rcd 8129, 8130 (1990). In the past, we have normally allowed submitters to request confidentiality for such data and have dealt with such requests on a case-by-case basis, consistent with the applicable standards in FOIA. *See id*. We seek comment on whether we should continue to follow this policy and on whether and in what circumstances information gathered during an audit should be released even under a protective order.

*7. Surveys and Studies.*

32. The Commission has authority to conduct studies and surveys needed to fulfill its regulatory functions. See, e.g., 47 U.S.C. 403. Unlike information submitted in support of a specific regulatory action involving the submitting entity, surveys may request information from a broad category of regulated entities who are only submitting data because they were selected as part of a survey sample. Because these studies may involve the submission of information deemed competitively sensitive by responding entities, we seek comment on standards that should be applied to protect the confidentiality of information submitted in this context. We also seek comment regarding the treatment of such information when the information is used ultimately in the development of Commission rules or policies.

D. Scope of Materials Not Routinely Available for Public Inspection

33. The need for and burdens associated with protective orders are necessarily affected by the amount of information eligible for protected status. Accordingly, we seek comment on several issues raised by our current rules on materials not routinely available for public release.

34. *Categories of Materials that are not Routinely Available for Public Inspection.* Section 0.457(d) of our rules, 47 CFR § 0.457(d), contains a list of categories of materials that are not routinely available for public inspection and as such do not require a request for such treatment under Section 0.459, 47 CFR § 0.459. To the extent it is possible to define broad categories of information that should not be routinely available for public inspection, we can reduce administrative burdens on the Commission and submitters. On the other hand, over-inclusive categories would not be consistent with the presumption FOIA creates in favor of disclosure. We seek comment whether the current list of materials that are not routinely available for public inspection is appropriate or whether the list ought to be expanded or contracted.

35. *Substantiating Confidentiality Claims.* Section 0.461(a) of the Commission's confidentiality regulations, 47 CFR § 0.461(a), provides that a person submitting information or materials to the Commission may request that the information not be made routinely available to the public. Section 0.461(b), 47 CFR § 0.461(b), requires that each such request contain a statement of the reasons for withholding the materials from inspection and of the facts upon which those reasons are based. Because the Commission sometimes receives frivolous or unsubstantiated requests for confidentiality, we seek comment on whether the Commission should establish a policy or rule specifying more explicitly types of information that should be provided to comply with Section 0.461(b).

36. Information that the submitter could be required to provide to substantiate requests for confidentiality might include:

(1) What portion of the information the submitter believes is entitled to confidential treatment;

(2) The length of time for which confidential treatment is desired;

(3) Measures taken by the business to prevent undesired disclosure to others;

(4) The extent to which the information has already been disclosed to others;

(5) Specific information showing the degree to which the information concerns a service that is subject to competition; and

(6) Specific information concerning why disclosure would result in substantial harmful effects to the business' competitive position.

37. Establishing a policy specifying what types of information should be provided to comply with Section 0.461(b) might be beneficial for several reasons. First, it would enable the Commission to deal in a more efficient fashion with requests that materials not be made routinely available to the public and with requests to release materials not made routinely available to the public. For example, even though our rules provide for seeking confidential treatment for only portions of documents when other portions of documents are nonconfidential, 47 CFR § 0.459(a), submitters frequently assert an entire submission as confidential, even though many documents are not composed entirely of confidential business information. When the Commission is dealing with masses of data from multiple submitters, uncertainty as to what specific confidentiality claims are being asserted can be a significant barrier to efficient action. In addition, a policy specifying what types of information should be provided to comply with Section 0.461(b) might help reduce those confidentiality claims made as a matter of course and induce submitters to be more selective in their confidentiality claims. We seek comment on these benefits and on whether more precise substantiation requirements might burden a submitter's assertion of a claim for information which is truly entitled to confidential treatment. We also seek comment on what measures might be appropriate to deter frivolous requests for confidential treatment.

38. *Aggregated or Sanitized Information.* The Commission sometimes finds it beneficial to disclose to the public non-confidential information derived from data supplied by businesses and claimed as confidential. Such releases might take the form of industry-wide data aggregated into a non-confidential figure, or sanitized documents where all information that could identify the submitters has been removed. We seek comment on procedures the

Commission could use to ensure that the portions of the sanitized or aggregated documents which are disclosed do not contain information claimed as confidential and whether the rules should be amended to incorporate such procedures.

E. Proposed Clarifications to Commission Rules

39. Any person submitting information or materials to the Commission that do not fall within the specific categories of information not subject to routine disclosure may also request, on an *ad hoc* basis, that such information not be made routinely available for public inspection under Exemption 4. 47 CFR § 0.459(a). The Commission is considering amending Section 0.459 of its rules to make express in the rules an existing practice whereby the Commission sometimes defers acting on a request for confidentiality if no request for inspection has been made. This practice conserves Commission resources because Exemption 4 determinations are often complex and require substantial Commission analysis. In such instances, the party submitting the information for which confidentiality is claimed is not harmed because the information is not available for public inspection pending Commission action on the confidentiality request. Likewise, the public is not harmed, because, under the FOIA, the Commission would be required to rule on any request that the information be disclosed. We seek comment on codifying this practice of deferring action on requests for confidentiality in the absence of a FOIA or other request for the information.

40. The Commission also proposes a clarifying amendment to the title of Section 0.457(d) of its rules, 47 CFR § 0.457(d), to better describe the Section's contents. The amended title would read: ''Certain trade secrets and commercial or financial information obtained from any person and privileged or confidential—categories of materials not routinely available for public inspection.''

Administrative Matters

*Initial Regulatory Flexibility Act Analysis*

41. Pursuant to Section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice of Proposed Rulemaking,* but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the *Notice of Proposed Rulemaking,* including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981).

*Reason for Action*

42. The Communications Act of 1934 and the Commission's rules require the Commission to balance various factors in determining whether and under what conditions to withhold or to disclose competitively sensitive information that has been submitted to the Commission and that is not required to be publicly disclosed under the Freedom of Information Act. This *Notice of Proposed Rulemaking* proposes to examine the Commission's regulations and policies to determine whether the Commission should modify its existing disclosure policies and rules.

*Objectives*

43. To implement the Communications Act of 1934 and the Freedom of Information Act and to develop a policy that will guide the Commission in evaluating the increasing number of requests that it afford confidential treatment to information that has been provided to it by regulated entities and others.

*Legal Basis.* Action as proposed for this rulemaking is contained in Sections 4(i), 4(j), 303(r) and 403 of the Communications Act of 1934, as amended.

*Description, Potential Impact and Number of Small Entities Affected*

44. The Commission's policies and rules regarding the disclosure of confidential commercial and financial information affects small entities that are regulated by the Commission and small entities that participate in Commission proceedings. We are presently unable to estimate the

*Reporting, Record Keeping and Other Compliance Requirements*

45. None.

*Federal Rules Which Overlap, Duplicate or Conflict With This Rule*

46. None.

*Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives*

47. None.

*Paperwork Reduction Act*

48. The requirements proposed herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified information collection requirement on the public.

Procedural Provisions

49. This Notice of Inquiry and Notice of Proposed Rulemaking is issued pursuant to authority contained in Sections 4(i), 4(j), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r) and 403. Pursuant to applicable procedures set forth in Sections 1.415, 1.419 and 1.430 of the Commission's Rules, 47 CFR §§ 1.415, 1.419 and 1.430, interested parties may file comments on or before June 14, 1996, and reply comments on or before July 15, 1996. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus ten copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

50. *Ex parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in Commission rules. *See generally* 47 CFR Sections 1.1202, 1.1203, and 1.1206(a).

Ordering Clauses

51. *It is ordered* that, pursuant to Sections 4(i), 4(j), 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. §§ 154 (i), 154 (j), 303(r) and 403, notice is hereby given of proposed amendments to Part 0, in accordance with the proposals and discussions, in this Notice of Proposed Rulemaking, and that comment is sought regarding such proposals, discussion, and statement of issues.

52. *It is further ordered* that, the Secretary shall send a copy of this

Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 0

Freedom of information, Public information and inspection of records.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

Not to be published in the Code of Federal Regulations.

Attachment—Model Protective Order and Declaration

Before the Federal Communications Commission, Washington, DC 20554

In the Matter of [Name of Proceeding], Docket No. _____.

*Protective Order*

This Protective Order is a device to facilitate and expedite the review of documents containing trade secrets and commercial or financial information obtained from a person and privileged or confidential. It reflects the manner in which ''Confidential Information,'' as that term is defined herein, is to be treated. The Order is not intended to constitute a resolution of the merits concerning whether any Confidential Information would be released publicly by the Commission upon a proper request under the Freedom of Information Act or otherwise.

1. For purposes of this Order, ''Confidential Information'' shall in the first instance mean either (i) information submitted to the Commission by the Submitting Party that has been so designated by the Submitting Party and which the Submitting Party has determined in good faith constitutes trade secrets and commercial or financial information which is privileged or confidential within the meaning of Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4) or (ii) information submitted to the Commission by the Submitting Party that has been so designated by the Submitting Party and which the Submitting Party has determined in good faith falls within the terms of [cite Commission order designating items for treatment as Confidential Information]. Confidential Information shall be deemed to include additional copies of and information derived from Confidential Information.

2. The Commission may sua sponte or upon petition determine that all or part of the information claimed as ''Confidential Information'' is not entitled to such treatment.

3. Confidential Information submitted to the Commission shall bear on the front page in bold print, ''CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION—DO NOT RELEASE.'' Confidential Information shall be segregated by the Submitting Party from all non-confidential information submitted to the Commission. To the extent a document contains both Confidential Information and non-confidential information, the submitting party shall designate the specific portions of the document claimed to contain Confidential Information and shall, where feasible, also submit a redacted version not containing Confidential Information.

4. The Secretary of the Commission or other Commission staff to whom Confidential Information is submitted shall place the Confidential Information in a non-public file. In the event that any person requests that Confidential Information be released publicly, the Commission will treat the request pursuant to 47 CFR § 0.461.

5. Confidential Information shall only be made available to Commission staff, Commission consultants and to counsel to the Reviewing Parties or if a Reviewing Party has no counsel to a person designated by the Reviewing Party. Reviewing Party shall mean a party to a Commission proceeding or any person or entity filing a pleading in a Commission proceeding. Before counsel to a Reviewing Party or such other designated person may obtain access to Confidential Information, counsel or such other designated person must execute the attached Declaration.

6. Counsel to a Reviewing Party or such other person designated pursuant to Paragraph 5 may disclose Confidential Information to other Authorized Representatives to whom disclosure is permitted under the terms of paragraph 7 of this Protective Order only after advising such Authorized Representatives of the terms and obligations of the Order. In addition, before Authorized Representatives may obtain access to Confidential Information, Authorized Representatives must execute the attached Declaration.

7. Authorized Representatives shall be limited to:

a. Counsel for the Reviewing Parties to this proceeding including in-house counsel actively engaged in the conduct of this proceeding and their associated attorneys, paralegals, clerical staff and other employees, to the extent reasonably necessary to render professional services in this proceeding, provided that such persons are not representing or advising or otherwise assisting * * *;

b. Specified persons, including employees of the Reviewing Parties, requested by counsel to furnish technical or other expert advice or service, or otherwise engaged to prepare material for the express purpose of formulating filings in this proceeding except that disclosure to persons in a position to use this information for competitive commercial or business purposes shall require the approval of the Commission; or

c. Any person designated by the Commission in the public interest, upon such terms as the Commission may deem proper.

8. Confidential Information shall be maintained by a Submitting Party for inspection in at least two locations, one of which shall be in Washington, D.C. Inspection shall be carried out by Authorized Representatives by appointment during normal business hours. The Submitting Party shall provide copies of the Confidential Material to Authorized Representatives upon request and may charge a reasonable copying fee not to exceed twenty five cents per page.

9. Authorized Representatives may make additional copies of Confidential Information but only to the extent required and solely for the preparation and use in this proceeding, and provided further that the original copy and all other copies of the Confidential Information shall remain in the care and control of Authorized Representatives at all times and shall not pass to any other persons except as provided herein.

10. Counsel for Reviewing Parties shall provide to the Submitting Party and the Commission with a copy of the attached Declaration for each Authorized Representative within five (5) business days after the attached Declaration is executed, or by any other deadline prescribed by the Commission.

11. Confidential Information shall not be used by any person granted access under this Protective Order for any purpose other than for use in this proceeding (including any subsequent administrative or judicial review), shall not be used for competitive business purposes, and shall not be disclosed except in accordance with this Order. This shall not preclude the use of any material or information that is in the public domain or has been developed independently by any other person who has not had access to the Confidential Information nor otherwise learned of its contents.

12. Reviewing Parties may, in any pleadings that they file in this proceeding, reference the Confidential Information, but only if they comply with the following procedures:

a. Any portions of the pleadings that contain or disclose Confidential Information must be physically segregated from the remainder of the pleadings;

b. The portions containing or disclosing Confidential Information must be covered by a separate letter referencing this Protective Order;

c. Each page of any Party's filing that contains or discloses Confidential Information subject to this Order must be clearly marked: ''Confidential Information included pursuant to Protective Order, [cite proceeding];'' and

d. The confidential portion(s) of the pleading shall be served upon the Secretary of the Commission, the Submitting Party, and those Reviewing Parties that have signed the attached Declaration. Such confidential portions shall be served under seal, and shall not be placed in the Commission's Public File unless the Commission directs otherwise (with notice to the Submitting Party and an opportunity to comment on such proposed disclosure). A Reviewing Party filing a pleading containing Confidential Information shall also file a redacted copy of the pleading containing no Confidential Information, which copy shall be placed in the Commission's public files. Reviewing Parties may provide courtesy copies of pleadings containing Confidential Information to Commission staff.

13. Should a Reviewing Party that has properly obtained access to Confidential

Information under this Protective Order violate any of its terms, it shall immediately convey that fact to the Commission and to the Submitting Party. Further, should such violation consist of improper disclosure of Confidential Information, the violating party shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to denial of further access to Confidential Information in this proceeding.

14. Within two weeks after final resolution of this proceeding (which includes any administrative or judicial appeals), Authorized Representatives of Reviewing Parties shall destroy all Confidential Information as well as all copies and derivative materials made, and shall certify that no material whatsoever derived from such Confidential Information has been retained by any person having access thereto, except that counsel to a Reviewing Party may retain two copies of pleadings submitted on behalf of the Reviewing Party.

15. Disclosure of Confidential Information as provided herein shall not be deemed a waiver by the Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information. Reviewing Parties, by viewing these materials: (a) agree not to assert any such waiver; (b) agree not to use information derived from any confidential materials to seek disclosure in any other proceeding; and (c) agree that accidental disclosure of privileged information shall not be deemed a waiver of the privilege.

16. The entry of this Protective Order is without prejudice to the rights of the Submitting Party to apply for additional or different protection where it is deemed necessary or to the rights of Reviewing Parties to request further or renewed disclosure of Confidential Information. Moreover, it in no way precludes the Commission from disclosing any Confidential Information where it determines the public interest so requires.

17. This Protective Order is issued pursuant to Section 4(i) of the Communications Act as amended, 47 U.S.C. § 154(i) and 47 CFR § 0.457(d).

18. As used in this Order, the term ''Commission'' shall also include any arm of the Commission acting pursuant to delegated authority.

Declaration

[Cite Proceeding]

I, _____, hereby declare under penalty of perjury that I have read the foregoing Protective Order that has been entered by the Commission in this proceeding, and that I agree that I will be bound by its terms pertaining to the treatment of Confidential Information submitted by parties to this proceeding. I understand that the Confidential Information shall not be disclosed to anyone except in accordance with the terms of the Protective Order and shall be used only for purposes of the proceedings in this matter. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

(signed) _____

(printed name) _____

(title) _____

(affiliation) _____

(address) _____

_____

(phone) _____

(date) _____

[FR Doc. 96–9240 Filed 4–12–96; 8:45 am]

BILLING CODE 6712–01–P

## 47 CFR Chapter I

**[MD Docket No. 96–84; FCC 96–153]**

## Assessment and Collection of Regulatory Fees For Fiscal Year 1996

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is proposing to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 1996. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees. For fiscal year 1996 sections 9(b) (2) and (3) provide for annual ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees. The proposed revisions will further the National Performance Review goals of reinventing Government by requiring beneficiaries of Commission services to pay for such services.

**DATES:** Comments must be filed on or before April 29, 1996 and reply comments must be filed on or before May 9, 1996.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Peter W. Herrick, Office of Managing Director at (202) 418–0443, or Terry D. Johnson, Office of Managing Director at (202) 418–0445.

**SUPPLEMENTARY INFORMATION:**

Adopted: April 5, 1996.
Released: April 9, 1996.

By the Commission.

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### I. Introduction

1. By this *Notice of Proposed Rulemaking,* the Commission commences a proceeding to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress, pursuant to Section 9(a) of the Communications Act, has required it to collect for Fiscal Year (FY) 1996. *See* 47 U.S.C. § 159 (a).

2. For FY 1996, Congress has required that we collect $116,400,000 through regulatory fees in order to recover the costs of our enforcement, policy and rulemaking, international and user information activities for FY 1996. P.L. 104–99 and 47 U.S.C. § 159(a)(2). This is the same amount that Congress designated for recovery through regulatory fees for FY 1995. *See Assessment and Collection of Regulatory Fees for Fiscal Year 1995,* FCC 95–227, released June 19, 1995, 60 FR 34004 (June 29, 1995). The current

Schedule of Regulatory Fees is set forth in sections 1.1152 through 1.1156 of the Commission's rules. 47 CFR §§ 1.1152–1.1156.

3. Because the amount that Congress requires that we recover for FY 1996 is the same amount as we were required to recover for FY 1995, we are not proposing to revise the Schedule of Fees to collect more or less in *total* fees. However, we are proposing adjustments to the Schedule and associated payment procedures to reflect changes in the estimated number of payment units associated with services subject to a fee and to incorporate certain public interest considerations. *See* 47 U.S.C. 159 (b).

4. Finally, we propose to amend the Schedule in order to assess regulatory fees upon licensees and/or regulatees of services not now subject to payment of a fee, to simplify and streamline the Schedule and to clarify and/or revise certain payment procedures. 47 U.S.C. § 159(b)(3).

## II. Background

5. Section 9(a) of the Communications Act of 1934, as amended, authorizes the Commission to assess and collect annual regulatory fees to recover the costs, as determined annually by Congress, that it incurs in carrying out enforcement, policy and rulemaking, international, and user information activities. 47 U.S.C. 159(a). In our *FY 1994 Fee Order,* 59 FR 30984 (June 16, 1994), we adopted the Schedule of Regulatory Fees that Congress established and we prescribed rules to govern payment of the fees, as required by Congress. 47 U.S.C. § 159(b), (f)(1). Subsequently, in our *FY 1995 Fee Order,* we modified the Schedule to increase by approximately 93 percent the revenue generated by these fees in accordance with the amount Congress required us to collect in FY 1995 over FY 1994. 60 FR 34004 (June 29, 1995). Also, in the *FY 1995 Fee Order,* we amended certain rules governing our regulatory fee program based upon our experience administering the program in FY 1994. *See* 47 CFR §§ 1.1151 *et seq.*

6. As noted above, for FY 1994 we adopted the Schedule of Regulatory Fees established in Section 9(g) of the Act. For fiscal years after FY 1994, however, Sections 9(b) (2) and (3), respectively, provide for ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees. 47 U.S.C. § 159(b)(2), (b)(3). Section 9(b)(2), entitled ''Mandatory Adjustments'', requires that we revise the Schedule of Regulatory Fees whenever Congress changes the amount that we are to recover through regulatory fees. 47 U.S.C. § 159(b)(2).

7. Section 9(b)(3), entitled ''Permitted Amendments'', requires that we determine annually whether adjustments of the fees are warranted based upon criteria established in 47 U.S.C. 159(b)(3). Also, pursuant to Section 9(b)(3), we are to adjust the fees to take into account factors that are reasonably related to the payor of the fee and factors that are in the public interest. In making these amendments, we are to ''add, delete, or reclassify services in the Schedule to reflect additions, deletions or changes in the nature of its services.'' 47 U.S.C. § 159(b)(3). Section 9(i) requires that we develop accounting systems necessary to making permitted amendments. 47 U.S.C. § 159(i). Finally, we are required to notify Congress of any permitted amendments 90 days before those amendments go into effect. 47 U.S.C. § 159(b)(4)(B).

## III. Discussion

### *A. Overall Methodology and Format*

8. As noted above, Congress has required the recovery of $116,400,000 for FY 1996 through the collection of regulatory fees, representing the costs applicable to our enforcement, policy and rulemaking, international, and user information activities. 47 § U.S.C. 159(a).

9. Our approach to developing a FY 1996 fee schedule required that we first adjust our estimates of payment units so that we could determine how much revenue we would collect even if we did not change any individual fee amounts. We then compared the total estimated revenue that we would collect at the existing fee rates to the $116.4 million that we are required to collect in FY 1996 and pro-rated the difference among all the existing fee categories. We then intended to compare these projected revenues with cost data gathered from our new cost accounting system and to make whatever adjustments were deemed necessary to ensure that costs generally equated to revenues in each fee category. As discussed elsewhere in this *NPRM,* this particular step was not performed due to implementation problems associated with our new cost accounting system. A substitute mechanism was, however, put in place to provide assurances that estimated costs and revenues were reasonable.

10. We next considered various proposals made by Commission Bureaus and Offices for additions, deletions or other adjustments to the fees and to our collection procedures. The results of these actions were factored into our final schedule. That schedule is contained in Appendix D. Finally, we incorporated, as Appendix F, proposed Guidance which provides detailed descriptions of each fee category, information on who is responsible for paying each fee and other critical information designed to assist potential fee payers in determining the extent of fee liability, if any, in FY 1996, assuming that our proposed fees set forth in Appendix D are ultimately adopted.[1] The steps which we followed in the development of our FY 1996 regulatory fee proposals are discussed in more detail in the following paragraphs.

### *B. Adjustment of Payment Units*

11. In order to calculate individual service fees for FY 1996, we first adjusted the estimated payment units for each service because, in many services, payment units have changed substantially since last year. We obtained our estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade group projections, when available. We tried to verify these estimates from multiple sources to ensure that our estimates were reasonable. Appendix B provides a summary of how these revised payment units were determined for each fee category.

### *C. Recalculation of Fees*

12. We next multiplied the revised payment units for FY 1996 by the FY 1995 fee amounts in each fee category to determine how much revenue the Commission would collect in FY 1996 if it made no changes to the existing Schedule of Regulatory Fees. Next, we adjusted these revenue requirements for each fee category on a proportional basis, consistent with Section 9(b)(2) of the Act, to insure that we would collect only the $116.4 million prescribed by Congress. Then we recalculated the individual fee amounts required to collect the adjusted amount in each service and rounded each fee amount as provided by Section 9(b)(2). Appendix C provides detailed calculations showing how these revised fee amounts were determined.

### *D. Cost Accounting System*

13. On October 1, 1995, the Commission established a cost accounting system which was designed, in part, to assist in the development of

[1] We also will incorporate a similar Appendix in the *Report and Order* concluding this rulemaking. That Appendix will contain updated information concerning any changes made to the proposed fees adopted by the *Report and Order.*

our regulatory fees, specifically to help determine whether and to what extent additional revisions to the Schedule of Regulatory Fees might be required. *See* 47 U.S.C. §§ 159(i). Our objective in establishing the cost accounting system was to provide us with data that we could use, in combination with other information, to ensure that fees closely reflected our actual costs of regulation.

14. We had intended to compare extrapolated data from the cost accounting system with the adjusted revenue requirements described above in order to help assure that the adjusted fees we developed for each service were reasonably related to the regulatory costs of each service. It was our intention to propose further adjustments to the fees in instances where the variance between the estimated costs of each service and its estimated revenues appeared appropriate.

15. While there would be inherent deficiencies to any cost accounting system relative to meeting the requirements of the Act, we nonetheless believed that we would have enough useful information from our new cost accounting system to warrant consideration of such data in formulating our proposed FY 1996 fees. Unfortunately, several factors have prevented us from relying on data derived from the cost accounting system for the development of FY 1996 regulatory fees.

16. First, immediately following implementation of our cost accounting system, it was discovered that the system contained a significant amount of erroneous data due to technical complications encountered during the start-up of the system. Although this data was later corrected, the delay in obtaining useful output from the system has prevented a thorough analysis of the data. Additionally, the lengthy government shutdown and subsequent weather emergency in Washington, D.C. prevented the accumulation of critical cost data for several weeks. Consequently, we lack the confidence that we originally anticipated we would have relative to FY 1996 cost data and, therefore, will not utilize such data in the development of our proposed FY 1996 Regulatory Fee Schedule.

17. However, because our overall costs incident to the activities described in Section 9(a)(1) of the Act remain unchanged from FY 1995, we are satisfied that our revenue estimates for FY 1996 generally reflect the relative costs applicable to our regulatory activities. As a result, many individual fees remain unchanged from last fiscal year.

*E. Other Proposed Changes*

18. We examined the results of our calculations made in Paragraph 12 to determine if further adjustments of the fees and/or changes to payment procedures were warranted based upon the public interest and other criteria established in 47 U.S.C. 159(b)(3). As a result of this review, we have proposed the following:

1. Commercial Mobile Radio Service (CMRS)

19. The Commercial Mobile Radio Service (CMRS) includes various services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS includes certain licensees which formerly were licensed as part of the Private Radio Services (e.g., Specialized Mobile Radio Services and Private Paging), others formerly licensed as part of the Common Carrier Radio Services (e.g., Public Mobile Services and Cellular Radio Service) and one new service, the Personal Communications Service (PCS)[2]. While specific rules pertaining to each covered service remain in separate Parts 22, 80 and 90 of the Commission's rules; general rules governing CMRS are contained in Part 20 of the rules. See 47 CFR Parts 20, 22, 80 and 90. We are proposing to replace the Public Mobile/Cellular Radio regulatory fee category with a CMRS Mobile Services category and replace the Public Mobile One-Way Paging fee category with a CMRS One-Way Paging Services category for regulatory fee collection purposes. CMRS Mobile Services will include: qualifying Business Radio Services, 220–222 MHz Land Mobile Systems, Specialized Mobile Radio Services (Part 90); Public Coast Stations (Part 80); Public Mobile Radio, Cellular, 800 MHz Air-Ground Radiotelephone, and Offshore Radio Services (Part 22). We propose that licensees in the CMRS Mobile Services pay annual regulatory fees on a per mobile or cellular unit (mobile or cellular call sign or telephone number), or on a per unit (two-way pager) basis. We propose that CMRS One-Way Paging Services licensees pay annual regulatory fees on a per unit (pager) basis. *See* Appendix F, Paragraphs 14–16.

[2] Although PCS is a CMRS service, we are not proposing that PCS licensees pay a regulatory fee for FY 1996 because the service is, at most, in the very early start-up phase with few subscribers on the date (December 31, 1995) established for determining liability for such a fee and, therefore, it is premature to assess a fee.

2. Commercial AM/FM Radio

20. In our FY 1995 *NPRM*, we considered an alternative methodology for assessing regulatory fees for Commercial AM and FM radio licensees based on market rankings. This methodology, based on markets, was ultimately rejected as incomplete and insufficiently accurate for fee determination. Other possible alternatives to using the existing class designations to differentiate various types of stations and take into consideration ability to pay were also eliminated due to a lack of vital data necessary for establishing and verifying these fees. We were particularly interested in a proposal which would associate population density and service area contours with license data. Unfortunately, this proposal appears to not be cost effective because it would require a significant expenditure of funds to develop the required database and additional funds to provide the results to our licensees to use for fee payment purposes.

21. In our FY 1995 *Order*, we invited commenters to propose viable alternatives to using designated class of station as the fee qualifier in our FY 1996 *NPRM*. *See FY 1995 Report and Order* released June 19, 1995, Paragraph 54. We reiterate our invitation in this *NPRM*. In the absence of a viable alternative, however, we are proposing to continue to base the fees for AM and FM broadcast stations on station class for FY 1996. *See* Appendix F, Paragraph 18.

3. Commercial AM/FM/TV Construction Permits

22. These categories of fees apply to holders of permits to construct new commercial AM, FM, UHF and VHF Television stations covered under Part 73 of the Commission's rules. Construction permit (CP) fees are based on the type of commercial broadcasting service (i.e., AM, FM or TV) for which the station is being constructed.

23. Because of the small number of construction permits relative to overall stations and the modest amount of revenue collected from these licensees, we considered elimination of construction permits as a separate fee category with the costs attributed to regulation of construction permits to be subsumed in the overall costs for regulation of broadcast stations. This approach would simplify the fee schedule and provide ''one stop'' fee payment by reducing or eliminating the need for a broadcaster, in certain instances, to submit multiple payments (e.g., when an existing broadcaster is

also the holder of a construction permit). More generally, it would eliminate the fee on stations that are not yet operational and producing income.

24. To recoup revenues lost by the elimination of the construction permit fee, we would aggregate the revenue requirements associated with construction permits and distribute this revenue requirement on a pro rata basis to the primary station fee categories for AM/FM/TV commercial broadcast stations. New, slightly higher, primary station fees would result from this methodology.

25. In reviewing this issue, we determined that subsuming the fee for construction permits under the primary station fees is inherently inequitable since it would result in currently operating broadcast stations subsidizing stations under construction, some of which would eventually provide direct competition to the existing stations. Additionally, the impact on the FM Radio Service is particularly apparent. In this service, the impact of a large number of pending construction permits combined with the relatively high construction permit fee (compared to construction permit fees in the AM and TV services) produces a situation where significant costs would have to be absorbed by a limited number of operational commercial FM stations, resulting in a much greater impact on these broadcasters.

26. Based on these factors, we propose to retain separate fee categories for construction permits for AM/FM/TV commercial broadcast stations in FY 1996. We do, however, welcome comments on this issue. *See* Appendix F, Paragraphs 19, 20, 23–25.

4. Commercial VHF/UHF Television Stations

27. In our FY 1995 *Order,* we specified that VHF and UHF television fees be determined in accordance with the station market rankings published by Warren Publishing in the 1994 Edition of the *Television and Cable Factbook (No. 62).* This ranking was based on Areas of Dominant Influence (ADIs) as determined by the Arbitron Rating Co. (''Arbitron''). Arbitron has now ceased publication of ADI market areas. However, the A.C. Nielsen Co. (''Nielsen'') has published Designated Market Areas (DMAs) which approximate the same coverage areas as the Arbitron ADIs. The Nielsen DMAs also have the advantage of including stations in Alaska and Hawaii which Arbitron did not. Finally, the 1995 Edition of the *Television and Cable Factbook (No. 63)* has replaced the Arbitron ADI listing with the Nielsen DMA listing. In view of the above considerations, we propose for FY 1996 to require television licensees to use Nielsen DMA rankings to determine the appropriate regulatory fee. See Appendix F, Paragraph 21.

5. Auxiliary Broadcast Stations

28. This fee category includes licensees of Remote Pickup Stations, Aural Broadcast Auxiliary Stations, Television Broadcast Auxiliary Stations, and Low Power Auxiliary Stations, authorized under Part 74 of the Commission's Rules. These stations are generally associated with a particular television or radio broadcast station or cable television system.

29. In an effort to simplify the FY 1996 Fee Schedule, we examined the feasibility and equity of combining auxiliary broadcast station fees with the primary fees paid by broadcast station licensees and cable television operators. Combining these fees appeared to be an efficient approach due to the modest auxiliary fee relative to the fees assessed on broadcast stations and cable television systems.

30. Calculating a new fee encompassing both the auxiliary fee and station fee is relatively simple. We would add the auxiliary service revenue requirement to the AM/FM/TV and cable television revenue requirements on a pro-rata basis and then recompute each AM/FM/TV and cable television fee. This would result in slightly higher fees for each of these entities, but would also reduce the number of individual fee payments required from many of these payors.

31. Although a single consolidated fee has certain advantages, we identified some significant problems with using this approach. One problem is that the number of auxiliary stations per parent station varies greatly, with some broadcast stations or cable systems having none of these licenses while others have more than a dozen. Also, it appears that no more than ten percent of current regulatees own and operate auxiliary facilities. Moreover, since applications for auxiliary stations currently do not identify the parent station, nor does the Commission maintain records providing this information, it is impossible to determine the actual number of auxiliaries by license category (AM/FM/TV, cable).

32. Finally, we determined that this proposal would likely result in serious inequities since the larger commercial broadcast stations and cable systems in the most profitable markets are most likely to utilize multiple auxiliary stations. While a consolidated fee would have little impact on them, it would result in smaller, less profitable stations subsidizing part of the larger stations' operating costs.

33. For these reasons, we propose to retain Auxiliary Broadcast Station fees as a separate category in FY 1996. We would, however, welcome any suggestions on alternative methods for assessing these fees. *See* Appendix F, Paragraph 27.

6. Interstate Telephone Service Providers

34. For FY 1995, all interstate telephone service providers were assessed regulatory fees based on a percentage of their adjusted gross revenue as computed from revenue data reported to the Telecommunications Relay Service (TRS) Fund. Our FY 1995 Schedule of Regulatory Fees listed each type of interstate telephone service provider separately (e.g., Inter-exchange Carriers, Local Exchange Carriers, Competitive Access Providers, Operator Services Providers) causing some inadvertent confusion for payees. Because we are proposing once again that all interstate telephone service providers compute their fee based on the same adjusted gross revenue method, we are proposing to consolidate Inter-Exchange Carriers, Local Exchange Carriers, Competitive Access Providers, Operator Service Providers/Pay Telephone Operators, Resellers, and Other Interstate Providers into a single fee category labeled ''Interstate Telephone Service Providers.'' Details concerning who must pay interstate telephone service provider fees can be found in Appendix F, Paragraph 32.

7. Earth Stations

35. For FY 1995, all earth stations were assessed the same fee based on the number of authorizations or registrations. Our FY 1995 Schedule of Fees listed each type of earth station separately, causing some inadvertent confusion for payees. Because we are proposing that all earth stations (except receive only earth stations for which we propose to not assess a regulatory fee) continue to pay the same fee based on the number of authorizations or registrations, we are proposing to simplify the structure of the Schedule by combining VSATs/Equivalent C-Band/Mobile, Transmit/Receive, and Transmit Only Earth Stations into a single fee category labeled ''Earth Stations.'' Further details concerning earth station fees may be found in Appendix F, Paragraphs 33–34.

8. Wireless Cable

36. Multi-Channel Multipoint Distribution Service Stations (MMDS; a.k.a. ''Wireless Cable.''), along with Multipoint Distribution Service Stations (MDS), are authorized under Part 21 of the Commission's Rules to use microwave frequencies for video and data distribution. These services were included in the Domestic Public Fixed Radio Service category in the FY 1995 Regulatory Fee Schedule.

37. When operated as a Multichannel Video Programming Distribution service (MVPD), MMDS licensees compete directly with cable television and with other MVPDs. Current industry estimates indicate that Wireless Cable has 800,000 subscribers or 1.19% of the MVPD market.

38. We propose to assess regulatory fees on MMDS licensees based on an individual call sign. We seek comment on this proposal. *See* Appendix F, Paragraph 28.

9. Direct Broadcast Satellite (DBS) Service

39. The Direct Broadcast Satellite (DBS) Service offers a wide range of programming options to its subscribers distributed via geosynchronous satellite. DBS service is expanding rapidly with total viewership currently estimated at 1,500,000 subscribers.

40. For FY 1995, we decided not to assess a fee for the DBS service because our resources devoted to regulation of DBS, other than those involving application processing, were negligible and because DBS operators then served few subscribers. *See FY 1995 Report and Order,* Paragraph 15. For FY 1996, however, we are proposing to assess a fee upon licensees in the DBS service since the service is operational, serving numerous subscribers and, therefore, subject to the regulatory activities (additional resources devoted to policy and rulemaking, enforcement and public information) whose costs are recovered by assessment of a regulatory fee.

41. We propose to assess DBS licensees the fee applicable to all geosynchronous satellite licensees and, therefore, to include DBS for regulatory fee purposes in the Space Station fee category. In developing our proposed DBS fee, we considered assessing DBS licensees a per subscriber fee rather than including them within the geosynchronous satellite fee category. We currently assess per subscriber fees in several fee categories, including a per subscriber fee for cable television systems. However, we propose that DBS satellites be included in the geosynchronous satellite category. Despite the fact that DBS is a subscriber-based service, costs attributable to regulating DBS operators are more similar to those attributable to regulation of other geosynchronous space stations. Regulatory responsibilities related to space stations focus on policy and rulemaking activities, and are unrelated to the number of end users of satellite services. Moreover, DBS rules do not impose additional regulatory requirements on video service providers that are specifically related to the individual subscriber. Thus, the number of subscribers to a DBS service does not significantly affect the regulatory costs arising from DBS services. By contrast, cable service providers are subject to rate regulation, customer service standards, and certain programming obligations. In addition, a subscriber-based formula would penalize DBS licensees who win more subscribers with less space station capacity (and hence lower regulatory costs). Moreover, because DBS licensees are not restricted to the provision of video programming, but rather may provide various non-video services, we concluded that a facility-based fee would ensure that each DBS licensee contributed equitably to the cost of DBS regulation without the need to impose possibly burdensome and overly intrusive reporting requirements necessary to gather information identifying the services offered by individual DBS operators.

42. In light of the factors discussed above, we propose to assess fees on these licensees on a per station basis. See Appendix F, Paragraph 35.

10. Intelsat & Inmarsat Signatory

43. For FY 1995, we determined that Comsat was not subject to payment of a geosynchronous satellite regulatory fee for its Intelsat and Inmarsat satellites because the legislative history of Section 9 states that regulatory fees should not be assessed upon space stations operated by international bodies. *See FY 1995 Report and Order,* Paragraph 110. Instead, we propose to explore other ways to recover our regulatory costs incurred due to Comsat's participation in the Intelsat and Inmarsat programs. Thus, we are proposing to assess a new fee to recover our costs of regulation of the U.S. Signatory to Intelsat and Inmarsat. We believe that the fee is appropriate in view of the unique role of the U.S. Signatory in Intelsat's and Inmarsat's structure and our unique regulatory role with respect to these entities.

44. We propose to establish the separate Signatory fee because our geosynchronous space station fee now recovers a significant amount of costs directly attributable to our resource burden related to conducting our oversight of the U.S. Signatory to these international operations.[3] Currently, we are conducting several proceedings regarding the U.S. Signatories' authority to provide services via Intelsat and Inmarsat, the U.S. Signatories' authority to participate in the procurement or leasing of various Intelsat and Inmarsat space stations, and their authority to participate in certain Intelsat and Inmarsat-associated businesses. There also are proceedings pending before us related to whether the U.S. Signatory has conformed to applicable structural and financial separation rules. In addition, we actively participate on an ongoing basis with the Executive Branch in the oversight of the U.S. Signatories' representations of U.S. policy at the Intelsat and Inmarsat governing boards through the U.S. Government instructional process and participate directly in the Assembly of Parties meetings of the two intergovernmental organizations. Finally, we maintain public files of Intelsat and Inmarsat governing board and other organizational documents.

45. Because our regulation of the U.S. Signatories is substantially different from our regulatory activities related to satellite systems licensed by us, we are persuaded that the costs of our activities related to the signatories should be recovered directly from the U.S. Signatories rather than from space station licensees generally. Moreover, we do not believe that it is necessary or appropriate to base the Signatory fee on the number of space stations owned by the two intergovernmental satellite systems. Rather, we will formulate the Signatory fee pursuant to our cost of oversight of the Signatory's activities.

46. Our review of our signatory activities discloses that approximately 14.7% of the costs attributable to space station regulatory oversight ($2,960,100), as determined in

[3] The U.S. Signatory to *Intelsat* is the Communications Satellite Corporation (COMSAT), the entity designated, pursuant to the Communications Satellite Act, as the sole operating entity to participate in the International Telecommunications Satellite Organization (Intelsat) in order to construct and operate the space segment of the global commercial telecommunications satellite system established under the Interim Agreement and Special Agreement signed by Governments on August 20, 1964. *See* 47 U.S.C. § 301. Also, the U.S. Signatory to *Inmarsat* is Comsat, solely designated, pursuant to the Communications Satellite Act, to participate in the International Mobile Satellite Organization (Inmarsat).

Appendix C, is directly related to Intelsat and Inmarsat Signatory activities (5.25 FTEs[4] out of a total of 35.7 direct FTEs). This means that approximately $435,135 must be collected from the signatories to offset the regulatory costs attributed to them ($2,960,100 × 14.7%). Dividing this revenue requirement by two (there are signatories to two separate organizations), yields a signatory fee of $217,575 (rounded). Therefore, we are proposing to add a new regulatory fee of $217,575 for each designation as a signatory. *See* Appendix F, Paragraph 37. Comment is requested on our proposal to charge a signatory fee and on the methodology for calculating such a fee.

47. Since the proposed Signatory fee will recover our costs attributable to our signatory oversight, we are also proposing, in conjunction with that proposal, to reduce the corresponding space station fee. The new space station fee is computed by reducing the revenue requirement for space stations calculated in Appendix C ($2,960,100) by the $435,150 to be collected from signatories and dividing the reduced space station revenue requirement ($2,524,950) by the number of payment units (39 operational space stations). The result of these calculations is a new fee of $64,750 (rounded) for each operational space station.[5]

11. Low Earth Orbit (LEO) Satellite Systems

48. The FY 1994 statutory regulatory fee schedule (*see* 47 U.S.C. 159(g)) proposed a $90,000 regulatory fee for licensees in the Low Earth Orbit (LEO) Satellite service. However, the Commission found that there were no operational LEO systems on the effective date of the FY 1994 Schedule and suspended the fee for that year and again for FY 1995. *See FY 1995 Report and Order*, Paragraph 15. For FY 1996, however, there are licensed and operational LEO systems. Therefore, we propose to include a Low Earth Orbit Satellite System fee in the Schedule of Regulatory Fees.

49. In developing a LEO System regulatory fee for FY 1996, we propose to apportion the total revenue requirement for all space stations between LEO systems and geosynchronous space station licensees. In so doing, we also propose to preserve the same relative relationship between the fees established by the Congress in Section 9(g) of the Act for geosynchronous space stations and LEO systems; i.e., an approximate 38.5% differential between the fee for LEO systems and the fee for geosynchronous space stations. 47 U.S.C. § 159(g). Reliance on this methodology will reduce the revenue which must be collected from space stations other than LEOs and the corresponding fees for space stations which had been calculated in Appendix C and subsequently adjusted in Paragraph 49. As a result of our calculations, we are proposing a new LEO system regulatory fee of $87,725 and a new geosynchronous space station fee of $63,500 for FY 1996.[6] *See* Appendix F, Paragraphs 35–36.

12. Minimum Fee Payment Liability

50. In FY 1995 the Commission received several small fee payments that cost more to deposit and process than the actual amount collected. Such payments occur in fee categories where there is a per unit or per subscriber charge, such as the fee for cable television (per subscriber) or CMRS one-way paging (per unit).

51. Our collection and verification costs for small payments is considerably more than any revenue generated from these collections. Thus, we are proposing for FY 1996 a minimum fee liability for payees of Commission regulatory fees. Our minimum fee liability policy would exempt fee payment for any licensee whose total fee liability was less than $10. This exemption would apply only when the total fee due from an entity, including all categories of fees for which a payment is due by an entity, is less than $10. To ensure that this exemption is utilized as envisioned, we are also proposing to continue to require that licensees complete and submit FCC Form 159, ''FCC Remittance Advice'' so that we may verify that a fee payment is not required of these entities.

*F. Procedures for Payment of Regulatory Fees*

52. Generally, we propose to retain the procedures that we have established for the payment of regulatory fees. Section 9(f) requires that we permit ''payment by installments in the case of fees in large amounts, and in the case of small amounts, shall require the payment of the fee in advance for a number of years not to exceed the term of the license held by the payor.'' *See* 47 U.S.C. § 159(f)(1). Consistent with the section, we are again establishing three categories of fee payments, based upon the category of service for which the fee payment is due and the amount of the fee to be paid. The fee categories are (1) ''Standard'' fees, (2) ''large'' fees, and (3) ''small'' fees.

1. Annual Payments of Standard Fees

53. Standard fees are those regulatory fees that are payable in full on an annual basis. Payers of standard fees are not required to make advance payments for their full license term and are not eligible for installment payments. All standard fees are payable in full on the date we establish for payment of fees in their regulatory fee category. The payment dates for each regulatory fee category will be announced either in the *Report and Order* in this proceeding or by public notice in the Federal Register following the termination of the proceeding.

2. Installment Payments for Large Fees

54. In our FY 1995 *NPRM*, we proposed that regulatees in any category of service with a payment liability of $12,000 or more would be eligible to make installment payments. Further, we proposed that eligibility for payment by installment would be based upon the amount of either a single regulatory fee payment or combination of fee payments by the same licensee or regulatee. However, in our *FY 1995*

[4] Full Time Equivalent (FTE) employment is the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked or to be worked by current and future employees divided by the number of compensable hours applicable to each fiscal year.

[5] This fee is further adjusted in Paragraph 51.

[6] The FY 1996 adjusted revenue requirement for all space stations has been determined to be $2,524,950. *See* Paragraph 49. For FY 1996, there are two LEO systems and 37 geosynchronous space stations subject to fee payment. The formula for computing the new LEO and geosynchronous space station fees is as follows:

(a) We have assigned ''L'' to represent the proposed LEO system fee and ''G'' to represent the proposed geosynchronous space station fee. I.e.,

L = LEO System Fee

G = Geosynchronous Space Station Fee

(b) The relationship between the LEO fee and the geosynchronous fee may be expressed as:

L = 1.385G (i.e., the LEO fee needs to be 38.5% higher than the corresponding geosynchronous space station fee).

(c) The total revenue to be collected from LEOs and geosynchronous space stations may be expressed as:

2L + 37G = $2,524,950 (i.e., the two existing LEO systems and 37 geosynchronous stations together must account for $2,524,950 in revenues).

(d) Substituting the value of ''L'' in (b) above into the formula in (c) above yields the following:

2(1.385G) + 37G = $2,524,950

2.77G + 37G = $2,524,950

39.77G = $2,524,950

G = $63,489

(e) Therefore, ''G'' (Geosynchronous space station fee) is $63,500 (after rounding).

(f) Substituting the computed value of ''G'' in (d) above into the formula in (c) above yields the following:

2L + 37(63,500) = 2,524,950

2L + 2,349,500 = 2,524,950

2L = 175,450

L = 87,725

(g) Therefore, ''L'' (LEO fee) is $87,725.

*Order,* we declined to adopt our installment payment proposals because, as a practical matter, there would be insufficient time following the effective date of our FY 1995 Schedule of Fees to permit a meaningful implementation of an installment payment program.

55. For FY 1996, while we are mindful that time constraints may preclude an opportunity for installment payments, we will once more propose that regulatees in any category of service with a payment liability of $12,000 or more be eligible to make installment payments and that eligibility for payment by installment be based upon the amount of either a single regulatory fee payment or combination of fee payments by the same licensee or regulatee. Therefore, we propose that regulatees eligible to pay by installment payments may submit their required fee in two equal payments (on dates to be announced in the *Report and Order* terminating this proceeding or in the Federal Register following the proceeding's termination), or, in the alternative, may submit a single full payment on the date that their final installment payment is due.

3. Advance Payments of Small Fees

56. As we have in the past, we are proposing to treat regulatory fee payments by certain licensees as small fees subject to advance payments. Advance payments will be required from licensees of those services that we decided would be subject to advance payments in our *FY 1994 Order*.[7] Payers of advance fees will submit the entire fee due for the full term of their licenses when filing their initial, renewal or reinstatement application. Regulatees subject to a payment of small fees shall pay the amount due for the current fiscal year multiplied by the number of years in the term of their requested license. In the event that the required fee is adjusted following their payment of the fee, the payor would not be subject to the payment of a new fee until filing an application for renewal or reinstatement of the license. Thus, payment for the full license term would be made based upon the regulatory fee applicable at the time the application is filed. The Commission will announce by public notice in the Federal Register the effective date for the payment of small fees pursuant to the FY 1996 fee schedule.

4. Minimum Fee Payment Liability

57. As discussed above, regulatees whose total fee liability is less than ten dollars are exempted from fee payment in 1996. *See Paragraphs 54–55.* However, such regulatees must complete and submit FCC Form 159, ''FCC Remittance Advice'' so that we may verify that a fee payment is not due. The Commission will announce by public notice in the Federal Register the effective date for the submission of this fee form.

5. Standard Fee Calculations and Payment Dates

58. As noted, the time for payment of standard fees and any installment payments will be published in the Federal Register. For licensees, permittees and holders of other authorizations in the Common Carrier, Mass Media, and Cable Services, whose fees are not based on a subscriber, line or circuit count, fees should be submitted for any authorization held as of *October 1, 1995.* October 1 is the date to be used for establishing liability for payment of standard fees since it is the first day of the federal government's fiscal year.

59. In the case of regulatees whose fees are based upon a subscriber, line or circuit count, the number of a regulatees' subscribers, licenses or circuits on December 31, 1995, will be used to calculate the fee payment.[8] We have selected the last date of the calendar year because many of these entities file reports with us as of that date. Others calculate their subscriber numbers as of that date for internal purposes. Therefore, calculation of the regulatory fee as of that date will facilitate both an entity's computation of its fee payment and our verification that the correct fee payment has been submitted.

*G. Schedule of Regulatory Fees*

60. The Commission's proposed Schedule of Regulatory Fees for FY 1996 is contained in Appendix D of this NPRM.

IV. Procedural Matters

*A. Comment Period and Procedures*

61. Pursuant to the procedures set forth in sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before April 29, 1996, and reply comments on or before May 9, 1996. All relevant comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments and supporting materials. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Interested parties, who do not wish to formally participate in this proceeding, may file informal comments to the same address. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

[7] Applicants for new, renewal and reinstatement licenses in the following services will be required to pay their regulatory fees in advance: Land Mobile Services, Microwave services, Interactive Video Data Services (IVDS), Marine (Ship) Service, Marine (Coast) Service, Private Land Mobile (Other) Services, Aviation (Aircraft) Service, Aviation (Ground) Service, General Mobile Radio Service (GMRS). In addition, applicants for Amateur Radio vanity call signs will be required to submit an advance payment.

[8] Cable systems calculate their regulatory fees using subscriber data submitted to the Commission in their Annual Report of Cable Television Systems (FCC Form 325). Accordingly, the number of cable subscribers will not neccessarily be based on account as of December 31, 1995, but rather on ''a typical day in the last full week'' of December 1995.

*B. Ex Parte Rules*

62. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed pursuant to the Commission's rules. *See* 47 CFR §§ 1.1202, 1.1203 and 1026(a).

*C. Initial Regulatory Flexibility Analysis*

63. As required by section 603 of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1165, 5 U.S.C. § 601 *et seq.* (1981), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A. Written public comments are requested with respect to the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the *NPRM*, but they must have a separate and distinct heading, designating the comments as responses to the IRFA. The Secretary shall send a copy of this *NPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act.

*D. Authority and Further Information*

64. Authority for this proceeding is contained in sections 4 (i) and (j), 9, and 303(r) of the Communications Act of 1934 as amended, 47 U.S.C. §§ 154 (i) and (j) and 159 and 303(r).

65. Further information about this proceeding may be obtained by contacting the Fees Hotline at (202) 418–0192.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

## Appendix A—Initial Regulatory Flexibility Analysis

Reason for Action

This rulemaking proceeding is initiated to obtain comment regarding the Commission's proposed amendment of its Schedule of Regulatory Fees in order to collect regulatory fees in the amount of $116,400,000, the amount that Congress has required the Commission to recover through regulatory fees in Fiscal Year 1996.

Objectives

The Commission seeks to collect the necessary amount through its proposed revised regulatory fees, as contained in the attached Schedule of Regulatory Fees, in the most efficient manner possible and without undue burden to the public.

Legal Basis

The proposed action is authorized under sections (4) (i) and (j), 9 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and (j), 159, and 303(r).

Reporting, Recordkeeping and other Compliance Requirements

The Commission has developed FCC Form 159 and FCC Form 159C for submission with regulatory fee payments. Also, the Commission has adopted implementation rules governing the payment of regulatory fees. *See* 47 CFR § 1.1151 *et seq.*

Federal Rules that Overlap, Duplicate or Conflict with Proposed Rule

None.

Description, Potential Impact, and Number of Small Entities Involved

The proposed amendment of the Schedule of Regulatory Fees will affect permittees, licensees and other regulatees in the cable, common carrier, mass media, private radio and international services. After evaluating the comments in this proceeding, the Commission will further examine the impact of any fee revisions or additions or rule changes on small entities and set forth our findings in the Final Regulatory Flexibility Analysis.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

The Notice solicits comments on alternative methods of assessing the regulatory fees necessary to recover the $116,400,000 in costs that Congress has required us to recover through regulatory fees in FY 1996.

## Appendix B—Sources of Payment Unit Estimates for FY 1996

In order to calculate individual service fees for FY 1996, we adjusted FY 1995 payment units for each service to more accurately reflect expected FY 1996 payment liabilities. We obtained our updated estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections when available. We tried to obtain verification for these estimates from multiple sources and, in all cases, we compared FY 1996 estimates with actual FY 1995 payment units to ensure that our revised estimates were reasonable. Where it made sense, we adjusted and/or rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units yet cannot be estimated exactly. These include an unknown number of waivers and/or exemptions that may occur in FY 1996 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical or other reasons. Therefore, when we note, for example, that our estimated FY 1996 payment units are based on FY 1995 actual payment units, it does not necessarily mean that our FY 1996 projection is *exactly* the same number as FY 1995. It means that we have either rounded the FY 1995 number or adjusted it slightly to account for these variables.

| Fee catgory | Sources of payment unit estimates |
|---|---|
| Land Mobile (All), Microwave, IVDS, Marine (Ship & Coast), Aviation (Aircraft & Ground), GMRS, Amateur Vanity Call Signs, Domestic Public Fixed. | Based on Wireless Telecommunications Bureau (WTB) projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration proposals to license portions of these services on a voluntary basis. |
| CMRS Mobile Services (incl. Cellular/ Public Mobile Radio Services and Two Way Paging Services). | Based on actual FY 1995 payment units adjusted to take into consideration industry estimates of growth between FY 1995 and FY 1996 and Wireless Telecommunications Bureau projections of new applications and average number of mobile units associated with each application. |
| CMRS One Way Paging Services ..... | Based on industry estimates of the number of pager units in operation. |
| AM/FM Radio Stations ..... | Based on actual FY 1995 payment units. |
| UHF/VHF Television Stations ..... | Based on actual FY 1995 payment units. |
| AM/FM/TV Construction Permits ..... | Based on actual FY 1995 payment units. |

| Fee catgory | Sources of payment unit estimates |
|---|---|
| LPTV, Translators and Boosters ..... | Based on actual FY 1995 payment units. |
| Auxiliaries ..... | Based on actual FY 1995 payment units. |
| MDS/MMDS ..... | Based on actual FY 1995 payment units. |
| Cable Antenna Relay System (CARS) . | Based on actual FY 1995 payment units. |
| Cable Television System Subscribers .. | Based on Cable Services Bureau and industry estimates of subscribership. |
| IXCs/LECs, CAPs, Other Service Providers. | Based on actual FY 1995 interstate revenues associated with contributions to the Telecommunications Relay System (TRS) Fund adjusted to take into consideration FY 1996 revenue growth in this industry as estimated by the Common Carrier Bureau. |
| Earth Stations ..... | Based on actual FY 1995 payment units. |
| Space Stations & LEOs ..... | Based on International Bureau licensee data bases. |
| International Bearer Circuits ..... | Based on actual FY 1995 payment units. |
| International HF Broadcast Stations, International Public Fixed Radio Service. | Based on actual FY 1995 payment units. |

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## APPENDIX C—CALCULATION OF PRO-RATA ADJUSTMENTS

| | | FY 1996 Regulatory Fees-Calculation of Pro-Rata Adjustments | | | | | | Appendix C |
|---|---|---|---|---|---|---|---|---|
| ~~10:18 AM4/10/96~~ | | | | | | | | |
| Fee Category | FY 1996 Payment Units | (times) FY 1995 Fee | (times) Lic. Term | (equals) Computed FY 1996 Revenue | Pro-Rated Revenue** | Recalculated Fee | Rounded Fee | New FY 1996 Revenue |
| LM (>470 MHZ-Base) | 1,350 | 6 | 5 | $40,500 | 40,986 | 6 | 6 | 40,500 |
| Microwave | 7,025 | 6 | 10 | 421,500 | 426,554 | 6 | 6 | 421,500 |
| IVDS | 10 | 6 | 5 | 300 | 304 | 6 | 6 | 300 |
| Marine (Ship) | 24,650 | 3 | 10 | 739,500 | 748,367 | 3 | 3 | 739,500 |
| GMRS | 1,025 | 3 | 5 | 15,375 | 15,559 | 3 | 3 | 15,375 |
| LM (Other) | 75,000 | 3 | 5 | 1,125,000 | 1,138,489 | 3 | 3 | 1,125,000 |
| Aviation (Aircraft) | 12,050 | 3 | 10 | 361,500 | 365,834 | 3 | 3 | 361,500 |
| Marine (Coast) | 1,800 | 3 | 5 | 27,000 | 27,324 | 3 | 3 | 27,000 |
| Aviation (Grnd) | 1,700 | 3 | 5 | 25,500 | 25,806 | 3 | 3 | 25,500 |
| Amateur Vanity Call Signs | 20,000 | 3 | 10 | 600,000 | 607,194 | 3 | 3 | 600,000 |
| AM Class A | 110 | 1,120 | 1 | 123,200 | 124,677 | 1,133 | 1,125 | 123,750 |
| AM Class B | 1,350 | 620 | 1 | 837,000 | 847,036 | 627 | 630 | 850,500 |
| AM Class C | 1,080 | 250 | 1 | 270,000 | 273,237 | 253 | 255 | 275,400 |
| AM Class D | 1,450 | 310 | 1 | 449,500 | 454,890 | 314 | 315 | 456,750 |
| AM Construction Permits | 35 | 125 | 1 | 4,375 | 4,427 | 126 | 125 | 4,375 |
| FM Classes C,C1,C2,B | 2,220 | 1,120 | 1 | 2,486,400 | 2,516,212 | 1,133 | 1,125 | 2,497,500 |
| FM Classes A,B1,C3 | 2,200 | 745 | 1 | 1,639,000 | 1,658,652 | 754 | 755 | 1,661,000 |
| FM Construction Permits | 350 | 620 | 1 | 217,000 | 219,602 | 627 | 625 | 218,750 |
| TV Satellites | 90 | 620 | 1 | 55,800 | 56,469 | 627 | 625 | 56,250 |
| VHF Markets 1-10 | 40 | 22,420 | 1 | 896,800 | 907,553 | 22,689 | 22,700 | 908,000 |
| VHF Markets 11-25 | 45 | 19,925 | 1 | 896,625 | 907,376 | 20,164 | 20,175 | 907,875 |
| VHF Markets 26-50 | 80 | 14,950 | 1 | 1,196,000 | 1,210,340 | 15,129 | 15,125 | 1,210,000 |
| VHF Markets 51-100 | 110 | 9,975 | 1 | 1,097,250 | 1,110,406 | 10,095 | 10,100 | 1,111,000 |
| VHF Remaining Markets | 200 | 6,225 | 1 | 1,245,000 | 1,259,928 | 6,300 | 6,300 | 1,260,000 |
| VHF Construction Permits | 10 | 4,975 | 1 | 49,750 | 50,347 | 5,035 | 5,025 | 50,250 |
| UHF Markets 1-10 | 65 | 17,925 | 1 | 1,165,125 | 1,179,095 | 18,140 | 18,150 | 1,179,750 |
| UHF Markets 11-25 | 60 | 15,950 | 1 | 957,000 | 968,474 | 16,141 | 16,150 | 969,000 |
| UHF Markets 26-50 | 65 | 11,950 | 1 | 776,750 | 786,063 | 12,093 | 12,100 | 786,500 |
| UHF Markets 51-100 | 110 | 7,975 | 1 | 877,250 | 887,768 | 8,071 | 8,075 | 888,250 |
| UHF Remaining Markets | 160 | 4,975 | 1 | 796,000 | 805,544 | 5,035 | 5,025 | 804,000 |
| UHF Construction Permits | 60 | 3,975 | 1 | 238,500 | 241,360 | 4,023 | 4,025 | 241,500 |
| Auxilliaries | 20,000 | 30 | 1 | 600,000 | 607,194 | 30 | 30 | 600,000 |
| Int'l HF Broadcast | 4 | 250 | 1 | 1,000 | 1,012 | 253 | 255 | 1,020 |
| LPTV/Trans/Boosters | 2,000 | 170 | 1 | 340,000 | 344,077 | 172 | 170 | 340,000 |
| Sat TV Construction Permit | 5 | 225 | 1 | 1,125 | 1,138 | 228 | 230 | 1,150 |
| CARS | 2,200 | 290 | 1 | 638,000 | 645,650 | 293 | 295 | 649,000 |
| Cable Systems | 62,000,000 | 0.49 | 1 | 30,380,000 | 30,744,256 | 0.50 | 0.50 | 31,000,000 |
| IXC, LECs, CAPS, Others | 56,467,000,000 | 0.00088 | 1 | 49,690,960 | 50,286,755 | 0.00089 | 0.00089 | 50,255,630 |
| CMRS Mobile Services (Cellular/Public Mobile) | 34,200,000 | 0.15 | 1 | 5,130,000 | 5,191,509 | 0.15 | 0.15 | 5,130,000 |
| CMRS - One Way Paging | 24,500,000 | 0.02 | 1 | 490,000 | 495,875 | 0.02 | 0.02 | 490,000 |
| Domestic Public Fixed | 16,000 | 140 | 1 | 2,240,000 | 2,266,858 | 142 | 140 | 2,240,000 |
| MDS/MMDS | 1,130 | 140 | 1 | 158,200 | 160,097 | 142 | 140 | 158,200 |
| International Circuits | 228,000 | 4 | 1 | 912,000 | 922,935 | 4 | 4 | 912,000 |
| Int'l Public Fixed | 15 | 200 | 1 | 3,000 | 3,036 | 202 | 200 | 3,000 |
| Earth Stations | 5,700 | 330 | 1 | 1,881,000 | 1,903,553 | 334 | 335 | 1,909,500 |
| Space Stations (GeoSynch) | 39 | 75,000 | 1 | 2,925,000 | 2,960,071 | 75,899 | 75,900 | 2,960,100 |
| | | | | | | | | |
| ****** Total Estimated Revenue Collected | | | | $115,020,785 | $116,399,884 | | | $116,466,175 |
| ****** Total Revenue Requirement | | | | $116,400,000 | $116,400,000 | | | $116,400,000 |
| Difference | | | | ($1,379,215) | ($116) | | | $66,175 |
| ** 1.01199 factor applied | | | | | | | | |

## APPENDIX D—FY 1996 SCHEDULE OF REGULATORY FEES

| Fee category | Annual regulatory fee |
|---|---|
| Land Mobile (per license) (220–222 Mhz, above 470 Mhz, Base Station and SMRS) (47 CFR Part 90) | 6 |
| Microwave (per license) (47 CFR Part 101) | 6 |
| Interactive Video Data Service (per license) (47 CFR Part 95) | 6 |
| Marine (Ship) (per station) (47 CFR Part 80) | 3 |
| Marine (Coast) (per license) (47 CFR Part 80) | 3 |
| General Mobile Radio Service (per license) (47 CFR Part 95) | 3 |
| Land Mobile (per license) (all stations not covered above) | 3 |
| Aviation (Aircraft) (per station) (47 CFR Part 87) | 3 |
| Aviation (Ground) (per license) (47 CFR Part 87) | 3 |
| Amateur Vanity Call Signs (per call sign) (47 CFR Part 97) | 3 |
| CMRS Mobile Services (per unit) (47 CFR Parts 20, 22, 80 and 90) | .15 |
| CMRS One-Way Paging (per unit) (47 CFR Parts 20, 22 and 90) | .02 |
| Domestic Public Fixed Radio (per call sign) (47 CFR Part 21) | 140 |
| AM Radio (47 CFR Part 73): | |
| Class A | 1,125 |
| Class B | 630 |
| Class C | 255 |
| Class D | 315 |
| Construction Permits | 125 |
| FM Radio (47 CFR Part 73): | |
| Classes C, C1, C2, B | 1,125 |
| Classes A, B1, C3 | 755 |
| Construction Permits | 625 |
| TV (47 CFR Part 73) VHF Commercial: | |
| Markets 1–10 | 22,700 |
| Markets 11–25 | 20,175 |
| Markets 26–50 | 15,125 |
| Markets 51–100 | 10,100 |
| Remaining Markets | 6,300 |
| Construction Permits | 5,025 |
| TV (47 CFR Part 73) UHF Commercial: | |
| Markets 1–10 | 18,150 |
| Markets 11–25 | 16,150 |
| Markets 26–50 | 12,100 |
| Markets 51–100 | 8,075 |
| Remaining Markets | 5,025 |
| Construction Permits | 4,025 |
| Satellite Television Stations (All Markets) | 625 |
| Construction Permits—Satellite Television Stations | 230 |
| Low Power TV, TV/FM Translators & Boosters (47 CFR Part 74) | 170 |
| Broadcast Auxiliary (47 CFR Part 74) | 30 |
| Multipoint Distribution Service (per call sign) (47 CFR Part 21) | 140 |
| Cable Antenna Relay Service (47 CFR Part 78) | 295 |
| Cable Television Systems (per subscriber) (47 CFR Part 76) | .50 |
| Interstate Telephone Service Providers (per revenue dollar) | .00089 |
| Earth Stations (47 CFR Part 25) | 335 |
| Space Stations (per operational station in geosynchronous orbit) (47 CFR Part 25) also includes Direct Broadcast Satellite Service (per operational station) (47 CFR Part 100) | 63,500 |
| Low Earth Orbit Satellite (per operational system) (47 CFR Part 25) | 87,725 |
| INMARSAT/INTELSAT Signatory (per signatory) | 217,575 |
| International Circuits (per active 64KB circuit) | 4 |
| International Public Fixed (per call sign) (47 CFR Part 23) | 200 |
| International (HF) Broadcast (47 CFR Part 73) | 255 |

## APPENDIX E—COMPARISON BETWEEN FY 1995 AND FY 1996 REGULATORY FEES

| Fee category | Annual regulatory fee FY 1995 | Proposed annual regulatory fee FY 1996 |
|---|---|---|
| Land Mobile (per license) (220–222 Mhz, above 470 Mhz, Base Station and SMRS) (47 CFR Part 90) | 6 | 6 |
| Microwave (per license) (47 CFR Part 101) | 6 | 6 |
| Interactive Video Data Service (per license) (47 CFR Part 95) | 6 | 6 |
| Marine (Ship) (per station) (47 CFR Part 80) | 3 | 3 |
| Marine (Coast) (per license) (47 CFR Part 80) | 3 | 3 |
| General Mobile Radio Service (per license) (47 CFR Part 95) | 3 | 3 |
| Land Mobile (per license) (all stations not covered above) | 3 | 3 |
| Aviation (Aircraft) (per station) (47 CFR Part 87) | 3 | 3 |
| Aviation (Ground) (per license) (47 CFR Part 87) | 3 | 3 |
| Amateur Vanity Call Signs (per call sign) (47 CFR Part 97) | 3 | 3 |

APPENDIX E—COMPARISON BETWEEN FY 1995 AND FY 1996 REGULATORY FEES—Continued

| Fee category | Annual regulatory fee FY 1995 | Proposed annual regulatory fee FY 1996 |
|---|---|---|
| CMRS Mobile Services (per unit) (47 CFR Parts 20, 22, 80 and 90) | .15 | .15 |
| CMRS One-Way Paging (per unit) (47 CFR Parts 20, 22, and 90) | .02 | .02 |
| Domestic Public Fixed Radio (per call sign) (47 CFR Part 21) | 140 | 140 |
| AM Radio (47 CFR Part 73): | | |
| Class A | 1,120 | 1,125 |
| Class B | 620 | 630 |
| Class C | 250 | 255 |
| Class D | 310 | 315 |
| Construction Permits | 125 | 125 |
| FM Radio (47 CFR Part 73): | | |
| Classes C, C1, C2, B | 1,120 | 1,125 |
| Classes A, B1, C3 | 745 | 755 |
| Construction Permits | 620 | 625 |
| TV (47 CFR Part 73) VHF Commercial: | | |
| Markets 1–10 | 22,420 | 22,700 |
| Markets 11–25 | 19,925 | 20,175 |
| Markets 26–50 | 14,950 | 15,125 |
| Markets 51–100 | 9,975 | 10,100 |
| Remaining Markets | 6,225 | 6,300 |
| Construction Permits | 4,975 | 5,025 |
| TV (47 CFR Part 73) UHF Commercial: | | |
| Markets 1–10 | 17,925 | 18,150 |
| Markets 11–25 | 15,950 | 16,150 |
| Markets 26–50 | 11,950 | 12,100 |
| Markets 51–100 | 7,975 | 8,075 |
| Remaining Markets | 4,975 | 5,025 |
| Construction Permits | 3,975 | 4,025 |
| Satellite Television Stations (All Markets) | 620 | 625 |
| Construction Permits—Satellite Television Stations | 225 | 230 |
| Low Power TV, TV/FM Translators & Boosters (47 CFR Part 74) | 170 | 170 |
| Broadcast Auxiliary (47 CFR Part 74) | 30 | 30 |
| Multipoint Distribution Service (per call sign) (47 CFR Part 21) | 140 | 140 |
| Cable Antenna Relay Service (47 CFR Part 78) | 290 | 295 |
| Cable Television Systems (per subscriber) (47 CFR Part 76) | .49 | .50 |
| Interstate Telephone Service Providers (per revenue dollar) | .00088 | .00089 |
| Earth Stations (47 CFR Part 25) | 330 | 335 |
| Space Stations (per operational station in geosynchronous orbit) (47 CFR Part 25) | 75,000 | 63,500 |
| Also includes Direct Broadcast Satellite Service (per operational station) (47 CFR Part 100) | n/a | 63,500 |
| Earth Orbit Satellite (per operational system) (47 CFR Part 25) | n/a | 87,725 |
| INMARSAT/INTELSAT Signatory (per signatory) | n/a | 217,575 |
| International Circuits (per active 64KB circuit) | 4 | 4 |
| International Public Fixed (per call sign) (47 CFR Part 23) | 200 | 200 |
| International (HF) Broadcast (47 CFR Part 73) | 250 | 255 |

## Appendix F—FY 1996 Guidelines for Regulatory Fee Categories

1. The guidelines below provide an explanation of regulatory fee categories established by the Schedule of Regulatory Fees in Section 9(g) of the Communications Act, 47 U.S.C. 159(g) as modified in the instant *Notice of Proposed Rulemaking.* Where regulatory fee categories need interpretation or clarification, we have relied on the legislative history of Section 9, our own experience in establishing and regulating the Schedule of Regulatory Fees for Fiscal Years (FY) 1994 and 1995 and the services subject to the fee schedule, and the comments of the parties in our proceeding to adopt fees for FY 1995. The categories and amounts set out in the schedule have been modified to reflect changes in the number of payment units, additions and changes in the services subject to the fee requirement and the benefits derived from the Commission's regulatory activities, and to simplify the structure of the schedule. The schedule may be similarly modified or adjusted in future years to reflect changes in the Commission's budget and in the services regulated by the Commission. *See* 47 U.S.C. 159(b) (2), (3).

2. *Exemptions.* Most licensees and other entities regulated by the Commission must pay regulatory fees in 1996. However, governments and nonprofit (exempt under Section 501 of the Internal Revenue Code) entities are exempt from paying regulatory fees and should not submit payment, but may be asked to submit a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental entity attesting to its exempt status. The governmental exemption applies even where the government-owned or community-owned facility is in direct competition with commercial stations. Other specific exemptions are discussed below in association with a particular service category or group.

1. Private Wireless Radio Services

3. Two levels of statutory fees were established for the Private Wireless Radio Services—exclusive use services and shared use services. Thus, licensees who generally receive a higher quality communication channel due to exclusive or lightly shared frequency assignments, will pay a higher fee than those who share marginal quality assignments. This dichotomy is consistent with the directive of section 9 that the regulatory fees reflect the benefits provided to the licensees. *See* 47 U.S.C. 159(b)(1)(A). In addition, because of the generally small amount of the fees assessed against Private Wireless Radio Service licensees, applicants for new licenses and reinstatements and for renewal of existing licenses are required to pay a regulatory fee covering the entire license term, with only a percentage of all licensees paying a regulatory fee in any one year. Applications for modification or assignment of existing authorizations do not require the payment of regulatory fees. The

expiration date of those authorizations will reflect only the unexpired term of the underlying license rather than a new license term.

*a. Exclusive Use Services*

4. *Land Mobile Services:* Regulatees in this category include those authorized under Part 90 of the Commission's Rules to provide limited access Wireless Radio service that allows high quality voice or digital communications between vehicles or to fixed stations to further the business activities of the licensee. These services, using the 220–222 MHz band and frequencies at 470 MHz and above, may be offered on a private carrier basis in the Specialized Mobile Radio Services (SMRS).[1]

For FY 1996, Land Mobile licensees will pay a $6 annual regulatory fee per license, payable for an entire five or ten year license term at the time of application for a new, renewal or reinstatement license.[2] The total regulatory fee due is either $30 for a license with a five year term or $60 for a license with a 10 year term.

5. *Microwave Services:* These services include private microwave systems and private carrier systems authorized under Part 101 of the Commission's Rules to provide telecommunications services between fixed points on a high quality channel of communications. Microwave systems are often used to relay data and to control railroad, pipeline and utility equipment. For FY 1996, Microwave licensees will pay a $6 annual regulatory fee per license, payable for an entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $60 for the ten year license term.

6. *Interactive Video Data Service (IVDS):* The IVDS is a two-way point-to-multi-point radio service allocated high quality channels of communications and authorized under Part 95 of the Commission's Rules. The IVDS provides information, products and services, and also the capability to obtain responses from subscribers in a specific service area. The IVDS is offered on a private carrier basis. For FY 1996, IVDS licensees will pay a $6 annual regulatory fee per license, payable for an entire five year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $30 for the five year term of the license.

*b. Shared Use Services*

7. *Marine (Ship) Service:* This service is a shipboard radio service authorized under Part 80 of the Commission's Rules to provide telecommunications between watercraft or between watercraft and shore-based stations. Radio installations are required by domestic and international law for large passenger or cargo vessels. Radio equipment may be voluntarily installed on smaller vessels, such as recreational boats. The recently enacted Telecommunications Act of 1996 gave the Commission the authority to license certain ship stations by rule rather than by individual license. Private boat operators sailing entirely within domestic U.S. waters and who are not otherwise required by treaty or agreement to carry a radio, may no longer be required to hold a marine license if the Commission enacts rules to that effect, and they will not be required to pay a regulatory fee. For FY 1996, parties required to be licensed and those choosing to be licensed for Marine (Ship) Stations will pay a $3 annual regulatory fee per station, payable for an entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $30 for the ten year license term.

8. *Marine (Coast) Service:* This service includes land-based stations in the maritime services, authorized under Part 80 of the Commission's Rules, to provide communications services to ships and other watercraft in coastal and inland waterways. For FY 1996, licensees of Marine (Coast) Stations will pay a $3 annual regulatory fee per call sign, payable for the entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 per call sign for the five year license term.

9. *Private Land Mobile (Other) Services:* These services include Land Mobile Radio Services operating under Parts 90 and 95 of the Commission's Rules. Services in this category provide one or two way communications between vehicles, persons or to fixed stations on a shared basis and include radiolocation services, industrial radio services and land transportation radio services. For FY 1996, licensees of services in this category will pay a $3 annual regulatory fee per call sign, payable for an entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 for the five year license term.

10. *Aviation (Aircraft) Service:* These services include stations authorized to provide communications between aircraft and from aircraft to ground stations and includes frequencies used to communicate with air traffic control facilities pursuant to Part 87 of the Commission's Rules. The recently enacted Telecommunications Act of 1996 gave the Commission the authority to license certain aircraft radio stations by rule rather than by individual license. Private aircraft operators flying entirely within domestic U.S. airspace and who are not otherwise required by treaty or agreement to carry a radio, may no longer be required to hold an aircraft license if the Commission enacts rules to that effect, and they will not be required to pay a regulatory fee. For FY 1996, parties required to be licensed and those choosing to be licensed for Aviation (Aircraft) Stations will pay a $3 annual regulatory fee per station, payable for the entire ten year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $30 per station for the ten year license term.

11. *Aviation (Ground) Service:* This service includes stations authorized to provide ground-based communications to aircraft for weather or landing information, or for logistical support pursuant to Part 87 of the Commission's Rules. Certain ground-based stations which only serve itinerant traffic; i.e., possess no actual units on which to assess a fee, are exempt from payment of regulatory fees. For FY 1996, licensees of Aviation (Ground) Stations will pay a $3 annual regulatory fee per license, payable for the entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee is $15 per call sign for the five year license term.

12. *General Mobile Radio Service (GMRS):* These services include Land Mobile Radio licensees providing personal and limited business communications between vehicles or to fixed stations for short-range, two-way communications pursuant to Part 95 of the Commission's Rules. For FY 1996, GMRS licensees will pay a $3 annual regulatory fee per license, payable for an entire five year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $15 per license for the five year license term.

*c. Amateur Radio Vanity Call Signs*

13. *Amateur Vanity Call Signs:* This fee covers voluntary requests for specific call signs in the Amateur Radio Service authorized under part 97 of the Commission's Rules. For FY 1996, applicants for Amateur Vanity Call-Signs will pay a $3 annual regulatory fee per call sign, payable for an entire ten year license term at the time of application for a vanity call sign. The total regulatory fee due would be $30 per license for the ten year license term.[3]

*d. Commercial Wireless Radio Services*

14. *Commercial Mobile Radio Services (CMRS) Mobile Services:* The Commercial Mobile Radio Service (CMRS) is a new ''umbrella'' descriptive term attributed to various existing services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS Mobile Services include certain licensees which formerly were licensed as part of the Private Radio Services (e.g., Specialized Mobile Radio Services) and others formerly licensed as part of the Common Carrier Radio Services (e.g., Public Mobile Services and Cellular Radio Service). While specific rules pertaining to each covered service remain in separate Parts 22, 80 and 90; general rules for CMRS are contained in Part 20. We have replaced the Public Mobile/Cellular Radio regulatory fee category with a CMRS Mobile Services category for regulatory fee collection purposes. CMRS Mobile Services will

[1] This category only applies to licensees of shared-use private 220–222 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected not to change to the Commercial Mobile Radio Service (CMRS). Those who have elected to change to the CMRS are referred to paragraph 14 of this Appendix.

[2] Although this fee category includes licenses with ten year terms, the estimated volume of ten year license applications in FY 1996 is less than one tenth of one percent and, therefore, is statistically insignificant.

[3] Section 9(h) exempts ''amateur radio operator licenses under Part 97 of the Commission's rules (47 CFR Part 97)'' from the requirement. However, Section 9(g)'s fee schedule explicitly includes ''Amateur vanity call signs'' as a category subject to the payment of a regulatory fee.

include: qualifying Business Radio Services, 220–222 MHz Land Mobile Systems, Specialized Mobile Radio Services (Part 90);[4] Public Coast Stations (Part 80); Public Mobile Radio, Cellular, 800MHz Air-Ground Radiotelephone, and Offshore Radio Services (Part 22). Each licensee in this group will pay an annual regulatory fee for each mobile or cellular unit (mobile or cellular call sign or telephone number), including two-way paging units, assigned to its customers, including resellers of its services. For FY 1996, the regulatory fee is $.15 per unit.

15. *Personal Communications Service (PCS):* For FY 1996, the Personal Communications Service (PCS) covered by Part 24 of the rules is exempt from payment of regulatory fees.

16. *Commercial Mobile Radio Services (CMRS) One-Way Paging Services:* The Commercial Mobile Radio Service (CMRS) is a new ''umbrella'' descriptive term attributed to various existing services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS One-Way Paging Services include certain licensees which formerly were licensed as part of the Private Radio Services (e.g., Private Paging) and others formerly licensed as part of the Common Carrier Radio Services (e.g., Public Mobile One-Way Paging). While specific rules pertaining to each covered service remain in separate Parts 22 and 90; general rules for CMRS are contained in Part 20. We have replaced the Public Mobile One-Way Paging regulatory fee category with a CMRS One-Way Paging Services category for regulatory fee collection purposes. Each licensee in the Public Mobile One-Way Paging Services will pay an annual regulatory fee for each paging unit, assigned to its customers, including resellers of its services. For FY 1996, the regulatory fee is $.02 per unit.

2. Mass Media Services

17. The regulatory fees for the Mass Media fee category apply to broadcast licensees and permittees. Noncommercial Educational Broadcasters are exempt from regulatory fees.

*a. Commercial AM and FM Radio*

18. These categories include licensed Commercial AM (Classes A, B, C, and D) and FM (Classes A, B, B1, C, C1, C2, and C3) Radio Stations operating under Part 73 of the Commission's Rules.[5] The regulatory fees for AM and FM Stations for FY 1996 are as follows:

| | |
|---|---|
| AM Radio: | |
| Class A | $1,125 |
| Class B | 630 |
| Class C | 255 |
| Class D | 315 |
| FM Radio: | |
| Classes C, C1, C2, B | 1,125 |
| Classes A, B1, C3 | 755 |

*b. Construction Permits—Commercial AM Radio*

19. This category includes holders of permits to construct new Commercial AM Stations. For FY 1996, permittees will pay a fee of $125 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable and licensees would be required to pay the applicable fee for the designated class of the station.

*c. Construction Permits—Commercial FM Radio*

20. This category includes holders of permits to construct new Commercial FM Stations. For FY 1996, permittees will pay a fee of $625 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a regulatory fee based upon the designated class of the station.

*d. Commercial Television Stations*

21. This category includes licensed Commercial VHF and UHF Television Stations covered under Part 73 of the Commission's Rules, except commonly owned Television Satellite Stations, addressed separately below. Markets are Nielsen Designated Market Areas (DMA) as listed in the *Television & Cable Factbook*, Stations Volume No. 63, 1995 Edition, Warren Publishing, Inc. The fees for each category of station are as follows:

VHF Markets 1–10—$22,700
VHF Markets 11–25—$20,175
VHF Markets 26–50—$15,125
VHF Markets 51–100—$10,100
VHF Remaining Markets—$6,300
UHF Markets 1–10—$18,150
UHF Markets 11–25—$16,150
UHF Markets 26–50—$12,100
UHF Markets 51–100—$8,075
UHF Remaining Markets—$5,025

*e. Commercial Television Satellite Stations*

22. Commonly owned Television Satellite Stations in any market (authorized pursuant to Note 5 of Section 73.3555 of the Commission's Rules) that retransmit programming of the primary station are assessed a fee of $625 annually. Only those stations designated as Television Satellite Stations in the 1995 Edition of the *Television and Cable Factbook* are eligible to submit the fee applicable to Television Satellite Stations. All other television licensees are subject to the regulatory fee payment required for their class of station and market.

*f. Construction Permits—Commercial VHF Television Stations*

23. This category includes holders of permits to construct new Commercial VHF Television Stations. For FY 1996, VHF permittees will pay an annual regulatory fee of $5,025. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

*g. Construction permits—Commercial UHF Television Stations*

24. This category includes holders of permits to construct new UHF Television Stations. For FY 1996, UHF Television permittees will pay an annual regulatory fee of $4,025. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

*h. Construction Permits—Satellite Television Stations*

25. The fee for UHF and VHF Television Satellite Station construction permits for FY 1996 is $230. An individual regulatory fee payment is to be made for each Television Satellite Station construction permit held.

*i. Low Power Television, FM Translator and Booster Stations, TV Translator and Booster Stations*

26. This category includes Low Power UHF/VHF Television stations operating under Part 74 of the Commission's Rules with a transmitter power output limited to 0.01 kw for a UHF facility and, generally, 1 kw for a VHF facility. Low Power Television (LPTV) stations may retransmit the programs and signals of a TV Broadcast Station, originate programming, and/or operate as a subscription service. This category also includes translators and boosters operating under Part 74 which rebroadcast the signals of full service stations on a frequency different from the parent station (translators) or on the same frequency (boosters). The stations in this category are secondary to full service stations in terms of frequency priority. We have also received requests for waivers of the regulatory fees from operators of community based Translators. These Translators are generally not affiliated with commercial broadcasters, they are nonprofit, nonprofitable, or only marginally profitable, serve small rural communities, and are supported financially by the residents of the communities served. We are aware of the difficulties these Translators have in paying even minimal regulatory fees, and we have addressed those concerns in the ruling on reconsideration of the *FY 1994 Order.* Community based Translators are exempt from regulatory fees. For FY 1996, licensees in this category will pay a regulatory fee of $170 for each license held.

*j. Broadcast Auxiliary Stations*

27. This category includes licensees of remote pickup stations, Aural Broadcast Auxiliary Stations, Television Broadcast Auxiliary Stations, and Low Power Auxiliary Stations, authorized under Part 74 of the Commission's Rules. Auxiliary Stations are generally associated with a particular television or radio broadcast station or cable television system. For FY 1996, licensees of Commercial Auxiliary Stations will pay a $30 annual regulatory fee on a per call sign basis.

[4] This category does not include licensees of private shared-use 220 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected to remain non-commercial. Those who have elected not to change to the Commercial Mobile Radio Service (CMRS) are referred to paragraph 4 of this Appendix.

[5] The Commission acknowledges that certain stations operating in Puerto Rico and Guam have been assigned a higher level station class than would be expected if the station were located on the mainland. Although this results in a higher regulatory fee, we believe that the increased interference protection associated with the higher station class is necessary and justifies the fee.

*k. Multipoint Distribution Service*

28. This category covers Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS), authorized under Part 21 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. For FY 1996, MDS and MMDS stations will pay an annual regulatory fee of $140 per call sign.

3. Cable Services

*a. Cable Television Systems*

29. This category includes operators of Cable Television Systems, providing or distributing programming or other services to subscribers under Part 76 of the Commission's Rules. For FY 1996 Cable Systems will pay a regulatory fee of $.50 per subscriber.[6] Payments for Cable Systems are to be made on a per subscriber by community unit basis as of December 31, 1995, as reported on each Cable Systems's 1995 Annual Report of Cable Systems (FCC Form 325). Cable Systems should determine their subscriber numbers by calculating the number of single family dwellings, the number of individual households in multiple dwelling units, *e.g.*, apartments, condominiums, mobile home parks, etc., paying at the basic subscriber rate, the number of bulk rate customers and the number of courtesy or fee customers. In order to determine the number of bulk rate subscribers, a system should divide its bulk rate charge by the annual subscription rate for individual households. *See FY 1994 Order,* Appendix B at para. 31.

*b. Cable Antenna Relay Service*

30. This category includes Cable Antenna Relay Service (CARS) stations used to transmit television and related audio signals, signals of AM and FM Broadcast Stations and cablecasting from the point of reception to a terminal point from where the signals are distributed to the public by a Cable Television System. For FY 1996, licensees will pay an annual regulatory fee of $295 per CARS license.

4. Common Carrier Services

*a. Fixed Radio Services*

31. *Domestic Public Fixed Radio Service*: This category includes licensees in the Point-to-Point Microwave Radio Service, Local Television Transmission Radio Service, Digital Electronic Message Service, authorized under Part 21 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. For FY 1996, Domestic Public Fixed Radio Service licensees pay a $140 annual regulatory fee per call sign.

*b. Interstate Telephone Service Providers*

32. This category includes Inter-Exchange Carriers (IXCs), Local Exchange Carriers (LECs), Competitive Access Providers (CAPs), domestic and international carriers that provide operator services, Wide Area Telephone Service (WATS), 800, 900, telex, telegraph, video, other switched, interstate access, special access, and alternative access services either by using their own facilities or by reselling facilities and services of other carriers or telephone carrier holding companies, and companies other than traditional local telephone companies that provide interstate access services to long distance carriers and other customers. This category also includes pre-paid calling card providers. These common carriers, including resellers, must submit fee payments based upon their proportionate share of gross interstate revenues using the methodology that we have adopted for calculating contributions to the TRS fund. *See Telecommunications Relay Services,* 8 FCC Rcd 5300 (1993), 58 FR 39671 (July 26, 1993). In order to avoid imposing any double payment burden on resellers, we will permit carriers to subtract from their gross interstate revenues, as reported to NECA in connection with their TRS contribution, any payments made to underlying common carriers for telecommunications facilities and services, including payments for interstate access service, that are sold in the form of interstate service. For this purpose, resold telecommunications facilities and services are only intended to include payments that correspond to revenues that will be included by another carrier reporting interstate revenue. For FY 1996, carriers should multiply their adjusted gross revenue figure (gross revenue reduced by the total amount of their payments to underlying common carriers for telecommunications facilities or services) by the factor 0.00089 to determine the appropriate fee for this category of service. You may want to use the following worksheet to determine your fee payment:

| | Total | Interstate |
|---|---|---|
| (1) Revenue reported in TRS Fund worksheets | | |
| (2) Less: Access charges paid | | |
| (3) Less: Other telecommunications facilities and services taken for resale | | |
| (4) Adjusted revenues (1) minus (2) minus (3) | | |
| (5) Fee factor ..... | ..... | 0.00089 |
| (6) Fee due (4) times (5) | | |

5. International Services

*a. Earth Stations*

33. Very Small Aperture Terminal (VSAT) Earth Stations, equivalent C-Band Earth Stations and antennas, and earth station systems comprised of very small aperture terminals operate in the 12 and 14 GHz bands and provide a variety of communications services to other stations in the network. *VSAT* systems consist of a network of technically-identical small Fixed-Satellite Earth Stations which often include a larger hub station. VSAT Earth Stations and C-Band Equivalent Earth Stations are authorized pursuant to Part 25 of the Commission's Rules. *Mobile Satellite Earth Stations,* operating pursuant to Part 25 of the Commission's Rules under blanket licenses for mobile antennas (transceivers), are smaller than one meter and provide voice or data communications, including position location information for mobile platforms such as cars, buses or trucks.[7] *Fixed-Satellite Transmit/Receive and Transmit Only Earth Station antennas,* authorized or registered under Part 25 of the Commission's Rules, are operated by private and public carriers to provide telephone, television, data, and other forms of communications. Included in this category are telemetry, tracking, and control (TT&C) earth stations and earth station uplinks. For FY 1996, licensees of VSATs, Mobile Satellite Earth Stations, and Fixed-Satellite Transmit/Receive and Transmit Only Earth Stations will pay a fee of $335 per authorization or registration *as well as a separate fee of $335 for each associated Hub Station.*

34. *Receive only earth stations.* For FY 1996, there is no regulatory fee for receive-only earth stations.

*b. Space Stations (Geosynchronous)*

35. Geosynchronous Space Stations are domestic and international satellites positioned in orbit to remain approximately fixed relative to the earth. Most are authorized under Part 25 of the Commission's Rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. In addition, this category includes Direct Broadcast Satellite (DBS) Service which includes space stations authorized under Part 100 of the Commission's rules to transmit or re-transmit signals for direct reception by the general public encompassing both individual and community reception. For FY 1996, entities authorized to operate geosynchronous space stations (including DBS satellites) will be assessed an annual regulatory fee of $63,500 per operational station in orbit. Payment is required for any geosynchronous satellite that has been launched and tested and is authorized to provide service.

*c. Low Earth Orbit Satellites (LEOs)*

36. Low Earth Orbit Satellite Systems are space stations that orbit the earth in non-geosynchronous orbit. They are authorized under Part 25 of the Commission's rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. For FY 1996, entities authorized to operate Low Earth Orbit Satellite Systems will be assessed an annual regulatory fee of $87,725 per operational system in orbit. Payment is required for any LEO System that has one or more operational satellites.

[6] Cable systems are to pay their regulatory fees on a per subscriber basis rather than per 1,000 subscribers as set forth in the statutory fee schedule. *See FY 1994 Order* at para. 100.

[7] Mobile earth stations are vehicle-based units capable of operation while the vehicle is in motion. In contrast, transportable units are moved to a fixed location and operate in a stationary (fixed) mode. Both are assessed the same regulatory fee for FY 1996.

*d. Signatories*

37. A *Signatory to INMARSAT* is an Administration or government, or the telecommunications entity designated as sole operating entity by an Administration or government, which participates in the International Mobile Satellite Organization (INMARSAT) in order to develop and operate a global maritime satellite telecommunication system which serves maritime commercial and safety needs of the United States and foreign countries. A *Signatory to INTELSAT* is an Administration or government, or the telecommunications entity designated as sole operating entity by an Administration or government, which participates in the International Telecommunications Satellite Organization (INTELSAT) in order to develop, construct, operate and maintain the space segment of the global commercial telecommunications satellite system established under the Interim Agreement and Special Agreement signed by Governments on August 20, 1964. For FY 1996, Signatories to INMARSAT and INTELSAT will be assessed an annual regulatory fee of $217,575 in order to recover the cost of the Commission's regulatory activities associated with such entities.

*e. International Bearer Circuits*

38. Regulatory fees for International Bearer Circuits are to be paid by the facilities-based common carrier activating the circuit in any transmission facility for the provision of service to an end user or resale carrier. Payment of the fee for bearer circuits by private submarine cable operators is required for circuits sold on an indefeasible right of use (IRU) basis or leased to any customer other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. *Compare FY 1994 Order* at 5367. The fee is based upon active 64 Kbps circuits, or equivalent circuits. Under this formulation, 64 Kbps circuits or their equivalent will be assessed a fee. Equivalent circuits include the 64 Kbps circuit equivalent of larger bit stream circuits. For example, the 64 Kbps circuit equivalent of a 2.048 Mbps circuit is 30 64 Kbps circuits. Analog circuits such as 3 and 4 KHz circuits used for international service are also included as 64 Kbps circuits. However, circuits derived from 64 Kbps circuits by the use of digital circuit multiplication systems are not equivalent 64 Kbps circuits. Such circuits are not subject to fees. Only the 64 Kbps circuit from which they have been derived will be subject to payment of a fee. For FY 1996, the regulatory fee is $4.00 for each active 64 Kbps circuit or equivalent. For analog television channels we will assess fees as follows:

| Analog Television Channel Size in MHz | No. of equivalent 64 Kbps Circuits |
|---|---|
| 36 | 630 |
| 24 | 288 |
| 18 | 240 |

*f. International Public Fixed*

39. This fee category includes common carriers authorized under Part 23 of the Commission's Rules to provide radio communications between the United States and a foreign point via microwave or HF troposcatter systems, other than satellites and satellite earth stations, but not including service between the United States and Mexico and the United States and Canada using frequencies above 72 MHz. For FY 1996, International Public Fixed Radio Service licensees will pay a $200 annual regulatory fee per call sign.

*g. International (HF) Broadcast*

40. This category covers International Broadcast Stations licensed under Part 73 of the Commission's Rules to operate on frequencies in the 5,950 khz to 26,100 Khz range to provide service to the general public in foreign countries. For FY 1996, International HF Broadcast Stations will pay an annual regulatory fee of $255 per station license.

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BILLING CODE 6712–01–P

## 47 CFR Part 76

**[CS Docket No. 96–60; FCC 96–122]**

## Cable Television Leased Commercial Access

**AGENCY:** Federal Communications Commission.

**ACTION:** Further Notice of Proposed Rulemaking.

**SUMMARY:** The Commission has adopted an Order on Reconsideration of the First Report and Order and Further Notice of Proposed Rulemaking regarding implementation of the leased commercial access provisions of the 1992 Cable Act. The Order on Reconsideration segment of this decision may be found elsewhere in this issue of the Federal Register. The Further Notice of Proposed Rulemaking (''Further Notice'') segment invites comment on whether the Commission should amend its commercial leased access rules regarding maximum reasonable rates, part-time rates, preferential access, tier and channel placement, operators' obligation to open new leased access channels and bump existing non-leased access services, selection of leased access programmers, minority and educational programmers, procedures for resolution of disputes, and resale of leased access time. The Further Notice is intended to respond to certain petitions for reconsideration of the Commission's current leased access rules.

**DATES:** Comments are due on or before May 15, 1996, and reply comments are due on or before May 31, 1996. Written comments by the public on the proposed and/or modified information collections are due May 15, 1996. Written comments must be submitted by the Office of Management and Budget (''OMB'') on the proposed and/or modified information collections on or before June 14, 1996.

**ADDRESSES:** Office of Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

**FOR FURTHER INFORMATION, CONTACT:** Lynn Crakes, Cable Services Bureau, (202) 416–0800. For additional information concerning the information collections contained in this Further Notice, contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Further Notice of Proposed Rulemaking, CS Docket No. 96–60, adopted March 21, 1996, and released March 29, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1919 M Street, NW., Washington, DC 20554.

Synopsis of the Further Notice of Proposed Rulemaking

I. Maximum Rate Formula

1. The Commission believes that its goal in determining a maximum reasonable rate should be to promote the statutory objectives of competition and diversity in programming sources without financially burdening the operators, rather than to develop a price that will necessarily be lower or higher than rates derived under the current highest implicit fee formula. The Commission believes that, if the maximum rate for leased access is reasonable, the resulting demand for leased access channels will also be reasonable. It is in this context that the Commission is re-examining the highest implicit fee formula. The Commission believes that the highest implicit fee formula is likely to overcompensate

cable operators and does not sufficiently promote the goals underlying the leased access provisions. The Commission has therefore developed an alternative that it believes may better promote the goals of leased access.

*A. Economic Justification for the Proposed Cost/Market Rate Formula*

2. The Commission tentatively concludes that its approach to setting a maximum rate should (a) encourage the use of the set-aside channels without giving programmers a subsidy, and (b) allocate the channels to the leased access programmers that value the channels most (i.e., are willing to pay the most) when the demand for leased access channels exceeds the statutory set-aside requirement. The Commission therefore tentatively concludes that the maximum rate for leased access should depend on whether a cable operator is leasing its full statutory set-aside requirement. The Commission requests comment on these tentative conclusions.

3. The Commission also tentatively concludes that, when the set-aside capacity is not fully leased to unaffiliated programmers (or minority or educational programmers pursuant to Section 612(i) of the Communications Act), the maximum rate should be based on the operator's reasonable costs (i.e., the costs of operating the cable system plus the additional costs related to leased access), including a reasonable profit. The Commission believes that a cost-based pricing scheme can promote leased access without providing a subsidy to programmers. The purpose of the cost formula is not to lower rates; it does not ensure that leased access programming will increase or that the maximum rate for leased access programmers will decrease. Programmers who cannot afford the cost-based rate will not and should not gain access because they would impose a financial burden on operators.

4. In addition, the cost formula is not intended to guarantee that all operating costs will be fully recovered, but is intended to permit the operator to continue to recover the same proportion of operating costs from subscriber revenues as were recovered before the channel was used for leased access. Thus, under the proposed cost formula, the operator would not be adversely affected in terms of its ability to pay operating costs. The Commission asks for comment on these tentative conclusions.

5. The portion of the maximum rate for leased access channels included in a tier of programming which the Commission proposes be paid by the leased access programmer (the ''programmer charge'') would be based on the reasonable costs (including reasonable profits) that leased access imposes on the operator. Operators would be allowed to recover only those types of opportunity costs which can reasonably be attributed to carriage of the leased access programming and which are reasonably quantifiable.

6. On the other hand, the Commission tentatively concludes that if the operator satisfies its set-aside requirement, the maximum rate should be a market rate determined by negotiation between the operator and the leased access programmer. The Commission believes that market rates will most effectively determine which programmers should receive leased access on the system when the operator's set-aside is satisfied. Within the leased access market, those programmers who are able to pay the most for channel capacity would presumably be able to acquire the set-aside channels. The higher price which some leased access programmers may offer to pay for the channel capacity reflects the greater ability and willingness of consumers to pay for the programming to be carried on each of these channels. Thus, relying on market prices to allocate channel capacity provides consumers with an efficient mechanism to communicate their preferences about which leased access programming should be carried by the operator. The Commission seeks comment on these tentative conclusions.

7. The Commission recognizes that the market rate may rise above the operator's costs; such prices, however, are the result of competition among unaffiliated programmers to use the statutory leased access channel capacity. The Commission believes that, so long as the operator is accommodating leased access to the full extent required by Congress and Section 612, any price increase would be reasonable. Under the Commission's proposal, the operator cannot charge market rates if the number of channels leased falls below the number designated by the statute. Thus, a higher rate would reflect excess demand by programmers for the operator's statutory channel capacity.

8. In general, market power refers to the ability of a seller to restrict output below the desirable level and to set a price above costs (i.e., to set an unreasonable rate). In the leased access context, Congress has defined the appropriate level of output by establishing the set-aside requirement, and the operator cannot restrict the output below this level. Therefore, even if the market rate rises above the operator's costs, the Commission does not believe that the operator is charging unreasonable rates since Congress has determined the appropriate level of output. The Commission seeks comment on these tentative conclusions.

9. The Commission seeks comment on the extent to which negotiated rates are adequate to address Congress' mandate that the Commission set a maximum reasonable rate and the extent to which negotiated rates could be used to exercise editorial control over the leased access channels, contrary to Congress' intent. The Commission also asks for comment on how operators may choose between competing programmers. For instance, the Commission asks if operators should be required to select the highest bidder. The Commission also seeks comment on any alternatives for setting maximum rates when an operator is leasing its full set-aside capacity.

10. The Commission does not propose to maintain the programmer categories established under the highest implicit fee formula under the proposed cost formula. Our proposed cost formula is based purely on the operator's costs associated with its system and leased access programming. and does not base the maximum rate on the economics which the leased access programmer faces. The Commission therefore does not believe that treating different programmers differently is appropriate under the cost formula. Accordingly, the Commission tentatively concludes that it will not establish programmer categories for implementation of the cost formula, and requests comment on this tentative conclusion.

*B. Calculation of the Maximum Rate Under the Proposed Cost Formula*

1. Designating Channels

11. The Commission proposes that the cost formula determine a maximum leased access rate based on the cost of the channels designated to be used for leased access by an operator. The opportunity costs would be derived from the programming that is actually bumped from the operator's programming line-up.

12. To derive the channel cost under the proposed cost formula, an operator would first select the specific channels it would use for leased access programming, as demand arises, in order to meet its set-aside requirement. The Commission proposes that the operator would be required to place these channel designations, including the channel numbers and the programming carried on each channel at

the time the operator calculates the maximum rate under the cost formula, in its public file. The operator would be required to designate enough channels to satisfy its full set-aside requirement. Basing the rate on the actual designated channels would be attractive from an economic perspective because the compensation to the operator would be based on its actual costs of leasing the designated channels. The Commission requests comment on this proposal generally. The Commission also requests comment on how the Commission might restrict an operator's ability to manipulate its designation of channels so as to derive a prohibitively high rate in an effort to impede leased access. For example, the Commission asks whether there should be a presumption against an operator designating only its highest valued channels in such a way as to inflate its maximum leased access rate. The Commission also asks whether operators should be permitted to base their maximum rate calculation on affiliated programming, if the operator designates channels that carry such affiliated programming.

2. Operating Costs

13. The first component of the proposed cost formula is the operating costs. The Commission tentatively defines operating costs to include fixed and variable costs that the cable operator incurs regardless of what programming is carried over the channel. Commission data shows that, in the tier context, this component, including a reasonable rate of return, is substantially covered by the revenue the operator receives from subscribers. Using subscriber revenue as a proxy for the operating costs for tiered channels allows the operator to recover its operating costs to the same extent as it did with non-leased access programming on the channel. The Commission therefore tentatively concludes that it is appropriate for purposes of the proposed cost formula to designate subscriber revenue as the operator's payment toward its operating costs. Thus, the operator would not need to calculate its operating costs for channels that are currently on programming tiers (or dark), and would instead use the amount representing the average subscriber revenue per channel as its operating costs per channel in calculating the cost formula.

14. Similarly, the Commission proposes that operators would not need to calculate their operating costs for channels that are currently carried as premium services or on unregulated programming tiers. As with channels carried on regulated programming tiers, the Commission believes that using the subscriber revenue for an unregulated channel as its payment toward its operating costs will allow the operator to recover its operating costs to the same extent as it does with the non-leased access programming carried on the channel. The Commission recognizes that unregulated subscriber revenue might recover more than the operator's operating costs; however, the Commission believes that any profit which is generated from subscriber revenue could be viewed as an opportunity cost imposed on the operator who forgoes these profits when this channel is used to carry leased access programming. For simplicity, the Commission proposes not to require the operator to deduct this lost profit from the operating cost portion of the formula simply to add it back to the opportunity cost portion. The Commission seeks comment on these tentative conclusions.

3. Net Opportunity Costs

15. The Commission proposes that the second component of the cost formula, ''net opportunity costs,'' would include the reasonable costs (or cost savings) that the operator incurs by leasing the channel to the leased access programmer that it would not have incurred had it continued with the current use of the channel. In other words, the net opportunity cost portion of the cost formula would include reasonably quantifiable costs (or savings) associated with carrying the leased access programming instead of other programming. The Commission recognizes that our proposed formula does not incorporate all opportunity costs. As discussed below, some costs are not easily quantified; other costs the Commission does not believe are appropriate to include in the leased access fee. In order to provide some uniformity in the calculation of opportunity costs, the Commission proposes to identify categories of quantifiable costs which operators may include in calculating the cost formula.

16. The first category of opportunity costs for which the Commission proposes to allow recovery is lost advertising revenues. This type of lost revenue would be a quantifiable opportunity cost when the operator is forced to bump a non-leased access programmer to accommodate the leased access programmer, or when the operator is forced to forego placing new programming on a dark channel. The Commission does not propose to reduce the opportunity cost for lost advertising revenue by the value of any advertising time the operator may receive from the leased access programmer. The Commission believes that the leased access programmer is entitled to pay no more than the maximum rate, regardless of whether the operator receives advertising time. If the leased access programmer does not want to give the operator advertising time, the Commission tentatively concludes that the programmer is not required to do so. On the other hand, if the programmer wishes to bargain for a lower rate in exchange for advertising time, the Commission believes such bargaining is fully permitted by our rules and is a matter to be negotiated between the parties. The Commission requests comment on these tentative conclusions.

17. The Commission proposes that the second opportunity cost category should be lost commissions. If, for example, to accommodate a leased access channel, an operator were to bump a direct sales programmer from which the operator receives a percentage of the programmer's revenues, those commissions constitute a quantifiable opportunity cost which the Commission proposes be factored into the cost formula. The Commission requests comment on this proposal.

18. On the other hand, the Commission also believes that any program license fee that the operator does not have to pay because the non-leased access programming is not being carried is a cost savings. The Commission believes that such a cost savings should be factored into the calculation of the operator's net opportunity cost. The Commission tentatively concludes that cable operators should be required to deduct any license or programming fees that the operator does not have to pay due to the carriage of the leased access programming. One possible concern is the extent to which either the operator or the programmer can influence the license fees paid for non-leased access programming. The Commission asks how, if at all, the operator or programmer can influence the programming license fee and how that influence might affect the Commission's measurement of programming cost savings under the proposed cost formula.

19. Another cost category which the Commission believes may be appropriate relates to technical costs (e.g., the cost of scrambling) incurred by the operator in offering leased access programming. If, for example, a programmer asks to lease channel capacity for a premium service, an operator may incur additional costs of

limiting that programming to subscribers of the leased access service. Thus, under our proposed cost formula, those costs could be included in calculating the maximum rate. The Commission proposes to distinguish these technical costs from those for technical support for which the operator is permitted to charge separately. The Commission requests comment on these proposals.

20. Another potential opportunity cost category could be any reduction in the tier charge that the operator charges the subscriber when the reduction is caused by substituting the leased access programming for non-leased access programming. Although the Commission believes that there would be no such lost subscriber revenue under the Commission's going forward methodology, it seeks comment on how an operator might be able to demonstrate that its subscriber revenue is quantifiably reduced on a specific designated channel because of the leased access programming carried on that same channel, and, if this is possible, whether the operator should be permitted to include this loss in the cost formula.

21. The Commission tentatively concludes that the cost formula should not explicitly include revenue lost because of a purported loss in subscribership to a particular tier because particular programming is dropped. The Commission tentatively concludes that, in the tier context, any such subscriber loss is too speculative to measure accurately. In the premium context, however, the Commission believes that this subscriber loss is included by allowing the operator to include an amount in the proposed cost formula equal to the total subscriber revenue for the bumped channel. In addition, operators would be able to consider any potential loss of subscribership in deciding which channels to designate for leased access. Nonetheless, the Commission requests comment on how our cost formula might measure changes in subscriber penetration due to the addition of leased access programming.

22. The Commission also recognizes that there may be opportunity costs associated with using a channel for leased access which does not currently carry programming, i.e., a dark channel. The Commission believes that the presence of dark channels on a system does not necessarily indicate a lack of available programming. As an example, an operator might reserve a dark channel in anticipation of more desirable programming becoming available in the future. The Commission proposes to allow operators to approximate the opportunity costs of dark channels by assigning dark channels the per channel opportunity cost of the programmed channels on the system with opportunity costs that have the lowest positive values, not including programmed channels that the operators are required to carry such as must-carry stations, public, educational and governmental (''PEG'') access channels, or any leased access channels already being carried. If one designated channel is dark, the operator would assign it the opportunity cost of the programmed channel on the system which has the opportunity cost with the lowest positive value; if an operator designates two dark channels for leased access, it would assign the opportunity cost of the two programmed channels on the system which have the lowest opportunity cost with a positive value, and so on. The Commission seeks comment on this proposal.

23. The Commission believes that it is necessary to use only channels with positive opportunity costs as proxies for dark channels, because operators generally will not carry programming that has a negative economic benefit to them, which is what a negative opportunity cost value would indicate. The Commission suspects that, if a channel has a negative net opportunity cost, it may be because the cost formula does not include an approximation of the value of subscriber penetration. Although the Commission does not believe that it can accurately measure loss in subscriber penetration that may be caused by substituting leased access programming for non-leased access programming for purposes of the cost formula, the Commission tentatively concludes that using only those channels with a positive opportunity cost as proxies for dark channels will compensate for this limitation. As also stated above, however, the Commission requests comment on how it might measure changes in subscriber penetration due to the addition of leased access programming. The Commission asks how it might identify which channels should not be deemed to have the lowest opportunity cost for purposes of approximating the opportunity costs of dark channels.

4. Averaging the Per Channel Costs for All Designated Channels

24. Because the operator may select designated channels from the basic service tier (''BST''), any cable programming service tier (''CPST''), or premium services, the Commission believes that the corresponding per channel costs will vary depending on the number of subscribers that receive each service. Consequently, the Commission proposes that all costs must be computed on a per channel basis rather than on a per subscriber basis. As discussed below, the per channel costs for each designated channel could then be used to determine the average channel costs of a designated channel.

25. The Commission tentatively concludes that applying an average channel cost to leased access will promote fairness because all leased access programmers will be subject to the same maximum rate. The Commission notes that an operator's designation of leased access channels is made independently of the leased access programmer's request for access. The Commission does not believe that the operator should be required to bump the same type of service (i.e., a channel on the BST, a CPST, or a premium channel) that is requested by the leased access programmer. The Commission also believes that averaging the channel costs would mitigate against the operator's ability to manipulate the cost formula by designating one high cost channel and requiring a particular leased access programmer that the operator wants to keep off its system to pay the opportunity costs for that particular programming.

26. Therefore, the Commission proposes that, after the operator has calculated the per channel opportunity costs and added the corresponding subscriber revenue (as a proxy for operating costs) to obtain a total per channel cost, the operator should average these per channel costs by adding them all together and dividing by the number of designated channels. The result would be the Commission's proposed cost-based maximum rate for a leased access channel if the operator has not fulfilled its leased access set-aside requirement. The Commission seeks comment on whether averaging the per channel costs is appropriate under the proposed cost formula.

5. Calculating the Leased Access Programmer Charge

27. Under our proposed cost formula, once the operator determines the maximum rate as set forth above, the operator would determine how much of that maximum rate it could charge the leased access programmer. If the leased access programming is to be carried on a programming tier, the proposed cost formula would allow the operator to collect and retain revenue for that channel from the subscribers to the tier as payment for its operating costs. However, to avoid a double recovery by

the operator, the operator would not be permitted to include these operating costs in computing the portion of the maximum rate that the operator may charge the leased access programmer. The operator would therefore be required to subtract the total subscriber revenue for the channel from the maximum rate. The difference would be the programmer charge, i.e., the maximum amount that the operator would be permitted to charge the leased access programmer directly. The Commission requests comment on this proposal.

28. The Commission tentatively concludes that if a leased access channel is to be carried as a premium service, the full maximum rate derived from the cost formula could be charged to the leased access programmer, to the extent that all of the monthly subscriber revenue for the leased access channel flows to the leased access programmer. The Commission believes that this is appropriate because the Commission cannot assume that the leased access premium service will attract the same subscribership as the non-leased access programming. Thus, the operator would be allowed to charge the full maximum rate which recovers its costs. In return, the programmer would receive all the subscriber revenues from its premium service. The Commission requests comment on these tentative conclusions.

6. Adjustment for Part-Time Administrative Costs

29. Regardless of whether the leased access programming is carried on a tier or as a premium service, the Commission recognizes that there may be additional costs associated with part-time leases. The Commission therefore tentatively concludes that operators should be permitted to charge a part-time leased access programmer the actual incurred costs of negotiating and administering the programmer's part-time contract which exceed what normally would be spent in negotiating and administering a full-time leased access programming contract. The Commission does not believe that it is more expensive for an operator to negotiate and administer a full-time leased access programming contract than it is for them to negotiate and administer a full-time non-leased access programming contract. The Commission therefore proposes not to allow operators to charge full-time leased access programmers for administrative costs. Under our proposal, the additional costs associated with part-time leasing would be added to the programmer charge derived in accordance with the procedures described above for determining rates for leased access programming carried on a tier or as a premium service. The Commission asks for comment on these tentative conclusions.

*C. Market Rate as the Maximum Rate*

30. As discussed above, the Commission believes that, once an operator fulfills its set-aside requirement, the maximum cost-based rate should be replaced by a market based rate and not capped by the proposed cost formula. Under this proposal, the operator would be allowed to charge whatever rate it could negotiate with the leased access programmers, as long as the operator continues to meet its statutory set-aside requirement. Whether the operator retains the subscriber revenue would be a matter negotiated between the parties. Leased access programmers would then be forced to compete against each other for limited channel space, much the same as non-leased access programmers do. The Commission tentatively concludes that the pressure on the operator to meet its set-aside requirement and the competition between the programmers seeking leased access will determine an appropriate market rate.

31. The Commission proposes that operators would be permitted to renegotiate the rate charged leased access programmers upon renewal of each programmer's contract, as long as the operator continues to fulfill its set-aside requirement. Thus, if the set-aside requirement has been filled, a current leased access programmer who gained access at the cost formula rate would have an opportunity at the end of its contract to bid against rival leased access programmers to obtain the right to continue to be carried on the system. If the amount of leased access programming being carried drops below the set-aside requirement, the operator would be required to return to the cost formula to determine the maximum rate on new programming contracts, as well as on contracts that are renewed at any time while the set-aside requirement is not met. The Commission seeks comment on this proposal generally, and asks whether this proposal complies with our statutory mandate to establish maximum reasonable rates. The Commission also seeks comment on whether operators could exercise editorial control over leased access programmers contrary to Congress' intent, if rates for leased access were market based. In addition, the Commission requests comment on alternatives for setting maximum reasonable rates when an operator has satisfied its set-aside requirement.

*D. Transition Period*

32. The Commission tentatively concludes that, on the effective date of the maximum rate-setting rules which the Commission will adopt in response to this Further Notice, operators should be required to implement the adopted formula, whatever it may be, for (a) programmers that are currently leasing channel capacity from an operator and (b) programmers demanding leased access on a system that has unused (or dark) channel capacity. The Commission requests comment on this tentative conclusion. The Commission believes, however, that transition relief may be appropriate in the case of new leased access requests with respect to systems that do not have any dark channels, where operators would be forced to bump existing programming in order to accommodate a leased access request. The Commission recognizes that, when an operator places non-leased access programming on a channel designated for leased access, the operator and programmer generally assume the risk that the programming may have to be bumped for a leased access programmer. The risk of having to bump, however, may increase with the introduction of whatever formula the Commission adopts, depending on the extent to which rates using the adopted formula affect the utilization of leased access. A transition to the new formula might (a) avoid unduly penalizing operators and programmers for decisions to use designated channels for non-leased access programming that were reasonably based on circumstances created by the Commission's previous rules, and (b) mitigate against the sudden disruption to subscribers' programming line-ups. The Commission therefore requests comment on whether it should phase in the proposed cost formula, or any other rate setting formula which the Commission may adopt, for those leased access requests that can only be accommodated by bumping existing non-leased access programming. The Commission also asks whether such transition relief should be applied to dark channels for which the operator has programming contracts in place. The Commission asks for comment on how a transition might be accomplished and the specific mechanism the Commission should employ. In this context, commenters should explain how any proposed transition period would be consistent with the Commission's obligation to establish maximum reasonable rates for leased access.

*E. Adjusting Leased Access Rates Over Time*

33. As described above, the proposed cost formula would require operators to designate the specific channels they will use to satisfy their set-aside requirement. The Commission proposes that an operator's selections are binding and the designated channels must be the ones that are in fact used to accommodate leased access requests. The Commission does not believe, however, that operators should be required to adhere to their initial designations indefinitely, since the popularity and profitability of a designated channel could unexpectedly increase and the operator might no longer want to use it for leased access. The Commission tentatively concludes that, in order to account for change, operators should be allowed to redesignate their unused leased access channel capacity on an annual basis. The Commission requests comment on these tentative conclusions, and asks how an operator's maximum leased access rates should be adjusted over time. Our presumption in allowing operators this flexibility is that operators generally will want to use their least profitable channels for leased access, and so will redesignate a channel that is less profitable than the one that is being replaced. If an operator redesignates a channel that is significantly more profitable than the previously selected channel, and the redesignation would raise the operator's maximum rate, the Commission tentatively concludes that the redesignation would be evidence of an attempt to inflate the maximum rate in contravention of the purposes of our rules and the statute.

34. In addition to permitting redesignation of leased access channels, the Commission tentatively concludes that operators should be permitted to recalculate their maximum rates annually, in order to account for changes in the allowable opportunity costs of designated channels that currently are not being used for leased access. The Commission requests comment on whether this annual recalculation is appropriate, and on whether it should occur on the anniversary of the effective date of our modified rules, each calendar year, or on some anniversary which is most appropriate for an individual operator (to coincide with its annual audits, for example). The Commission believes that allowing an operator to update its rates will better approximate the operator's changing costs of satisfying its leased access requirement. The Commission requests comment on whether our maximum rate should be cumulative over the life of the leased access contract so that an operator and a leased access programmer have the option, if mutually agreed upon, to establish a rate below the maximum rate during the first part of the contract term and a rate above the maximum rate during a subsequent part of the contract term, and asks whether such an option would provide operators with the opportunity to evade the maximum rate.

II. Part-Time Rates

35. The Commission's current rules permit prorating the maximum monthly rate as one method of deriving rates for shorter periods. The rules the Commission adopted on reconsideration provide that operators may establish a schedule of rates, or rate card, for different times of day, pursuant to which, if all times were used, the sum of the part-time charges for any single leased access channel within a 24-hour period would not exceed its maximum rate for the leased access channel if the daily rate were prorated evenly from the monthly maximum rate and were calculated in accordance with the Commission's rules. The Commission requests comment, however, on whether such proration is appropriate under our proposed cost formula, and, more specifically, if it is, whether the restriction that the part-time rates for a 24 hour time period total no more than the maximum rate is appropriate under the proposed cost formula. The Commission seeks comment on whether, if the cost/market rate formula were to be adopted for full-time leased access use, an entirely different method of calculating the maximum reasonable rate for part-time use would be more appropriate. If so, the Commission requests comment on how to define part-time leased access use, e.g., leases for less than a 24 hour channel, for 12 hours, for eight hours, or fewer.

III. Preferential Access

36. The Commission is concerned that not-for-profit programmers are being excluded from leased access, but the record lacks sufficient evidence to make a determination of whether the goal of diversity is being achieved and, if it is not being achieved, whether one of the reasons is that rates are unaffordable for not-for-profit entities. The Commission therefore invites interested parties to demonstrate, with specific examples, whether current leased access programming sources are sufficiently diverse and whether preferential treatment for not-for-profit programmers would significantly affect the diversity of current programming sources. The Commission requests commenters to provide precise data indicating whether or not rates charged to leased access programmers are affordable for not-for-profit entities. Commenters in support of preferential treatment for not-for-profit programmers should explain their position within the context of our previously stated belief that operators should not have to subsidize leased access programmers and the statutory requirement that leased access use should not adversely affect the operation, financial condition, or market development of the cable system. Those commenters should also address the extent to which preferential treatment is necessary given that public access is already provided for under current PEG requirements.

37. The Commission seeks comment on whether, if the Commission concludes that some form of preferential treatment is appropriate, a lower maximum rate should apply to not-for-profit leased access programmers, and if so, what rate should apply and why. Alternatively, if the proposed cost formula is adopted, the Commission seeks comment on whether operators should be required to exclude lost advertising revenues or lost commissions from maximum rates charged to not-for-profit leased access programmers. In addition, the Commission solicits comment on whether not-for-profit leased access programmers should be entitled to preferential rates during any transition period that might be adopted for the cost formula.

38. Preferential rates, if adopted, would provide no relief if not-for-profit leased access programmers are denied access to a system because the operator has met its set-aside requirement. The Commission seeks comment on whether the statute would permit us to consider a set-aside requirement for not-for-profit programmers. If so, the Commission asks whether the public interest would be served by such a set-aside requirement and how it should be structured. For example, would a reservation of 25% of leased access capacity be appropriate? Should a set-aside requirement be temporary or permanent, and if temporary, what length of time would be appropriate? Furthermore, if the proposed cost formula were adopted, how would the need for a set-aside requirement be affected, given that the formula allows market rates to prevail when demand for leased access exceeds an operator's set-aside requirement? If a such a set-aside requirement were imposed, the Commission would stipulate that until a

not-for-profit leased access programmer demanded access to a not-for-profit set-aside channel, the operator must use the channel for for-profit leased access programming, unless no demand exists, in which case it may use it for its own programming.

39. The Commission also seeks comment on whether preferential treatment should be limited to not-for-profit programmers or whether certain types of for-profit programmers should also receive preferential treatment. The Commission believes that there is insufficient evidence on the record for us to indicate that LPTV stations and minority and educational programmers should receive preferential treatment, but the Commission invites commenters to demonstrate with specific evidence why a preference for certain types of for-profit programmers may be appropriate. The Commission also seeks comment on whether a ''not-for-profit programmer'' should be defined as a programmer with Section 501(c)(3) tax-exempt status or whether another classification should apply.

IV. Tier and Channel Placement

40. The statutory commercial leased access provisions are intended to provide programmers with a ''genuine outlet'' for their programming. According to the legislative history of the 1992 amendments to Section 612, the Commission should ensure that programmers are carried on channel locations that ''most subscribers actually use,'' a guideline that should be interpreted in light of the statutory provision that leased access use should not adversely affect the market development of a cable system. The Commission tentatively concludes that, absent some compelling reason (such as technical considerations), leased access programmers have the right to be placed on a tier, as opposed to being carried as a premium service. The Commission believes that, if an operator were permitted to force leased access programming to be offered as a premium service, the programmer would not be assured access to most subscribers.

41. Our 1995 Competition Report states that a large percentage of subscribers (more than 90%) receive CPSTs. The Commission tentatively concludes that both the BST and the CPST with the highest subscriber penetration qualify as genuine outlets because most subscribers actually use them. However, the Commission seeks comment on whether a CPST that does not boast the highest subscriber penetration could qualify as a genuine outlet, and under what circumstances. For example, should the Commission interpret the term ''most subscribers'' as greater than 50%? In order to permit flexibility in the market development of an operator's cable system, the Commission would allow the operator to decide whether it is appropriate for its particular system to carry the leased access channel on the BST or on a CPST that qualifies as a genuine outlet. To ease technical burdens on operators, the Commission proposes to permit operators to place leased access programming that it must scramble or trap out with other programming that is also scrambled or trapped out. The Commission also proposes to allow operators to consider these technical concerns when deciding whether to place leased access programming on either the BST or a CPST that qualifies as a genuine outlet. The Commission seeks comment on these tentative conclusions.

V. Obligation to Open New Channels and Bump Existing Non-Leased Access Services

42. Although cable operators that have not fulfilled their statutory leased access set-aside requirement are generally required to accommodate requests for leased access time, the Commission recognizes that there may be circumstances in which substantially greater harm to the subscribers, the operator, and the non-leased access programmer may result if the leased access request is accommodated than would result for the leased access programmer if the leased access request is not accommodated. The Commission seeks comment on whether, when a specific time slot requested by a part-time leased access programmer is already leased, an operator should be required to open up another leased access channel, if the operator can otherwise reasonably accommodate the leased access request in a comparable time slot. The Commission believes that the possible disruption of existing programming or the preclusion of future programming in order to accommodate only a few hours of leased access demand, where adequate and comparable capacity is available on an existing leased access channel, will not advance the goal of assuring that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with the growth and development of cable systems. However, the Commission solicits comment on whether it is sufficient to require a ''reasonable accommodation in a comparable time slot'' or whether the standard should be further defined. The Commission also seeks comment on whether the operator should be required to remove an existing full-channel programmer if the leased access programmer agrees to a minimum time increment. The Commission tentatively concludes that the guarantee of a minimum time increment of eight hours within a 24-hour period would be a reasonable pre-condition for requiring an operator to open up an additional channel for leased access.

VI. Selection of Programmers

43. The Commission has not specifically addressed the manner in which lessees are to be selected for placement on leased access channels. The Commission tentatively concludes that a first-come, first-served approach is preferable so long as available leased access channel capacity is sufficient to accommodate incoming leased access requests. However, if an operator's available leased access channel capacity is insufficient to accommodate all pending leased access requests, the Commission seeks comment on whether operators should be allowed to accept leased access programmers on a basis other than first-come, first-served. The Commission believes that allowing cable operators limited ability to make content-neutral selections from among leased access programmers may be appropriate in order to enable them to avoid certain situations that might ''adversely affect the operation, financial condition, or market development of the cable system.''

44. For example, operators may wish to give priority to leased access programmers that request a full-time lease over a programmer seeking to lease only part-time, thus minimizing the disruption to the subscriber, as well as easing the administrative burdens on the operator. The Commission is not suggesting that an operator would be allowed to completely refuse part-time requests for leased access, but is asking whether, when the operator cannot accommodate all leased access requests within its set-aside requirement, the operator should be allowed to select a full-time applicant over a part-time applicant. At the same time, the Commission is concerned that allowing a preference for full-time programmers may not further the statutory goal of promoting the widest possible diversity of programming sources, since encouraging part-time use could result in a wider variety of programmers. To that end, the Commission seeks comment on whether certain circumstances favor shifting the preference to the competing part-time applicant, for example if the part-time applicant is a not-for-profit entity.

Alternatively, instead of allowing a preference for the last available leased access channel, the Commission seeks comment on whether it should require one or two leased access channels to be used exclusively for part-time use. The Commission further seeks comment on whether it should allow operators to base their selections on any content-neutral criteria other than the full-time/part-time distinction.

VII. Minority and Educational Programmers

45. Section 612(i) of the Communications Act permits a cable operator to place programming from a qualified minority or educational programming source on up to 33% of the cable system's designated leased access channels. The Commission seeks comment on whether the requirements for tier and channel placement, as proposed above, should apply to minority and educational programming that is carried as a substitute for leased access programming. Specifically, should operators be required to carry minority and educational programming on the BST or a CPST that qualifies as a genuine outlet, if they are claiming it as a substitute for leased access? There is no explicit language in the statute or legislative history stipulating that minority and educational programming should be received by most subscribers. However, Section 612(i)(1) provides that ''a cable operator required by this section to designate channel capacity for commercial use may use *any such channel capacity*'' for minority and educational programming (emphasis added), suggesting that Congress envisioned that the same channels that would have been used for leased access should be used for any substituted minority and educational programming. Moreover, to allow a less stringent standard for minority and educational programming would seem to defeat the use of such programming as a substitute for leased access. Therefore, the Commission tentatively concludes that minority and educational programming should not qualify as a replacement for leased access programming unless it is carried on the BST or a CPST that qualifies as a genuine outlet. As with leased access, the operator could choose on which qualifying tier to carry the programming.

VIII. Procedures for Resolution of Disputes

46. In order to streamline the Commission's complaint process, the Commission proposes to stipulate that a leased access programmer may not file a complaint alleging that an operator's maximum rate was calculated incorrectly unless an independent certified public accountant has first reviewed the operator's calculations and made an independent determination of the maximum rate. If the operator and leased access programmer cannot agree on a mutually acceptable accountant, the operator may select any independent certified public accountant. The review must be conducted within 60 days of the leased access programmer's request to the operator for a review. The operator would be expected to provide the accountant with all information necessary to support its rate calculation, including an explanation of how the rate was calculated. The findings of the accountant would be certified in a final report and provided to both parties. The Commission seeks comment on whether, in the absence of any evidence to the contrary, the Commission should consider a determination by the accountant that the operator's rate exceeds the permissible rate to constitute clear and convincing evidence that the rate is unreasonable.

47. The Commission tentatively concludes that, in order to provide notice to other potential leased access programmers, the accountant's final report should be filed in the cable system's local public file. The Commission seeks comment on this proposal. Alternatively, the Commission seeks comment on whether operators should be required to provide the report upon request to potential leased access programmers. The Commission seeks comment on what type of information should be contained in the accountant's final report and what type of information would be proprietary and thus kept confidential. The Commission also seeks comment on how the accountant's expenses should be paid. For example, should the parties share the expenses equally or should the full amount be paid by the party that the accountant's report proved was incorrect?

48. In light of the streamlining proposed above, the Commission does not believe that it is necessary for the Commission to set a time limit within which complaints will be decided by the Commission. Each leased access complaint proceeding differs in complexity and requires varying amounts of Commission time and resources. In addition, the Commission believes that shortening the operator's response period would be unfair to the operator.

IX. Resale of Leased Access Time

49. The Commission seeks comment on whether the Commission should permit leased access time to be resold by the lessee. Leased access programmers are of course entitled to sell time to advertisers. The question here is whether the Commission should allow persons unaffiliated with the operator to lease time from the operator and then sell it as programming time to other unaffiliated persons for a profit. The Commission seeks comment on the advisability of allowing the resale of leased access time. If the Commission were to prohibit resale, the Commission asks whether an exception should apply for not-for-profit leased access programmers.

X. Initial Regulatory Flexibility Act Analysis

50. Pursuant to Section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis (''IRFA'') of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Further Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall send a copy of the Further Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 et seq. (1981).

51. Reason for Action. Section 612 of the Communications Act of 1934, as amended, 47 U.S.C. § 532, requires the Commission to prescribe rules and regulations regarding commercial use of channel capacity for unaffiliated persons. The Commission is using this Further Notice to seek comment on various issues concerning implementation of this statute.

52. Objectives. To propose rules which implement Section 612 of the Communications Act of 1934, as amended, 47 U.S.C. § 532, and further its goals of promoting competition in the delivery of diverse sources of video programming and to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with the growth and development of cable systems.

53. Legal Basis. Action as proposed for this rulemaking is contained in

Sections 1, 4(i), 4(j) and 612 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j) and 532.

54. Description, Potential Impact and Number of Small Entities Affected. The Commission anticipates a possible impact on small entities, as defined in Section 601(3) of the Regulatory Flexibility Act, including cable operators and leased access programmers, but the Commission does not currently have information pertaining to the extent of such impact or the number of small entities that may be affected.

55. Reporting, Recordkeeping and Other Compliance Requirements. Action as proposed in this rulemaking may impose new reporting requirements on cable operators.

56. Federal Rules which Overlap, Duplicate or Conflict with these Rules. None.

57. Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives. The Further Notice solicits comments on alternatives.

XI. Ex Parte

58. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

XII. Comment Dates

59. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before May 15, 1996 and reply comments on or before May 31, 1996. All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original plus six copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of your comments and reply comments, you must file an original plus eleven copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street, NW., Washington DC 20554.

60. Written comments by the public on the proposed and/or modified information collections are due on or before May 15, 1996. Written comments must be submitted by OMB on the proposed and/or modified information collections on or before 60 days after publication of the Order and Further Notice in the Federal Register. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20054, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

61. Accordingly, pursuant to Sections 4(i), 4(j) and 612 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 532, comment is sought regarding such proposals, discussion, and statement of issues.

Paperwork Reduction Act

62. This Further Notice contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (''OMB'') to comment on the information collections contained in this Further Notice, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104–13. Public and agency comments are due at the same time as other comments on this Further Notice; OMB notification of action is due 60 days from date of publication of this Further Notice in the Federal Register. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* 3060–0568.

*Title:* Section 76.970 Commercial leased access rates; 76.971 Commercial leased access terms and conditions.

*Type of Review:* Revision of existing collection.

*Respondents:* Business and other for profit.

*Number of Respondents:* 6,270 cable systems.

*Estimated Time Per Response:* 1 hour per respondent for recordkeeping and sending the leased access schedule and other information to prospective leased access programmers. 1 hour per respondent to implement 76.971 third party disclosure requirements. 12 hours per respondent for completing the proposed ''cost schedule'', instead of the existing ''maximum rate schedule''. If the proposed ''cost schedule'' is not adopted by the Commission, the burden for completing the ''maximum rate schedule'' is 4 hours per respondent.

*Total Annual Burden:* 87,780 hours. If the proposed ''cost schedule'' is not adopted, the Commission will further adjust the burden for this collection from 12 hours per respondent in completing the ''cost schedule'' to 4 hours per respondent to continue to use the existing ''maximum rate schedule''. This would result in an adjustment reduction of 50,160 hours ($6,270 \times 8$ hours), leaving a total burden of $87,780 - 50,160 = 37,620$ hours.

*Estimated costs per respondent:* We estimate the postage and stationery costs incurred by cable operators for record keeping activities and for sending out leased access information to prospective programmers, as required, to be roughly $4.00 per respondent. We therefore report a total annual cost of $25,000 for all respondents.

*Needs and Uses:* The information collected is used by the prospective leased access programmers and the Commission to verify rate calculations for leased access channels. The Commission's leased access requirements were designed to promote diversity of programming sources and competition in programming delivery as required by Section 612 of the Communications Act, and serve to eliminate uncertainty in negotiations for leased commercial access.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96–9195 Filed 4–12–96; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 671, 672, 674, and 675

**[I.D. 031896B]**

## North Pacific Fishery Management Council; Agenda Addition

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

**ACTION:** Addition to meeting agenda.

**SUMMARY:** The agenda for the meetings of the North Pacific Fishery Management Council (Council) and its advisory bodies, which are scheduled for April 17–22, 1996, in Anchorage, AK, and that was published on March 26, 1996, has been amended to include a discussion of proposed regulations.

**DATES:** April 17–22, 1996.

**ADDRESSES:** Anchorage Hilton Hotel, 500 W. 3rd Avenue, Anchorage, AK 99501.

*Council address*: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

**FOR FURTHER INFORMATION CONTACT:** Council staff, Phone: 907–271–2809.

**SUPPLEMENTARY INFORMATION:** The initial agenda published on March 26, 1996 (61 FR 13155) and is now amended to include Council discussion of proposed consolidation of regulations for groundfish and crab fisheries off Alaska and a review of a proposed rule to repeal the Council's Salmon Fishery Management Plan.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: April 9, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–9200 Filed 4–12–96; 8:45 am]

**BILLING CODE 3510–22–F**

## 50 CFR Parts 672 and 675

**[I.D. 040996A]**

**RIN 0648–AH03**

## Federal Fisheries off Alaska; Salmon Donation Program

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

**ACTION:** Notice of availability of amendments to fishery management plans; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 26 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area and Amendment 29 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). These amendments would authorize a voluntary Salmon Donation Program (SDP) for distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through a NMFS authorized distributor. Comments are requested from the public.

**DATES:** Comments on the proposed amendments to the FMPs must be submitted by June 10, 1996.

**ADDRESSES:** Comments on the proposed amendments to the FMPs must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the proposed amendments and the environmental assessment/regulatory impact review prepared for the proposed action may be obtained from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, telephone 907–271–2809.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Salveson, 907–586–7229.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, after receiving a fishery management plan or amendment, immediately publish a notice in the Federal Register that the fishery management plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve these amendments.

Amendments 26 and 29 would authorize a voluntary SDP. The SDP's objective is to distribute salmon taken as bycatch in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations, thereby reducing waste from discards in the groundfish trawl fisheries. Participants in the SDP would voluntarily retain and process salmon bycatch for delivery to an authorized distributor selected by NMFS. Vessels and processors would incur the costs of handling, processing, storing, and delivering donated salmon to tax-exempt organizations. Vessel operators and processors seeking to participate in the SDP must receive a Salmon Retention Permit from a NMFS-authorized distributor prior to retaining or processing salmon for donation purposes.

Federal regulations to implement Amendments 26 and 29 are scheduled to be published within 15 days of the date of publication of this document.

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

Dated: April 9, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–9199 Filed 4–9–96; 4:51 pm]

**BILLING CODE 3510–22–F**

# Notices

Federal Register
Vol. 61, No. 73
Monday, April 15, 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

### Secretary of Agriculture's Special Cotton Import Quota Announcement Number 1

**AGENCY:** Office of the Secretary, USDA.
**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 43,657,604 kilograms (96,248,619 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 1, effective January 24, 1996, and is set forth in subheading 9903.52.01, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on January 24, 1996, and applies to upland cotton purchased not later than April 22, 1996 (90 days from the date the quota was established), and entered into the United States not later than July 21, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, PO Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling /1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 18, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 1, effective January 24, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 43,657,604 kilograms (96,248,619 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—August 1995 through October 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2(a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9254 Filed 4–12–96; 8:45 am]
**BILLING CODE 3410–05–P**

## Office of the Secretary

### Secretary of Agriculture's Special Cotton Import Quota Announcement Number 2

**AGENCY:** Office of the Secretary, USDA.
**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 43,242,096 kilograms (95,332,580 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 2, effective January 31, 1996, and is set forth in subheading 9903.52.02, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on January 31, 1996, and applies to upland cotton purchased not later than April 29, 1996 (90 days from the date the quota was established), and entered into the United States not later than July 28, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended January 25, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 2, effective January 31, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 43,242,096 kilograms (95,332,580 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1995 through November 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9255 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 43,242,096 kilograms (95,332,580 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3, effective February 7, 1996, and is set forth in subheading 9903.52.03, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on February 7, 1996, and applies to upland cotton purchased not later than May 6, 1996 (90 days from the date the quota was established), and entered into the United States not later than August 4, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 1, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 3, effective February 7, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 43,242,096 kilograms (95,332,580 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—September 1995 through November 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9256 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 42,591,701 kilograms (93,898,705 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4, effective February 14, 1996, and is set forth in subheading 9903.52.04, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on February 14, 1996, and applies to upland cotton purchased not later than May 13, 1996 (90 days from the date the quota was established), and entered into the United States not later than August 11, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 8, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 4, effective February 14, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 42,591,701 kilograms (93,898,705 pounds), is equal

to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—October 1995 through December 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9257 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 42,591,701 kilograms (93,898,705 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5, effective February 21, 1996, and is set forth in subheading 9903.52.05, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on February 21, 1996, and applies to upland cotton purchased not later than May 20, 1996 (90 days from the date the quota was established), and entered into the United States not later than August 18, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 15, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 5, effective February 21, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 42,591,701 kilograms (93,898,705 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—October 1995 through December 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9258 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–05–P

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 42,591,701 kilograms (93,898,705 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6, effective February 28, 1996, and is set forth in subheading 9903.52.06, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on February 28, 1996, and applies to upland cotton purchased not later than May 27, 1996 (90 days from the date the quota was established), and entered into the United States not later than August 25, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1 3/32 inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 22, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 6, effective February 28, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 42,591,701 kilograms (93,898,705 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the

most recent 3 months for which data are available—October 1995 through December 1995. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9259 Filed 4–12–96; 8:45 am]

**BILLING CODE 3410–05–P**

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 42,168,963 kilograms (92,966,725 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7, effective March 6, 1996, and is set forth in subheading 9903.52.07, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on March 6, 1996, and applies to upland cotton purchased not later than June 3, 1996 (90 days from the date the quota was established), and entered into the United States not later than September 1, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1$\frac{3}{32}$ inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended February 29, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 7, effective March 6, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 42,168,963 kilograms (92,966,725 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—November 1995 through January 1996. The special cotton import quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9260 Filed 4–12–96; 8:45 am]

**BILLING CODE 3410–05–P**

## Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** A special import quota for upland cotton equal to 42,168,963 kilograms (92,966,725 pounds) is established in accordance with section 103B(a)(5)(F) of the Agricultural Act of 1949, as amended (the 1949 Act), under Presidential Proclamation 6301 of June 7, 1991. The quota is referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8, effective March 13, 1996, and is set forth in subheading 9903.52.08, subchapter III, chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

**DATES:** The quota was established on March 13, 1996, and applies to upland cotton purchased not later than June 10, 1996 (90 days from the date the quota was established), and entered into the United States not later than September 8, 1996 (180 days from the date the quota was established).

**FOR FURTHER INFORMATION CONTACT:** Janise Zygmont, Farm Service Agency, United States Department of Agriculture, room 3756–S, Ag Code 0515, P.O. Box 2415, Washington, DC 20013–2415 or call (202) 720–8841.

**SUPPLEMENTARY INFORMATION:** The 1949 Act requires that a special cotton import quota be determined and announced immediately if, for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced U.S. growth, as quoted for Middling 1$\frac{3}{32}$ inch cotton, C.I.F. northern Europe (U.S. Northern Europe price), adjusted for the value of any cotton user marketing certificates issued, exceeds the Northern Europe price by more than 1.25 cents per pound. This condition was met during the consecutive 10-week period that ended March 7, 1996. Therefore, a quota referenced as the Secretary of Agriculture's Special Cotton Import Quota Announcement Number 8, effective March 13, 1996, is hereby established.

The HTS provides for only twenty special cotton import quota subheadings. Each subheading corresponds to a Secretary of Agriculture's Special Cotton Import Quota Announcement specifying that a particular amount of upland cotton may be imported during a particular 180-day period. Because twenty special cotton import quotas have already been announced, the existing subheading numbers and Secretary's announcement designations are being repeated for new quotas that may be announced; however, the new quota amounts and effective dates will be different.

The quota amount, 42,168,963 kilograms (92,966,725 pounds), is equal to 1 week's consumption of upland cotton by domestic mills at the seasonally-adjusted average rate of the most recent 3 months for which data are available—November 1995 through January 1996. The special cotton import

quota identifies a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations. The quota does not apply to Extra Long Staple cotton.

Authority: 7 U.S.C. 1444–2 (a) and U.S. Note 6(a), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, D.C., on April 8, 1996.

Dan Glickman,

*Secretary.*

[FR Doc. 96–9261 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–05–P

## Agricultural Research Service

### Notice of Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of Intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to The Fanning Corporation of Chicago, Illinois, an exclusive license for U.S. Patent No. 5,380,894 (Serial No. 07/662,606), issued January 10, 1995, entitled ''Production of Hydroxy Fatty Acids and Estolide Intermediates,'' and U.S. Patent Application Serial No. 08/382,554, filed February 2, 1995, entitled ''Process for Converting Unsaturated Fatty Acids into Estolides.'' Notice of Availability for U.S. Patent Application Serial No. 07/662,606 was published in the Federal Register on July 3, 1991, and Notice of Availability for U.S. Patent Application Serial No. 08/382,554 was published in the Federal Register on December 14, 1995.

**DATES:** Comments must be received on or before June 14, 1996.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, Room 415, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705–2350.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights to these inventions are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license these inventions as The Fanning Corporation has submitted a complete and sufficient application for a license. 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 sixty days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which 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.

R.M. Parry, Jr.,

*Assistant Administrator.*

[FR Doc. 96–9182 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–03–M

## Farm Service Agency

### Farm Service Agency County Committees; Farm Credit Programs Loan Eligibility Determinations

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice.

**SUMMARY:** The Farm Service Agency (FSA) is announcing that its county and area committees will review all Farm Credit Programs direct and guaranteed loan applications and certain servicing requests for eligibility in accordance with applicable FSA regulations.

**FOR FURTHER INFORMATION CONTACT:** Chuck Ropp, FSA, Senior Loan Officer, Direct Loan Making Branch, USDA, AG Box Code 0522, Room 5428–South, 14th and Independence SW., Washington, DC 20250, Telephone: 202–690–4017.

**SUPPLEMENTARY INFORMATION:** Section 226 of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354) (the Act) transferred the farmer programs loan functions of the Farmers Home Administration (FmHA), and all the functions of the Agricultural Stabilization and Conservation Service (ASCS) to what is now the FSA. In addition, section 227 of the Act abolished the former FmHA county committees by removing section 332 and part of § 333 of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1982 and 1983). Section 227 of the Act also amended section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) concerning State, county and area committees. In part, the amendment requires the Secretary of Agriculture to establish a county or area committee in each county or area in which activities are carried out under section 227 of the Act. The Secretary must use the services of such committees in carrying out programs under section 227, the agriculture credit programs under the CONACT, and in considering administrative appeals. The Secretary may also use the services of such committees in carrying out programs under other authorities administered by the Secretary.

Under this authority, FSA will use FSA county or area committees to make the eligibility determinations related to Farm Credit Programs direct and guaranteed loan making and servicing that were made by FmHA county committees prior to passage of the Act. No changes are made to the substantive rights or duties of borrowers, applicants, or lenders. The following FSA regulations discuss the new role of the FSA county and area committees:

7 CFR part 1900, subpart D, § 1900.155(b) (processing loan assistance to employees, relatives and associates).

7 CFR part 1910, subpart A, §§ 1910.4 (processing applications) and 1910.6(a) and (b) (notification of applicant).

7 CFR part 1924, subpart B, § 1924.74(b) (borrower training).

7 CFR part 1941, subpart A, §§ 1941.15(e), (h), and (k) (special beginning farmer OL loan assistance), 1941.30 (county committee certification), and 1941.33 (b) (loan approval or disapproval).

7 CFR part 1943, subpart A, §§ 1943.30 (county committee certification) and 1943.33(b) (loan approval or disapproval).

7 CFR part 1943, subpart B, §§ 1943.80 (county committee certification) and 1943.83 (b) (loan approval or disapproval).

7 CFR part 1945, subpart D, §§ 1945.180 (county committee certification) and 1945.183(b) (loan approval or disapproval).

7 CFR part 1951, subpart F, §§ 1951.254(d) and 1951.261(b)(2), (e)(4), (e)(7), and (g)(4) (graduation).

7 CFR part 1951, subpart J, § 1951.463(e) (county committee actions on Farmer 7 CFR part 1951, subpart S, §§ 1951.903(b) (recommendation for debt settlement), 1951.909(a)(3) (borrower training), 1951.911(a) (leaseback/buyback), and 1951.914 (recapture under Shared Appreciation Agreement).

7 CFR part 1955, subpart A, § 1955.10(f)(2) (release from liability).

7 CFR part 1955, subpart B, §§ 1955.53 (''Suitable property''), 1955.63 (suitability determination), and 1955.66(h)(4) (lease of farm property).

7 CFR part 1955, subpart C, §§ 1955.103 (''Suitable property''), 1955.107(d) and (f) (sale of suitable property), 1955.108 introduction (sale of

surplus property), and 1955.140 (sale in parcels).

7 CFR part 1956, subpart B, §§ 1956.57(f) (county committee review of debt settlement proposals), 1956.84 (approval or rejection), and 1956.96 (delinquent adjustment agreements).

7 CFR part 1962, subpart A, §§ 1962.34 (transfer of chattel security and assumption of debt), 1941.41(e) and (f), and 1941.46(g)(5) (release of liability).

7 CFR part 1965, subpart A, §§ 1965.12(a)(9) (subordination), 1962.26(f)(5)(i) (cash sales; release of liability), and 1965.27(b)(19), (f), and (g)(6) (transfer of real estate security).

7 CFR part 1980, subpart B, §§ 1980.114, 1980.115 (review of guaranteed loan applications), 1980.176 (e), (h), and (k) (special beginning farmers or rancher OL loan assistance), and 1980.191(b) (borrower training).

References in these regulations to the following requirements will not be carried out by the FSA county or area committees: the 5 or 15 day deadline for holding county committee meetings, the eligibility requirements that the applicant has the character, industry, and ability to carry out the proposed operations and will honestly endeavor to carry out its undertakings and obligations, and the provisions for 5-year eligibility certification. These policies were based on sections 332(e) and 333(2) of the CONACT that were abolished by section 227 of the Act. The outdated references will be removed by separate rule in the Federal Register.

The regulations at 7 CFR part 2054, subpart W concerning the employment, pay, and functions of FmHA county or area committees do not apply to county and area committees authorized under section 8(b) of the Soil Conservation and Domestic Allotment Act. The selection and functions of FSA State, county, and area committees are governed by regulations at 7 CFR part 7 as consistent with section 227 of the Act.

Signed at Washington, D.C., on April 8, 1996.

Bruce R. Weber,

*Acting Administrator, Farm Service Agency.*

[FR Doc. 96–9201 Filed 4–12–96; 8:45 am]

**BILLING CODE 3410–05–P**

## Natural Resources Conservation Service

### Notice of Meeting

Notice is hereby given that the United States Department of Agriculture, Natural Resources Conservation Service will conduct public forums to gather ideas on ways to implement the conservation provisions of the Federal Agriculture Improvement and Reform Act of 1996 that will assist the U.S. Department of Agriculture (the Department) in writing program guidance.

The public is invited to attend a meeting to provide brief oral comments. All are encouraged to provide detailed written comments concerning the implementation of FAIRA. Those who wish to speak at a meeting may make arrangements in advance by calling the State Conservationist who is listed as contact for the meeting. In addition, individuals may sign-up to speak at the forum, as time permits.

Written comments will be accepted at each of the forums. Comments must be postmarked or faxed by April 30 and addressed to: Paul W. Johnson, Chief, USDA/NRCS, P.O. Box 2890, Washington, DC 20250. FAX, (202) 720–1838.

The Department will conduct nine public forums. The forums will be in the following cities: Abilene, Texas; Columbus, Georgia, Longmont Colorado; Wyomissing, Pennsylvania, Sacramento, California; Souix Falls, South Dakota; Spokane, Washington; Springfield, Illinois; and Washington, DC.

**DATES AND LOCATIONS:** The nine forums will be held during Earth Week at the following locations on the dates listed:

| Location | Date |
|---|---|
| Sheraton Berkshire Hotel, 1741 Paper Mill Road, Wyomissing, Pennsylvania 19610. | April 22. |
| Joint Center for Higher Education, Classroom Building Auditorium, North 665 Riverpoint Boulevard, Spokane, Washington. | April 22. |
| Howard Johnson Hotel, Nebraska Room, 3300 West Russell Street, Souix Falls, South Dakota. | April 23. |
| Columbus Convention and Trade Center, Rooms 5, 6 and 7, 801 Front Street, Columbus, Georgia. | April 23. |
| USDA South Building, Jefferson Auditorium, 12th Street and Independence Ave., SW., Washington, DC. | April 23. |
| Abilene Civic Center, 1100 N. 6th Street, Abilene, Texas. | April 24. |
| Image Gardens, 630 15th Street, Longmont, Colorado. | April 24. |
| The Red Lion Hotel (Not Inn), 2001 Point West Way, Sacramento, California. | April 25. |
| Illinois Building Auditorium, Illinois State Fairgrounds, 1101 East Sangamon Avenue, Springfield, Illinois. | April 26. |

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information about a specific forum, contact the following individual:

| Location | Contact person | Phone | Address |
|---|---|---|---|
| Abilene, Texas | Harry W. Oneth | 817–774–1214 | NRCS State Conservationist, W.R. Poage Building, 101 South Mail Street, Temple, TX 76501–7682. |
| Columbus, Georgia | Earl Cosby | 706–546–2275 | NRCS State Conservationist, Federal Building, Box 13, 355 East Hancock Ave., Athens, GA 30601. |
| Longmont, Colorado | Duane L. Johnson | 303–236–2886 | NRCS State Conservationist, 655 Parfet Street, Room E200C, Lakewood, CO 80215–5517. |
| Wyomissing, Pennsylvania. | Janet L. Oertly | 717–782–2202 | NRCS State Conservationist, One Credit Union Place, Suite 340, Harrisburg, PA 17110–2993. |
| Sacramento, California | Hershel R. Read | 916–757–8215 | NRCS State Conservationist, 2121–C 2nd Street, Davis, CA 95616. |
| Souix Falls, South Dakota. | Dean F. Fisher | 605–352–1270 | NRCS State Conservationist, Federal Building, 200 Fourth Street, SW., Huron, SD 57350–2475. |
| Spokane, Washington | Lynn A. Brown | 509–353–2337 | NRCS State Conservationist, Rock Pointe Tower II, Suite 450 W., 316 Boone Avenue, Spokane, WA 99201–2348. |
| Springfield, Illinois | Thomas W. Christensen | 217–398–5267 | NRCS State Conservationist, 1902 Fox Drive, Champaign, IL 61820–7335. |
| Washington, DC | Paul W. Johnson | 202–720–1845 | Chief, Natural Resources, Conservation Service, P.O. Box 2890, Washington, DC 20013. |

**PROVIDING COMMENTS:** The public is invited to attend a meeting to provide brief oral comments. All are encouraged to provide detailed written comments concerning the implementation of FAIRA. Those who wish to speak at a meeting may make arrangements in advance by calling the State Conservationist who is listed as contact for the meeting. In addition, individuals may sign-up to speak at the forum, as time permits.

Written comments will be accepted at each of the forums. Comments must be faxed or postmarked by April 30 and addressed to: Paul W. Johnson, Chief, USDA/NRCS, P.O. Box 2890, Washington, D.C. 20250. Fax 720–1838.

**SUGGESTED AGENDA:** The following agenda will be used at each of the nine forums:

8:30 Registration and speaker sign-up
9:00 Welcome.—Briefing on the content of the FAIRA. Questions and clarifications
10:00 Speaking Sessions by subject (listed below)

Note: There will be a 5-minute time limit for each speaker.

12:00 Lunch on your own
1:00 Speaking Sessions continue
4:00 Scheduled adjournment.

Note: Meetings will continue until all registered speakers have had an opportunity to speak for the allotted time period.

Subjects That Will Be Covered During the Forums

1. Environmental Quality Incentives Program (new)
2. Swampbuster and wetlands provisions (modified)
3. Conservation Compliance (modified)
4. Farmland Protection Program (new)
5. Flood Risk Reduction Program (new)
6. Conservation Farm Option (new)
7. Conservation of Private Grazing Land Initiative (new)
8. Conservation Reserve Program (modified)
9. Emergency Watershed Protection Program (modified)
10. National Natural Resources Conservation Foundation (new)
11. State Technical Committees (broadened)
12. Wetland Memorandum of Agreement (modified)
13. Wetlands Reserve Program (modified)
14. Wildlife Habitat Incentive Program (new)
15. Availability of farmers to be more flexible in planting. (new)

**SUPPLEMENTARY INFORMATION:** The United States Department of Agriculture (the Department), Natural Resources Conservation Service (NRCS) will conduct public forums to gather ideas on ways to implement the conservation provisions of the Federal Agriculture Improvement and Reform Act of 1996 (FAIRA) that will assist the U.S. Department of Agriculture (the Department) in writing program guidance.

The NRCS first visited the sites for these public forums in July and August of 1994 to listen to the public's comments on changes that were needed in the 1995 Farm bill to better understand the needs of the public served by programs related to conservation of natural resources. The Department considered the comments and suggestions received in the 1994 forums when developing its recommendations for the 1995 Farm Bill. After lengthy debate within the Congress, the 1996 Farm Bill was passed by the Congress and was cited as the ''Federal Agriculture Improvement and Reform Act of 1996 (FAIRA). The President signed into law FAIRA on April 4, 1996. An overview of the FAIRA provisions is included with this notice.

To follow-up on the suggestions that were received in 1994 and to gather additional written suggestions on how best to implement these provisions, the NRCS will return to the sites of the 1994 public forums, plus hold an additional forum in Washington, D.C.

Overview of What We Heard in the 1994 Public Forums

*Section 301: Definitions Applicable to Highly Erodible Cropland Conservation*

Conservation compliance has reduced soil erosion significantly, though erosion remains a concern. Widespread support exists for the basic conservation compliance policy. However, many farmers want more flexibility in conservation plans. Some want a stricter more consistent soil loss standard.

*Section 313: Good Faith Exemption*

Farmers want payment reductions commensurate with violations.

*Section 315: Development and Implementation of Conservation Plans and Conservation Systems*

Some want a stricter, more consistent soil loss standard.

*Section 322: Delineation of Wetlands: Exemption to Program Ineligibility*

Wetlands conservation remains a contentious issue among farmers. Confusion revolves around the definition and delineation of wetlands and how these issues effect private property rights. Consensus is that standardization of wetland determinations is needed.

*Section 331: Environmental Conservation Acreage Reserve Program (ECARP)*

A common theme of the participants was that voluntary, incentive-driven programs will accomplish more conservation of natural resources. Regulatory programs will result in only minimal change. Because many resource problems transcend human-drawn boundaries, a watershed approach is needed for conservation planning. This approach should be coupled with comprehensive farm planning that allows farmers to satisfy federal, state, and local requirements of the law. Watershed planning must use a bottom-up approach and allow all stakeholders to be involved in the process.

*Section 332: Conservation Reserve Program*

Nearly all forum participants suggested the Conservation Reserve Program (CRP) continue, though fewer acres might be accommodated for budget reasons. The program should be targeted for the most environmentally fragile acres, including highly erodible cropland, areas that threaten water quality, and critical wildlife habitats. Partial-field enrollments should be accommodated.

*Section 333: Wetlands Reserve Program*

Considerable support was expressed among farm and environmental interests for wetland protection and restoration.

*Section 334: Environmental Quality Incentives Program (EQIP)*

A common theme of the participants was that voluntary, incentive-driven programs will accomplish more conservation of natural resources. Regulatory programs will result in only minimal change. Because many resource problems transcend human-drawn boundaries, a watershed approach is needed for conservation planning. This approach should be coupled with comprehensive farm planning that allows farmers to satisfy federal, state, and local requirements of the law. Watershed planning must use a bottom-up approach and allow all stakeholders to be involved in the process.

*Section 336: Repeal of Superseded Authorities*

Nonpoint source water quality is a major issue. Farm and nonfarm interests linked much of the problem to agriculture. A common theme of the participants was that voluntary, incentive-driven programs will

accomplish more than a regulatory program. Because many resource problems transcend human-drawn boundaries, a watershed approach is needed for conservation planning.

*Section 341. Conservation Funding*

In regards to technical assistance from approved sources, the participants in the forums emphasize that partnerships are needed. Decentralized program administration will allow interests who know the problems best to deal with those problems; the question is accountability. However, USDA and NRCS were urged not to sacrifice important field-staff capabilities in the name of efficiency and partnerships.

*Section 342. State Technical Committees*

Decentralized program administration will allow interests who know the problems best to deal with those problems; the question is accountability. Far more common ground exists among agricultural, environmental, and consumer interests than is often perceived.

*Section 352. Forestry Incentives Program*

Private, nonindustrial forest land is essential to timber production to achievement of such environmental values as open space, wildlife habitat, recreation, and clean air and water. Forest health was a concern in the West, as was the impact of forest management on stream ecosystems. Support was expressed for the Stewardship Incentive Program, Forestry Incentive Program, and urban forestry programs. Tax laws must encourage sound forest management.

*Section 387: Wildlife Habitat Incentives Program*

Wildlife habitat on private land is disappearing. While habitat gains were achieved via the CRP and WRP, the future of these and other habitat programs, such as Water Bank, is uncertain. Cost-sharing and easements are solutions, as is emphasis on habitat enhancement in any green-payments program.

*Section 391: Air Quality Research Oversight*

Air and water pollution were the primary environmental concerns expressed by forum participants.

*Section 388: Farmland Protection Program*

Forum participants supported the purchase of conservation easements by the Secretary. Participants in California, Colorado, and Pennsylvania expressed concern about the conversion of farmland to nonfarm uses and the associated environmental and social consequences include the loss of important agricultural productive capacity and open space and the inability of young people to enter farming. Tax credits and inheritance tax law reform are solutions, participants said.

Overview of the Provisions of the 1996 Farm Bill (FAIRA)

*Sec. 301. Definitions Applicable to Highly Erodible Cropland Conservation*

Defines conservation plan as applicable to highly erodible cropland and containing the decision of the person with respect to location, land use, tillage, and conservation system and schedule for implementation. The plan must be approved by the conservation district in consultation with the local committee and the Secretary, or by the Secretary. Defines a conservation system as conservation practices that are based on local conditions, available conservation technology, and standards and guidelines contained in the NRCS FOTG; and provides for cost effective and practical soil erosion reduction or improvement in soil conditions on a field or group of fields with highly erodible cropland. It also defines a field to include boundaries based on croplines, if they are not subject to change. The Section requires publication of USLE and WEQ in the Federal Register within 60 days of enactment. Modification of the equations is prohibited except following notice and comment in the Federal Register.

Subtitle B—Highly Erodible Land Conservation

*Sec. 311. Program Ineligibility*

Provides that contract payments under a production flexibility contract, marketing assistance loans, and any type of price support or payment, made available under the Agricultural Market Transition Act and the Commodity Credit Corporation Charter Act are subject to conservation compliance.

*Sec. 312. Conservation Reserve Lands*

Limits conservation requirements on lands that were included under a CRP contract, that is terminated or expires, to the same standards as applied to other highly erodible cropland in the area.

*Sec. 313. Good Faith Exemption*

Removes the 5 year interval for good faith exemption. Authorizes the Secretary, under good faith, to allow a reasonable grace period, not to exceed 1 year, during which the person can implement measures and practices necessary to be considered actively applying the person's conservation plan. Allows the Secretary to determine the degree of penalty for a good faith violation dependent on the seriousness of violation.

*Sec. 314. Expedited Procedures for Granting Variances From Conservation Plans*

Directs the Secretary to establish expedited procedures for considering temporary variances concerning weather, pests, or disease. Requires the Secretary to make a decision on whether to grant a variance within a 30 day period beginning on the date of receipt of the request, otherwise the temporary variance shall be considered to be granted.

*Sec. 315. Development and Implementation of Conservation Plans and Conservation Systems*

Inserts a new Sec. 1213 in the Food Security Act of 1985 on HEL that establishes requirements for the development and implementation of conservation plans for conservation compliance purposes. These include:

- Requires the Secretary to insure that standards and guidelines in the FOTG permit a person to use a conservation system that is technically and economically feasible, based on local conditions, cost effective, and does not cause undue economic hardship.
- Stipulates how ''substantial erosion reduction'' will be calculated for purposes of conservation compliance.
- Provides that the measurement of residue consider residue in top 2 inches; provides for acceptance of producer residue measurements, including third party measurements; and provides a means for certification of third parties to perform residue measurements.
- Allows self certification for compliance at the time of application for benefits.
- Provides for technical assistance for conservation on lands other than HEL.
- Encourages on-farm research under a conservation plan for HEL.
- Allows the county or area committee to provide relief to a producer in cases of undue economic hardship.

See also Section 343 concerning publication of State technical guides.

*Sec. 316. Investigation of Possible Compliance Deficiencies*

Amends the Food Security Act of 1985 (1985 FSA) by adding a new Sec.

1215 that directs USDA employees who observe a possible compliance violation while providing on-site technical assistance, to provide the responsible person, not later than 45 days after observing the possible violation, information on actions needed to comply with the plan and this subtitle. The information is in lieu of reporting the observation of a compliance violation. If corrective action is not fully implemented within one year after the responsible person receives the information, the Secretary may conduct a status review.

*Sec. 317. Wind Erosion Estimation Pilot Project*

Directs the Secretary to conduct a pilot project to review, and modify as appropriate, the use of wind erosion factors used under HEL requirements. The pilot project shall be for counties and producers that have 100 percent of their cropland determined to be HEL, have reasonable likelihood that use of wind erosion factors have resulted in an inequitable application of the HEL requirements, and if the use of the land classification system referred to in the original act may result in a more accurate delineation of the cropland. If the Secretary determines that a significant error has occurred in determining highly erodible cropland under the project, that Secretary shall, at the request of owners or operators of the cropland, conduct a new determination of the cropland using the most accurate available process.

Subtitle C—Wetland Conservation

*Sec. 321. Program Ineligibility*

Provides the Secretary discretionary authority to identify for person the programs for which eligibility to participate may be forfeited because of wetland conservation violations. Additionally, the Secretary may identify the amount program payments may be redirected because of program violations.

*Sec. 322. Delineation of Wetlands; Exemptions to Program Ineligibility*

Directs the Secretary to delineate, determine and certify all wetlands located on subject land on the farm and delineate them on a wetlands delineation map. Existing determinations are certified as to whether they are sufficient for the purpose of making a determination of ineligibility. Individuals carrying out activities that are inconsistent with the law, but based on information provided by NRCS, will not be penalized. Eliminates the abandonment provisions for prior converted wetlands and changes the criteria for farmed wetlands and farmed wetlands pasture. Provides the Secretary with broad mitigation options. Directs the Secretary to grant persons who converted wetlands without intent to violate a reasonable period of time to restore or mitigate the functions and values of the wetland. Directs the Secretary to identify categorical minimal effects and provide training to employees in making minimal effect determinations. Allows persons who have converted a wetland to mitigate for the losses of functions and values. Grants the Secretary the authority to establish a pilot mitigation banking initiative.

*Sec. 323. Consultation and Cooperation Requirements*

Section 1223 of the Food Security Act of 1985 is repealed. Therefore, the requirements of consulting with the Secretary of Interior on wetland determinations and actions is repealed.

*Sec. 324. Application of Program Ineligibility to Affiliated Persons*

The provision adds a new Sec. 1223 that requires that any reduction in benefits to persons due to a violation of wetland conservation requirements will be reduced among each affiliated person proportionate to the interests held by the affiliated person.

*Sec. 325. Clarification of Definition of Agricultural Lands in Memorandum of Agreement (MOA)*

Defines agricultural lands for purposes of the wetlands MOA to include cropland, pastureland, native pasture, rangelands, and other lands used to support the production of livestock; and tree farms.

*Sec. 326. Effective Date*

Directs that the wetland conservation subtitle and amendments made by the subtitle would become effective 90 days after enactment.

Subtitle D—Environmental Conservation Acreage Reserve Program

*Sec. 331. Environmental Conservation Acreage Reserve Program (ECARP)*

Establishes ECARP as the broad umbrella encompassing Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), and Environmental Quality Incentive Program (EQIP). ECARP is authorized for the 1996 through 2002 calendar years. Authorizes the Secretary to designate watersheds, multistate areas, or regions of special environmental sensitivity as conservation priority areas that are eligible for enhanced assistance under CRP, WRP, and EQIP. Assistance in conservation priority areas is to help agricultural producers comply with non-point source pollution requirements of the Clean Water Act and other Federal and State environmental laws and to meet other conservation needs. Assistance may be based on the significance of the soil, water, wildlife habitat, and related natural resource problems in a watershed, area, or region, and practices that best address the problems, and that maximize environmental benefits per dollar expended, as determined by the Secretary.

*Sec. 332. Conservation Reserve Program*

Extends CRP until 2002 with authority for new enrollments to replace acres leaving the program. The Secretary may maintain up to 36.4 million acres at any one time. Authorizes a CRP participant who entered into a contract before January 1, 1995, to terminate the contract not less than 60 days after notifying the Secretary, provided the contract has been in effect for at least 5 years. Lands not subject to an early termination of contract are: filterstrips, waterways, strips by riparian areas, windbreaks, shelterbelts, lands with an EI of more than 15, and other lands of high environmental value (including wetlands), as determined by the Secretary. The land included in the terminated contract cannot have higher conservation requirements than those for similar lands in the area.

*Sec. 333. Wetlands Reserve Program*

Extends WRP until 2002 with an enrollment cap of 975,000 acres. Requires that, to the extent practicable, a balance of permanent easements, 30-year easements and voluntary restoration agreements be achieved in calendar years 1997 through 2002; eliminates lump sum easement payment option; and establishes a State Technical Committee role in restoration planning.

*Sec. 334. Environmental Quality Incentives Program (EQIP)*

Establishes the Environmental Quality Incentives Program (EQIP). EQIP combines functions of four conservation programs (which are repealed) and maximizes environmental benefits per dollar expended. Directs the Secretary during FY 96 through FY 2002 to provide technical assistance, cost share and incentive payments and educational assistance to operators who enter into contracts of five to ten years with the Secretary. Requires producers to submit a plan containing appropriate conservation measures as a requirement

for a contract. Directs the Secretary to use a competitive offer system for operators to receive cost sharing payments for implementing structural practices. Tenants would be required to obtain the concurrence of the owner before the offer is accepted by the Secretary. Cost sharing payments under EQIP shall not exceed 75 percent of the projected cost of the practice, taking into consideration any payment from a state or local government. Operators of large confined livestock operations are not eligible for cost sharing on the construction of structural animal waste management facilities. However, they are eligible for incentive payments and technical assistance. Total amount of cost share and incentive payments to any person under the program may not exceed:

$10,000 for any fiscal year for a one year contract; or

$50,000 for any multiyear contract.

The Secretary may exceed the annual payment amount on a case by case basis if needed to achieve the purposes of EQIP and if consistent with maximizing environmental benefits per dollar expended. Authorizes the Secretary to request assistance of state agencies as well as other governmental or private resources to assist in providing technical assistance for the development and implementation of conservation practices.

*Sec. 335. Conservation Farm Option (CFO)*

Establishes a conservation farm option pilot program for eligible producers of wheat, feed grains, cotton, and rice. Under the pilot program, producers that have contract acreage under production flexibility contracts, are provided an option of a 10 year CFO contract as a single annual payment equivalent to the amount of the combined payments under CRP, WRP and EQIP. The pilot CFO program is intended to address the conservation of soil, water, and related resources, water quality, wetlands, wildlife habitat, and similar conservation purposes. Funding increases from $7.5 million in FY 1997 to $62.5 million in FY 2002. Funding is from the Commodity Credit Corporation.

*Sec. 336. Repeal of Superseded Authorities*

The language repeals Great Plains Conservation Program (GPCP), Agricultural Conservation Program (ACP), Colorado River Salinity Control Program (CRSCP), and the Water Quality Incentives Program (WQIP) and makes conforming amendments to replace these existing cost sharing programs with EQIP. The language for repeal of current programs includes transition language that allows USDA to use GPCP, ACP, CRSCP, and WQIP authorities to achieve EQIP purposes while rules are developed. After 180 days, EQIP rules must be in effect in order to obligate additional EQIP resources. The authority for certain water resource studies was repealed for housekeeping purposes and does not limit USDA from conducting the studies under other existing authorities.

Subtitle E—Conservation Funding and Administration

*Sec. 341. Conservation Funding*

Replaces the current subtitle E of the Food Security Act of 1985 with two new sections. The new Sec. 1241 directs that for each of fiscal years 1996 through 2002, the Secretary shall use funds from the Commodity Credit Corporation (CCC) to carry out the Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), and Environmental Quality Incentives Program (EQIP). Funding from CCC for EQIP is $130 million for fiscal year 1996 and $200 million for each of the fiscal years 1997 through 2002 for providing technical assistance, cost share payments, incentive payments, and education, with 50 percent for assistance targeted at practices relating to livestock production.

The new Sec. 1242 directs the Secretary, to the extent practical, to avoid duplication in conservation plans developed under HEL, CRP, WRP, and EQIP. CRP and WRP enrollment in any county is limited to 25 percent of the cropland. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under the CRP and WRP (except for shelterbelts and windbreaks), unless the Secretary determines that the action would not adversely affect the local economy of a county and the operators in the county are having difficulties complying with HEL requirements. Requires the Secretary to provide safeguards for the interests of tenants and sharecroppers, including sharing of payments under CRP, WRP, and EQIP. In the preparation of a conservation compliance plan or other plan required for assistance from USDA, the Secretary shall permit producers to obtain technical assistance from approved sources, as determined by the Secretary, other than NRCS. If the Secretary rejects a technical determination made by such a source, the basis of the Secretary's determination must be supported by documented evidence. Requires the Secretary to issue regulations for CRP and WRP within 90 days after enactment.

*Sec. 342. State Technical Committees*

Expands membership on State Technical Committees to include agricultural producers with conservation expertise, non-profit organizations with demonstrable conservation expertise, others knowledgeable about conservation techniques, and agri-business. Requires public notice of meetings, and allows for public attendance at meetings related to conservation issues. Assigns certain additional responsibilities to State Technical Committees.

*Sec. 343. Public Notice for Revisions to State Technical Guides*

Requires public notice and comment for future revisions in NRCS state technical guides as used for HEL, wetland conservation, and CRP requirements.

Subtitle F—National Natural Resources Conservation Foundation

*Sec. 351. Through Sec. 360 National Natural Resources Conservation Foundation*

Establishes a National Natural Resources Conservation Foundation to promote solutions to natural resources conservation issues. Authorized to promote partnerships, accept gifts, make grants, and conduct research and demonstrations. May not enforce regulations. Administered by a nine member Board of Trustees.

Subtitle G—Forestry

*Sec. 371. Office of International Forestry*

Authorizes to be appropriated for each of fiscal years 1996 through 2002 such sums as are necessary to carry out the [authorized purposes of the Office of International Forestry.]

*Sec. 372. Cooperative Work for Protection, Management, and Improvement of National Forest System*

Authorizes cooperative work for the protection, management, and improvement of the National Forest System and permits payments for such work to be made from any appropriation of the Forest Service that is available for similar work if reimbursement is made by the cooperator in the same fiscal year. Directs the Secretary of Agriculture to develop rules to protect the interests of the Forest Service in cooperative work agreements.

*Sec. 352. Forestry Incentives Program*

Reauthorizes the Forestry Incentives Program through the year 2002.

*Sec. 374. Optional State Grants for Forest Legacy Program*

Provides the Secretary with authority to make, at the request of a participating State, grants to the State to carry out the Forest Legacy Program in that State.

Subtitle H—Miscellaneous Conservation Provisions

*Sec. 381. Conservation Activities of Commodity Credit Corporation*

Amends the Commodity Credit Corporation Charter Act by adding, as a specific purpose for CCC, the carrying out of conservation of environmental functions specifically authorized by law. The amendments becomes effective on January 1, 1997.

*Sec. 382. Floodplain Easements*

Adds authority to acquire floodplain easement for the Emergency Watershed Protection Programs.

*Sec. 383. Resource Conservation & Development Program*

Reauthorizes the RC&D program through 2002.

*Sec. 384. Repeal of Report Requirements*

Repeals current legal requirements for printing a specified number of soil survey reports.

*Sec. 385. Flood Risk Reduction*

Authorizes the Secretary to enter into a contract with a producer on a farm who has acreage under a production flexibility contract that is frequently flooded. A producer must agree to terminate any contract acreage and production flexibility contract, forgo loans for contract commodities, oilseeds, and ELS cotton, not apply for crop insurance issued or reinsured by USDA, comply with applicable HEL and wetlands compliance requirements, not apply for any conservation program payments from USDA, not apply for disaster program benefits, and refund the payments, with interest, if the terms of the contract are violated or if the producer transfers the property to another person who violates the contract. Producers would receive, from CCC funding, not more than the sum of 95 percent of contract payments under Title I (Agricultural Market Transition Program). Requires that funds for production flexibility payments be reduced by an amount equal to that amount which produces forgo under this provision. Subject to advance appropriations, the Secretary may make additional payments to an eligible producer to offset other estimated Federal government outlays on frequently flooded land. Authorizes to be appropriated necessary sums for this added payment.

*Sec. 386. Conservation of Private Grazing Land*

Provides authority and emphasis for a grazing lands program within USDA to promote conservation and enhancement of natural resources on such private lands. If funding is provided, it will be through NRCS.

*Sec. 387. Wildlife Habitat Incentives Program*

Directs the Secretary, in consultation with State Technical Committees, to establish, under the Natural Resources Conservation Service, a wildlife habitat incentives program to provide cost sharing for landowners to apply practices to develop upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife habitat. To carry out the program, a total of $50 million shall be made available for fiscal years 1996 through 2002 from funds available to carry out the Conservation Reserve Program,

*Sec. 388. Farmland Protection Program*

Under the farmland protection program, the Secretary is directed to purchase conservation easements or other interests in between 170,000 and 340,000 acres of land with prime, unique or other productive soil that is subject to a pending offer from a state or local government to limit non-agricultural uses of the land. Funding for the program, from the Commodity Credit Corporation, shall not exceed $35 million.

*Sec. 391. Agricultural Air Quality Research Oversight*

Encourages the Secretary to strengthen research efforts related to agricultural air quality. Directs the Secretary to ensure intergovernmental cooperation in research activities related to agricultural air quality and to avoid duplication of activities. The Secretary shall ensure that the results of any research related to agricultural air quality conducted by Federal agencies not report erroneous data with respect to agricultural air quality. Directs the Chief of NRCS to establish a task force to address agricultural air quality issues. The composition of the task force shall include employees of the Department of Agriculture, industry representatives, and other experts in the fields of agricultural and air quality. The task force shall advise the Secretary in his role of providing oversight and coordination related to agricultural air quality.

Subtitle D—Miscellaneous Rural Development Provisions

*Sec. 791. Interest Rate Formula*

Amends both the Bankhead Jones Farm Tenant Act and the Watershed Protection and Flood Protection Act to allow the Secretary to reestablish interest rate for RC&D loan and watershed loan programs.

*Sec. 794. Fund for Rural America*

Establishes an account labeled the Fund for Rural America and directs that $100 million be transferred from the Treasury on January 1, 1997, October 1, 1998, and October 1, 1999 to the fund. Specifies the purposes of the fund to be rural development and research. Research includes grants to conserve and enhance natural resources. The Secretary is authorized to use a third of the funds for rural development, a third for competitive research, and a third for either at the discretion of the Secretary.

*Sec. 922. Student Internship Programs*

Defines a student intern to be a person employed by USDA to assist scientific, professional, administrative, and technical employees of the Department, and be a student in good standing at an institution of higher learning and pursuing a course of study related to the field employed in by USDA. Authorizes use of funds to pay lodging, subsistence, and transportation expenses of a student intern at the agency.

Paul W. Johnson,

*Chief, Natural Resources Conservation Service.*

[FR Doc. 96–9278 Filed 4–12–96; 8:45 am]

BILLING CODE 3410–16–M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Open Meeting

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Open Meeting.

**SUMMARY:** NOAA will conduct a meeting of the Sanctuary Advisory Council (SAC) for the Hawaiian Islands Humpback Whale National Marine

Sanctuary on April 17, 1996, in Honolulu, Hawaii. The SAC was established to advise NOAA's Sanctuaries and Reserves Division regarding the development and management of the Hawaiian Islands Humpback Whale National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

**TIME AND PLACE:** Wednesday, April 17, 1996, from 9:30 a.m. until 4:00 p.m. The meeting will be held at the Honolulu International Airport—Interisland Terminal, Ohia Room #1.

**AGENDA:** General issues related to the Hawaiian Islands Humpback Whale National Marine Sanctuary are expected to be discussed, including an introduction of SAC members, a review of the SAC Charter, election of SAC officers, and a continuation of discussions concerning the review of comments on the Draft Environmental Impact Statement and Management Plan for the Sanctuary.

**PUBLIC PARTICIPATION:** The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Allen Tom (808) 879–2818 or Brady Phillips at (301) 713–3141, ext. 169.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: April 9, 1996.

David L. Evans,

*Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 96–9245 Filed 4–12–96; 8:45 am]

**BILLING CODE 3510–08–M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### Ballistic Missile Defense Advisory Committee

**ACTION:** Notice of Advisory Committee Meeting.

**SUMMARY:** The Ballistic Missile Defense (BMD) Advisory Committee will meet in closed session in Washington, DC, on May 6–7, 1996.

The mission of the BMD Advisory Committee is to advise the Secretary of Defense and Deputy Secretary of Defense, through the Under Secretary of Defense (Acquisition and Technology), on all matters relating to BMD acquisition, system development, and technology.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended by 5 U.S.C., Appendix II, it is hereby determined that this BMD Advisory Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Dated: April 10, 1996.

Patricia L. Toppings,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 96–9238 Filed 4–12–96; 8:45 am]

**BILLING CODE 5000–04–M**

## Department of the Navy

### Notice of Intent To Prepare an Environmental Impact Statement for the Disposal and Reuse of Naval Air Warfare Center, Aircraft Division (NAWC AD), Indianapolis, Indiana

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 as implemented in the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the Disposal of Naval Air Warfare Center, Aircraft Division (NAWC AD), Indianapolis, Indiana. NAWC AD Indianapolis is a Navy facility that provides electronic systems to the fleet, and is located in the east central portion of Marion County, approximately fifteen minutes from Indianapolis. The property comprises 163 acres of land and includes 62 buildings containing more than 973,000 square feet of usable floor space.

In accordance with the Defense Base Closure and Realignment Act of 1990, as implemented by the base closure process of 1995, the Navy intends to close NAWC AD Indianapolis and either (1) privatize NAWC AD, so that the mission remains the same but the ownership of the equipment and facilities is transferred to the private sector, including, possibly, the local government; or (2) relocate necessary functions along with associated personnel, equipment, and support to other Navy technical activities, then dispose of the base for other uses.

The objective of the EIS is to describe the existing conditions of NAWC AD Indianapolis, the disposal alternatives, and to evaluate the environmental impacts associated with the various reuse alternatives. The significant environmental effects that may result from the disposal and reuse of NAWC AD Indianapolis will be identified and fully discussed. The EIS will also effect compliance with the National Historic Preservation Act Section 106 consultation process. Major environmental issues that will be addressed in the EIS include air quality, water quality, and impacts to wetlands, endangered species, cultural resources, and socioeconomics.

The Navy will hold a public scoping meeting for the purpose of further identifying the scope of issues to be addressed in the EIS. It will be held on Tuesday, April 30, 1996 at 7:00 p.m. at the John Marshall Middle School Auditorium, 10101 East 38th Street, Indianapolis, Indiana. Navy representatives will make a brief presentation, then members of the public will be asked to provide their comments. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed in the EIS. In the interest of time, speakers will be asked to limit comments to five minutes.

**ADDRESSES:** Agencies and the public are encouraged to provide written comments in addition to, or, in lieu of, oral comments at the scoping meeting. To be most helpful, comments should clearly describe specific issues or topics which the EIS should address. Written comments must be postmarked by May 30, 1996, and should be mailed to Commanding Officer, Southern Division, Naval Facilities Engineering Command, P.O. Box 190010, North Charleston, South Carolina 29419–9010 (Attn: Mr. Ronnie Lattimore, Code 064), telephone (803) 820–5888. The scoping meeting will be conducted in English, and requests for language interpreters or other special communications needs should be made to Mr. Lattimore at least one week prior to the meeting. The Navy will make every reasonable effort to accommodate these needs.

Dated: April 10, 1996.

M.A. Waters,

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 96–9215 Filed 4–12–96; 8:45 am]

**BILLING CODE 3810–FF–M**

## Department of the Navy, DoD

### Notice of Intent to Grant Exclusive Patent License; Northrup Grumman Corporation

**SUMMARY:** The Department of the Navy hereby gives notice of its intent to grant a revocable, nonassignable, exclusive license in the United States to Northrup Grumman Corporation, to practice the Government owned inventions described in U.S. Patents Nos. 5,489,200 entitled ''Compress/Melt Processor for Contaminated Plastic Waste,'' 5,488,278

entitled ''Load Limit System for Mechanical Linear Actuator'' and 5,411,697 entitled ''Method for Processing Contaminated Plastic Waste.''

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR OOCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

**FOR FURTHER INFORMATION CONTACT:** Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR OOCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Dated: April 9, 1996

M. A. WATERS,

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 96–9214 Filed 4–12–96; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF EDUCATION

### National Advisory Committee on Institutional Quality and Integrity; Meeting

**AGENCY:** National Advisory Committee on Institutional Quality and Integrity, Education.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the proposed agenda of the National Advisory Committee on Institutional Quality and Integrity. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of its opportunity to attend this public meeting.

**DATES AND TIMES:** June 18–20, 1996, 8:00 a.m. until 6:00 p.m.

**ADDRESSES:** The Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Carol F. Sperry, Executive Director, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, 600 Independence Avenue, SW., Room 3905, ROB 3, Washington, DC 20202–7592, telephone: (202 260–3636. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The National Advisory Committee on Institutional Quality and integrity is established under Section 1205 of the Higher Education Act (HEA) as amended by Public Law 102–325 (20 U.S.C. 1145). The Committee advises the Secretary of Education with respect to the establishment and enforcement of the criteria of recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA, the recognition of specific accrediting agencies or associations, the preparation and publication of the list of nationally recognized accrediting agencies and associations, and the eligibility and certification process for institutions of higher education under Title IV, HEA. The Committee also develops and recommends to the Secretary standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies, in order to establish eligibility for such institutions on an interim basis for participation in federally funded programs.

**AGENDA:** The meeting on June 18–20, 1996 is open to the public. The Advisory Committee will review petitions of accrediting and State approval agencies relative to initial or continued recognition by the Secretary of Education. In all cases before the Committee, the Committee will hear presentations by any representatives who are present from the agency and any third parties who have requested to be heard. The following petitions are scheduled for review:

Nationally Recognized Accrediting Agencies and Associations

*Petition for Initial Recognition—*

1. National Association of Nurse Practitioners in Reproductive Health (requested scope of recognition: the accreditation of women's health nurse practitioner education programs in reproductive health)

2. Respiratory Health Accreditation Board (requested scope of recognition: the accreditation of respiratory care education programs)

*Petitions for Renewal of Recognition—*

1. Commission on Accreditation of Allied Health Education Programs (requested scope of recognition: As a coordinating agency for the accreditation of institutions and programs under the following allied health education committees:

a. Cytotechnology Programs Review Committee.

b. Joint Review Committee on Education in Diagnostic Medical Sonography.

c. Joint Review Committee on Education in Electroneurodiagnostic Technology.

d. Joint Review Committee on Educational Programs for the EMT-Paramedi.

e. Accreditation Committee for Perfusion Education (perfusionist).

f. Accreditation Committee for Education for the Physician Assistant.

g. Joint Review Committee for Respiratory Therapy Education.

h. Accreditation Review Committee for the Surgical Technologist).

2. Middle States Association of Colleges and Schools, Commission on Secondary Schools (requested scope of recognition: the accreditation and preaccreditation of public vocational and technical schools offering non-degree postsecondary education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the Virgin Islands)

3. National Accrediting Agency for Clinical Laboratory Sciences (requested scope of recognition: the accreditation of programs for the histologic technical/technologist)

4. National League for Nursing, Inc. (requested scope of recognition: the accreditation of programs in practical nursing, and diploma, associate, baccalaureate, and higher degree nurse education programs)

*Interim Reports—*

An interim report is a follow-up on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted recognition to the agency.

1. American Bar Association, Council of the Section of Legal Education and Admission to the Bar.

2. Accrediting Council for Continuing Education and Training.

3. American Psychological Association, Committee on Accreditation.

4. Commission on Opticianry Accreditation.

5. Distance Education and Training Council, Accrediting Commission.

6. National Accrediting Commission of Cosmetology Arts and Sciences.

7. National Environmental Health Science and Protection Accreditation Council.

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

*Petition for Renewal of Recognition—*

1. Puerto Rico State Agency for the Approval of Public Postsecondary

Vocational Technical Education Institutions and Programs

State Agencies Recognized for the Approval of Nurse Education

*Petition for Renewal of Recognition—*

1. Montana Board of Nursing.

A request for comments on agencies whose petitions are being reviewed for initial or continued recognition during this meeting was published in the Federal Register on December 21, 1995.

This notice invites third-party oral presentations before the Advisory Committee. It does not constitute another call for written comment. Requests for oral presentation before the Advisory Committee should be submitted in writing to Ms. Sperry at the address above by May 24, 1996. Requests should include the names of all persons seeking on appearance, the organization they represent, and a brief summary of the principal points to be made during the oral presentation. Presenters are requested not to distribute written materials at the meeting. Any written materials presenters may wish to give to the Advisory Committee must be submitted to Ms. Sperry by May 24, 1996 (one original and 25 copies). Only documents presenters submit by that date will be considered by the Advisory Committee.

At the conclusion of the meeting, attendees may, at the discretion of the Committee chair, be invited to address the Committee briefly on issues pertaining to the functions of the Committee, as identified in the section above on Supplementary Information. Attendees interested in making such comments should inform Ms. Sperry before or during the meeting.

A record will be made of the proceedings of the meeting and will be available for public inspection at the Office of Postsecondary Education, U.S. Department of Education, 7th and D Streets, SW., room 3905, ROB 3, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Authority: 5 U.S.C.A. Appendix 2.

Dated: April 9, 1996.

David A. Longanecker,

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 96–9136 Filed 4–12–96; 8:45 am]

BILLING CODE 4000–01–M

## National Library of Education Advisory Task Force; Meeting

**AGENCY:** National Library of Education Advisory Task Force, Education.

**ACTION:** Notice to solicit public comments.

**SUMMARY:** The Secretary solicits written public comment on the development of the National Library of Education, authorized under Part E of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Act). Comments will be used to help the National Library of Education Advisory Task Force make recommendations to the Assistant Secretary regarding the activities that the National Library of Education will carry out, as well as establish priorities for its future work.

**DATES:** Comments must be received on or before May 15, 1996.

**ADDRESSES:** All comments concerning this notice, as well as requests for copies of Part E of the Act, should be addressed to Dr. E. Stephen Hunt, National Library of Education, Room 203, 555 New Jersey Avenue, NW., Washington, DC 20208–5523. Comments on this notice may also be sent in facsimile format to the facsimile transmission telephone number (202) 219–1970, and to the Internet electronic mail address stephen____hunt@ed.gov.

**FOR FURTHER INFORMATION CONTACT:** E. Stephen Hunt, National Library of Education, Room 203, 555 New Jersey Ave., NW., Washington, DC 20208–5523. Telephone: (202) 219–1882; fax: (202) 219–1970; Internet electronic mail address: stephen____hunt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On March 13, 1994, President Clinton signed Public Law 103–227, which contains the Educational Research, Development, Dissemination, and Development Act of 1994. That Act, under Part E, Section 951, authorizes the National Library of Education (20 U.S.C. 6051). Part E, Section 951 (h) of the Act creates the National Library of Education Advisory Task Force (Task Force), a temporary Federal advisory committee charged with preparing a set of recommendations on the establishment and development of the National Library of Education for presentation to the Assistant Secretary for the Office of Educational Research and Improvement.

The mission of the National Library of Education as defined by law is to: (1) Become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement; (2) strive to ensure widespread access to the Library's facilities and materials, coverage of all education issues and subjects, and quality control; (3) have an expert library staff; and (4) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources. Among the statutory functions of the National Library of Education are: (1) Providing a central location within the Federal Government for information about education; (2) providing comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and (3) promoting greater cooperation and resource sharing among providers and repositories of education information in the United States.

The statute requires that the National Library of Education create and operate a ''one-stop information and referral service'' to respond to telephonic, mail, electronic, and other inquiries from the public that will provide information on programs, activities, products, publications, and statistics available from the Office of Educational Research and Improvement, the National Center for Education Statistics, the Regional Education Laboratories and National Research Institutes and associated Centers, the ERIC Clearinghouses, the national education dissemination system, other offices of the Department of Education, education related publications produced by other Federal departments and agencies, and referrals to additional sources of information and expertise outside the Federal Government, both public and private. A toll-free telephone number shall be part of the information and referral service.

Among the reference and research services that the National Library of Education is required to provide, either alone or in cooperation with other major libraries and archives, are: specialized subject searches, search and retrieval of electronic databases, document delivery by mail and facsimile transmission, research counseling, bibliographic instruction, user training, interlibrary loan services, selective dissemination of information services, information and resource sharing networks, a national union list of education journals held by U.S. education libraries, directories and indexes to specialized subject collections throughout the United States related to education, and cooperative efforts to preserve and maintain

accessible collections of valuable historical materials.

As required by law, the National Library of Education has already developed a preliminary collection development policy which will be refined in conjunction with the recommendations of the Task Force. Plans for completing the cataloging of arrearage in the former Education Research Library collection and for the preservation of historical materials are also being formulated in cooperation with the Task Force.

The Task Force is charged with developing a plan to implement requirements stated in the law. In addition, it is expressly authorized, at its discretion, to ''identify other activities and functions for the Library to carry out, except that such functions shall not be carried out until the Library is established'' and has implemented the requirements expressly stated for it in Section 951 of the Act.

In seeking public comment, the National Library of Education Advisory Task Force and the Assistant Secretary for Educational Research and Improvement are committed to fulfilling the requirements of the law authorizing the National Library of Education and to developing a world-class education library providing useful and high-quality electronic and traditional information services to the American people. The Office of Educational Research and Improvement and the National Library of Education are also committed to supporting Executive Order 12862, Setting Customer Service Standards, which provides that the Federal Government be ''customer driven.'' To delivery the highest quality service, the National Library of Education and its Advisory Task Force must understand the needs and interests of the Library's customers and how it can be most responsive to them.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this notice.

All comments and recommendations will be available for public inspection, during and after the comment period, in Room 202, 80 F Street, NW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week except Federal holidays.

Sharon P. Robinson,

*Assistant Secretary, for Educational Research and Improvement.*

[FR Doc. 96–8753 Filed 4–12–96; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Reopening the Public Comment Period for the Draft Environmental Assessment for the Electrometallurgical Treatment Research and Demonstration Project in the Fuel Conditioning Facility at Argonne National Laboratory-West

**AGENCY:** Department of Energy.

**ACTION:** Reopening of the public comment period.

**SUMMARY:** This notice reopens the public comment period for the Department of Energy's (DOE) Draft Environmental Assessment (EA) for the Electrometallurgical Treatment Research and Demonstration Project in the Fuel Conditioning Facility at Argonne National Laboratory-West until May 3, 1996. All comments received by that date will be considered in preparing the final EA. A Notice of Availability of the draft was published on February 2, 1996 (61 FR 3922). All other information contained in the Notice of Availability remains unchanged.

**DATES:** The comment period on the draft EA will continue through May 3, 1996. Comments postmarked after that date will be considered to the extent practicable.

**ADDRESSES:** Requests for copies of the draft EA and written comments on the draft EA should be addressed to: Mr. Greg Bass, NEPA Document Manager, Argonne Group-West, U.S. Department of Energy, P.O. Box 2528, Idaho Falls, ID 83403. Mr. Bass may be contacted by telephone at (208) 533–7184 and facsimile at (208) 533–7422.

**FOR FURTHER INFORMATION CONTACT:** For general information on the DOE NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, D.C. 20585. Ms. Borgstrom may be contacted by leaving a message at (800) 472–2756 or by calling (202) 586–4600. For general information on the Electrometallurgical Treatment Research and Demonstration Project, please contact: Mr. Robert G. Lange, Associate Director, Office of Facilities, NE–40, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874. Mr. Lange may be contacted by calling (301) 903–2915.

**SUPPLEMENTARY INFORMATION:** On February 2, 1996, the Department published a Notice of Availability (61 FR 3922) of the draft EA that included: a brief description of the contents of the document; information on how to obtain additional copies of the document and submit public comments; and a schedule of public meetings. The Notice also announced a 45-day public comment period from February 5, 1996, to March 22, 1996.

The public comment period is being reopened until May 3, 1996, in response to public requests for additional time to review reference documents and prepare comments. Except as otherwise specified above, all information contained in the February 2, 1996, Notice of Availability remains unchanged.

Issued in Washington, D.C., this 10th day of April 1996, for the United States Department of Energy.

Terry R. Lash,

*Director, Office of Nuclear Energy, Science and Technology.*

[FR Doc. 96–9241 Filed 4–12–96; 8:45 am]

BILLING CODE 6450–01–P

### Draft Environmental Impact Statement for the Hanford Site Tank Waste Remediation System, Richland, Washington

**AGENCY:** U.S. Department of Energy and Washington State Department of Ecology.

**ACTION:** Notice of availability (NOA).

**SUMMARY:** The Department of Energy (DOE), in cooperation with the Washington State Department of Ecology (Ecology), announces the availability of the draft Environmental Impact Statement (EIS) for the Hanford Site Tank Waste Remediation System (TWRS). The draft EIS addresses DOE's proposed strategies and reasonable alternatives for management and disposal of radioactive, hazardous, and mixed waste currently or projected to be stored in 177 underground storage tanks and in approximately 60 active and inactive miscellaneous underground storage tanks that were associated with Hanford's tank farm operations. The EIS also addresses the management and disposal of approximately 1,930 radioactive cesium and strontium capsules currently on loan or stored at the Hanford Site, if the capsules are determined to have no further beneficial use. The Hanford Site is located near Richland, Washington. Ecology and DOE signed a Memorandum of Understanding on February 15, 1994 to co-prepare this EIS.

**DATES:** DOE and Ecology invite all interested parties to submit written comments concerning the draft EIS during a comment period ending May 28, 1996. Written comments should be postmarked by May 28, 1996. Comments

postmarked after that date will be considered to the extent practicable.

**ADDRESSES:** Requests for copies of the draft EIS, further information on the draft EIS, and written comments should be directed to: Ms. Carolyn Haass, DOE TWRS EIS National Environmental Policy Act (NEPA) Document Manager, U.S. Department of Energy, Richland Operations Office, P.O. Box 1249, Richland, WA 99352. Requests for copies of the Draft EIS also can be made via the Internet at: TWRSEIS@ken01.JACOBS.com or by calling Ecology's Hanford Information Line at 1–800–321–2008. Addresses of DOE Public Reading Rooms and Information Repositories where the draft EIS and reference documents will be available for public review are listed in this notice under ''Supplementary Information.''

Information on the DOE NEPA process may be requested from Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Ms. Borgstrom may be contacted by telephone at: (202) 586–4600 or by leaving a message at 1–800–472–2756.

The public is also invited to attend public hearings in which oral comments will be received on the draft EIS. Oral and written comments will be considered equally in preparation of the final EIS. DOE and the Washington State Department of Ecology will also conduct workshops and meetings in Washington or Oregon on the EIS for organizations during the public comment period. Oral and written comments will be received at public hearings to be held on the dates and at the locations listed below:

May 2, 1996, 6:00 p.m. to 9:00 p.m., Columbia Basin College, 2600 North 20th Avenue, Hawk Union Building, West Dining Room, Pasco, Washington

May 7, 1996, 6:00 p.m. to 9:00 p.m., Cavalier Room, Sheraton National Hotel, 900 Orme Street, Arlington, Virginia,

May 9, 1996, 6:00 p.m. to 9:00 p.m., Multnomah Room, Red Lion Hotel at Lloyd Center, 1000 Northeast Multnomah Drive, Portland, Oregon.

**SUPPLEMENTARY INFORMATION:**

Background

DOE issued a Notice of Intent to prepare the Hanford Tank Waste Remediation System EIS on January 23, 1994 (59 FR 4052). Thereafter, DOE and Ecology held five public scoping meetings in five locations in Washington and Oregon to obtain public comment on the scope of the EIS.

The document number for this draft EIS is DOE/EIS–0189–D. The draft EIS was prepared in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality regulations implementing NEPA, 40 Code of Federal Regulations (CFR) Parts 1500–1508; and the DOE NEPA Implementing Procedures, 10 CFR Part 1021.

Copies of the draft TWRS EIS have been distributed to Federal, State, and local officials, Tribal Nations, as well as agencies, organizations, and individuals who may be interested or affected. The draft EIS and supporting technical reports also are available for public review in DOE reading rooms and designated information repository locations identified in this notice.

Public scoping comments were assessed and considered both individually and collectively by DOE and Ecology. Some comments resulted in modifications to the initial scope of the EIS as described in the Notice of Intent. Scoping comments and DOE and Ecology responses to those comments can be found in the Implementation Plan for the TWRS EIS, issued December, 1995 (DOE/RL–94–88). The Implementation Plan is available by contacting the persons listed in the **ADDRESSES** section of this notice or in the DOE reading rooms and information repositories identified in this notice.

Alternatives Considered

Tank waste alternatives discussed in the EIS are:

- *No Action*—perform minimum activities required for safe and secure management of Hanford's tank wastes with the current tank farm configuration;
- *Long-Term Management*—perform minimum activities required for safe and secure management of Hanford's tank waste, including upgrades to tank farms with the current single-shell tank farm configuration and the replacement of the double-shell tanks twice during a 100-year period;
- *In Situ Fill and Cap*—retrieve and evaporate liquid waste from the single-shell and double-shell tanks, then fill all tanks with gravel and cover the tank farms with an earthen surface barrier, disposing of all tank waste onsite;
- *In Situ Vitrification*—retrieve and evaporate liquid waste from the single-shell and double-shell tanks, then vitrify all of the tank waste in place and cover the tank farms with an earthen surface barrier, disposing of all tank waste onsite;
- *Ex Situ No Separations*—retrieve all tank farm waste practicable (assumed to be 99 percent), then either vitrify or calcine the waste and package the treated waste form for onsite storage and eventual offsite disposal at a high-level waste geologic repository;
- *Ex Situ Intermediate Separations*—retrieve all tank farm waste (99 percent) and separate the high-level and low-activity waste streams using sludge washing and ion exchange, then vitrify the waste streams in separate facilities and package the treated waste forms for onsite disposal of immobilized low-activity waste and offsite disposal of the immobilized high-level waste at a geologic repository;
- *Ex Situ Extensive Separations*—retrieve all tank farm waste (99 percent) and separate into high-level and low-activity waste streams using sludge wash, ion exchange, caustic leach and acid dissolution, then vitrify the waste streams in separate facilities and package the treated waste forms for onsite disposal of the immobilized low-activity waste and offsite disposal of the immobilized high-level waste at a geologic repository;
- *Ex Situ/In Situ Combination*—retrieve tank waste (50 percent assumed) based on the risk posed to human health or the environment, separate the retrieved waste into high-level and low-activity waste streams using sludge washing and ion exchange, then vitrify the waste streams in separate facilities, and package the treated waste forms for onsite disposal of the immobilized low-activity waste and offsite disposal of the immobilized high-level waste at a geologic repository, fill all tanks, including those with waste that had not been retrieved, with gravel, cover the tanks with a barrier, permanently disposing of the waste in-place. As a subalternative to this alternative, DOE will examine the Ex Situ treatment of the largest contributors to long-term risk, while limiting the volume of waste to be treated; and
- *Phased Implementation*—similar to the Ex Situ Intermediate Separations alternative whereby Phase 1 consists of construction of two commercial demonstration-scale facilities that would include one low-activity waste separation and vitrification demonstration plant and one low-activity and high-level waste vitrification demonstration plant which operate for up to 10 years. These facilities could treat up to 30 percent of the tank waste by volume during the 10-year operating period. In Phase 2, DOE would construct larger capacity separation and vitrification plants, retrieve the remaining waste, separate

the waste into low-activity and high-level waste streams, vitrify the waste in separate facilities, package the waste and dispose of the low-activity waste onsite in near-surface vaults and the high-level waste offsite at a geologic repository.

The radioactive cesium and strontium capsules produced from reclaimed materials in tanks are currently classified as waste by-product. The capsules may have potential commercial or other beneficial use. If a beneficial use cannot be found, the capsules would become subject to management and disposal actions as high-level waste. Cesium and strontium capsule alternatives analyzed in the EIS are: *No Action*—Continue existing operations and maintenance in the Hanford Site Waste Encapsulation and Storage Facility for 10 years; *Onsite Disposal*—overpack the cesium and strontium in canisters and store onsite indefinitely in a newly constructed dry-well storage facility; *Overpack and Ship*—overpack the cesium and strontium into canisters, which would then be overpacked into larger canisters, and disposed of offsite at a potential geologic repository; and *Vitrify with Tank Waste*—remove capsule contents and vitrify with the high-level tank waste, and dispose of offsite at a potential geologic repository.

The draft EIS identifies and compares the potential environmental impacts associated with these alternatives for managing and disposing of Hanford's radioactive, hazardous and mixed tank waste and encapsulated cesium and strontium.

Preferred Alternatives

DOE's and Ecology's preferred tank waste alternative is the Phased Implementation alternative. DOE and Ecology do not yet have a preferred alternative for the Hanford Site's encapsulated cesium and strontium.

Invitation to Comment

DOE has completed the general distribution of the draft TWRS EIS and has filed it with the Environmental Protection Agency, which will publish a Notice of Availability elsewhere in the Federal Register. The draft TWRS EIS will also be available to the public in the DOE reading rooms and designated information repository locations identified in this notice. DOE plans to issue the final TWRS EIS in July 1996 and a Record of Decision by August 1996.

Persons interested in speaking at the hearings may register at the hearing and will be called on to speak on a first-come first-served basis. Written comments will also be accepted at the meetings, and speakers are encouraged to provide written versions of their oral comments for the record. Oral and written comments will be considered equally in preparing the final EIS.

DOE and the Washington State Department of Ecology will also conduct workshops and meetings in Washington or Oregon on the EIS for organizations during the public comment period. The workshops and meetings will provide an opportunity for interested persons and the public to learn more about the alternatives and analysis presented in the EIS. The dates of the workshops and meetings have not been scheduled at this time. Interested persons should call 1–800–321–2008, to schedule a workshop before May 7, 1996.

Contents of the EIS

*Summary:* Summary of the alternatives and analysis presented in the EIS
*Volume One:* Text of the Tank Waste Remediation System EIS
*Volume Two:* Appendices supporting the analysis presented in Volume One
- Appendix A. Waste Inventory
- Appendix B. Description of Alternatives
- Appendix C. Alternatives Dismissed from Analysis

*Volume Three:* Appendices supporting the analysis presented in Volume One
- Appendix D. Anticipated Health and Ecological Risks

*Volume Four:* Appendices supporting the analysis presented in Volume One
- Appendix E. Accident Risks
- Appendix F. Groundwater Modeling

*Volume Five:* Appendices supporting the analysis presented in Volume One
- Appendix G. Air Quality Modeling
- Appendix H. Socioeconomic Impact Modeling
- Appendix I. Affected Environment
- Appendix J. Consultation Letters

The Summary of the EIS is available for review for those who do not want the entire draft EIS. When requesting copies of the draft EIS, please indicate whether you wish to receive only the Summary (52 pages), the Summary and Volume One (620 pages), the entire draft document and associated appendices (2,400 pages), or some combination of these documents.

DOE Public Reading Rooms and Information Repositories

Suzzallo Library, University of Washington, Government Publications Room, Seattle, WA 98195 (206–543–4664).
Foley Center, Gonzaga University, E. 502 Boone, Spokane, WA 99258 (509–328–4220, Ext. 3125).
DOE Reading Room, Washington State University, Tri-Cities Campus, 100 Sprout Road, Room 130, Richland, WA 99352 (509–376–8583).
Bradford Price Millar Library, Science and Engineering Floor, Portland State University, SW Harrison and Park, Portland, OR 97207 (503–725–3690).
DOE Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585 (202–586–6020).

Issued in Washington, D.C., this day April 9, 1996.

Stephen P. Cowan,

*Deputy Assistant Secretary for Waste Management.*

[FR Doc. 96–9270 Filed 4–10–96; 12:57 pm]

BILLING CODE 6450–01–P

## Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement (EIS) at the Department of Energy (DOE) Savannah River Site (SRS)

**AGENCY:** Department of Energy.

**ACTION:** Notice.

**SUMMARY:** On March 20, 1992, DOE announced its intent to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) for a proposed Upgrade of Canyon Exhaust Systems Project at the Savannah River Site (SRS). Due to a substantial reduction in scope of the proposed upgrade, DOE is withdrawing its Notice of Intent to Prepare an Environmental Impact Statement.

**ADDRESSES:** Written comments or suggestions on the information provided below under the heading ''Supplementary Information'' should be directed to Mr. A.R. Grainger, NEPA Compliance Officer, Environmental Compliance Division, Savannah River Operations Office, P.O. Box 5031, Aiken, South Carolina, 29804, Phone/FAX: (800) 242–8269, E-Mail: nepa@barmS036.b-r.com.

**FOR FURTHER INFORMATION CONTACT:** For general information on DOE's National Environmental Policy Act (NEPA) process, please contact Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. Telephone: (202) 586–4600 or leave a message at (800) 472–2756.

**SUPPLEMENTARY INFORMATION:** Beginning in the early 1950's, the SRS served as a

defense materials production facility for DOE and its predecessor agencies. As part of the SRS mission, the chemical separations facilities (''Canyons'') in F- and H-Areas performed, among other functions, the chemical recovery or reprocessing of nuclear materials produced at SRS. The primary facilities for these activities were the F- and H-Area Canyons, which recovered and separated isotopes of uranium, plutonium, and neptunium from spent reactor fuels or from targets irradiated in SRS reactors. The activities performed in the F- and H- Area canyons and their associated facilities produce airborne radioactive offgases and particulates, which have contaminated some parts of the interiors of the facilities. To protect workers from a buildup of radioactivity and to protect the environment from airborne radioactive releases, large ventilation and filter systems control the air flow in the canyons, which must be maintained whether the canyons are in actual operation or not. F- and H-Areas have nearly identical canyon ventilation systems. Each ventilation system consists of ducts, filters, fans, exhaust stack, electrical power supplies, and electrical control centers. The Canyon Exhaust Systems fans in the F- and H-Areas are 20 years old or older. Although they are still operating within the requirements of the F- and H-Canyon Safety Analysis Reports, the exhaust portions of the canyon ventilation systems require replacement to address reliability concerns.

On March 20, 1992, the Assistant Secretary for Environment, Safety and Health published in the Federal Register the Notice of Intent for the Upgrade Canyon Exhaust Systems (UCES) Project Environmental Impact Statement. The proposed action at that time was a major upgrade of the canyon exhaust systems to meet current or anticipated reliability, capacity, safety, and security criteria. Since then, DOE has performed several technical reviews on the merits of completing the originally envisioned UCES project at the Savannah River Site, considering the potential future missions of the affected facilities. On July 17, 1995, the scope of the activity of the UCES project was changed to include only in-kind replacement for safety and environmental reasons. DOE believes that these particular proposed replacements are necessary regardless of the scope of potential future missions for which F- and H-Canyons may be considered.

The proposed action is now restricted to five removals and four replacement actions, as follows:

(1) Removal of existing diesel generators in 292–F/H buildings,

(2) Removal and replacement of existing 254–5F/H diesel generators,

(3) Removal and replacement of existing motor control centers, A, B, and C in the 292–F/H buildings,

(4) Removal and replacement of 750 kVA and 1000 kVA substations in 292–F/H buildings,

(5) And removal and replacement of Old Canyon Exhaust Fans.

The proposed action now fits within DOE Categorical Exclusion (CX)/B2.5/, for safety and environmental improvements that do not significantly alter life span, capacity, or function of a facility. This CX is further described in Appendix B to Subpart D of the DOE NEPA Implementing Procedures and Regulations, 10 CFR 1021, 57 FR 15122, 15154. Therefore, no EIS is required, and DOE hereby withdraws its notice of intent to prepare an EIS.

Issued in Washington, D.C. on April 3, 1996.

John A. Ford,

*Director, Savannah River Office.*

[FR Doc. 96–9244 Filed 4–12–96; 8:45 am]

**BILLING CODE 6450–01–P**

## Federal Energy Regulatory Commission

**[Docket No. CP96–299–000]**

## Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Texas Eastern Transmission Corporation; Notice of Application

April 9, 1996.

Take notice that on April 4, 1996, Columbia Gas Transmission Corporation (Columbia), 1700 Mac Corkle Avenue SE., Charleston, WV 25314; Columbia Gulf Transmission Company (Columbia Gulf), 2603 Augusta STE 125, Houston, TX 77057–5637; and Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, TX 77056–5310, jointly, filed an application with the Commission in Docket No. CP96–299–000 pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon various transportation and exchange services no longer needed by the parties, which were authorized in Docket Nos. CP67–278 and CP76–190,[1] all as more fully set forth in the application which is open to the public for inspection.

Columbia, Columbia Gulf, and Texas Eastern propose to abandon the exchange services authorized in Docket No. CP67–278 and performed under their FERC Rate Schedules X–7, X–3, and X–56, respectively. Columbia and Texas Eastern also propose to abandon the transportation and exchange services authorized in Docket No. CP76–190 and performed under their FERC Rate Schedules X–43 and X–78, respectively. Columbia Gulf, as a party in Docket No. CP76–190, also requests abandonment to the transportation and exchange service authorized therein; however, Columbia Gulf inadvertently never filed a companion rate schedule for this service as required by Ordering Paragraph B of the Commission's order issued July 28, 1976 (56 FPC 660).

The parties assert that the proposed abandonments would not result in or cause any interruption, reduction, or termination of firm natural gas service presently render by the parties to any of their respective customers. No facilities would be abandoned as a result of the proposed abandonments of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1996, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) and the Regulations under the NGA (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 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] 37 FPC 1,020 (1968) and 56 FPC 660 (1976).

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia, Columbia Gulf, or Texas Eastern to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9188 Filed 4–12–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. CP96–303–000]**

## Texas Eastern Transmission Corporation; Notice of Request Under Blanket Authorization

April 9, 1996.

Take notice that on April 8, 1996, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP96–303–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a delivery point on its facilities in Westmoreland, Pennsylvania to implement an interruptible transportation service of up to 4,000 Mcf per day under Rate Schedule IT–1 for American Video Glass (AVCO), under the blanket certificate issued in Docket No. CP82–535–000, pursuant to Section 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.

Texas Eastern states that the proposed facilities consist of a 4-inch tap valve and 4-inch check valve on each of Texas Eastern's 30-inch Line No. 9 and 36-inch Line 29, in Westmoreland County, Pennsylvania. It is indicated that, in addition to the tap and check meter, AVCO will install, or cause to be installed, a dual 4-inch orifice meter run, approximately 20 feet of 6-inch pipeline and the electronic gas measurement equipment. Texas Eastern states that the proposed facilities would allow it to provide up to 4,000 Mcf per day of interruptible service for AVCO. Texas Eastern estimates a facility cost of $136,000, which would be reimbursed by AVCO.

Texas Eastern states that interruptible transportation service to be rendered to AVCO through the delivery point would be performed using existing capacity on Texas Eastern's system and would have no effect on Texas Eastern's peak day or annual deliveries. It is also stated that the proposal would be accomplished without detriment or disadvantage to Texas Eastern's other customers.

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. 96–9189 Filed 4–12–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. CP96–278–000]**

## Williston Basin Interstate Pipeline Company; Notice of Application

April 9, 1996.

Take notice that on March 25, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP96–278–000, an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(a) of the Regulations (18 CFR 157.7(a)), for a certificate of public convenience and necessity authorizing the restatement of the maximum daily delivery capacity at the West Boulevard Meter Station, located in Section 25, Township 2N, Range 7E and the Krebs Meter Station, located in Section 34, Township 2N, Range 7E, both in Pennington County, South Dakota, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williston Basin proposes to change the maximum daily delivery capacity from 13,608 Mcf to 16,056 Mcf per day for the West Boulevard Meter Station and from 14,794 Mcf to 24,408 Mcf per day for the Krebs Meter Station. Williston Basin contends that the change in maximum daily delivery capacity is due solely to the fact that the mist extractor differential pressure was understated in the original calculation of the capacity at these points. Williston Basin states that there will be no costs associated with the restatement of the maximum daily delivery capacity. Williston Basin relates that the operation of these meter stations at the restated capacity will have no significant effect on Williston Basin's peak day or annual requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the 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 application 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 for the proposal 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 formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advise, it will be unnecessary for Williston Basin to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9187 Filed 4–12–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. ER96–345–002, et al.]**

## Indeck Pepperell Power Associates, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 8, 1996.

Take notice that the following filings have been made with the Commission:

1. Indeck Pepperell Power Associates, Inc.

[Docket No. ER96–345–002]

Take notice that on March 21, 1996, Indeck Pepperell Power Associates, Inc. (''Indeck Pepperell'') submitted for filing the First Revised Rate Schedule FERC No. 1 and revised standards of conduct to comply with the Commission's March 19, 1996, Order issued in this Docket.

Indeck Pepperell states that its compliance filing is in accordance with Part 35 of the Commission's regulations. Indeck Pepperell requests a waiver of the Commission's notice requirements so that its revised rate schedule may become effective on March 25, 1996.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. QST Energy Trading, Inc.

[Docket No. ER96–553–001]

Take notice that on March 25, 1996, QST Energy Trading, Inc. tendered for filing its compliance filing in the above-referenced docket.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Tampa Electric Company

[Docket No. ER96–721–000]

Take notice that on March 28, 1996, Tampa Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Pennsylvania-New Jersey-Maryland Interconnection (PJM) Association

[Docket No. ER96–821–000]

Take notice that on April 1, 1996, the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Association filed on behalf of the Parties to the PJM Agreement, supplemental information requested by FERC staff with regard to the proposed Non-Replacement Energy Agreement with ENRON Power Marketing, Inc., submitted in this docket.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Union Electric Company

[Docket No. ER96–925–001]

Take notice that on March 25, 1996, Union Electric Company tendered for filing its refund report in the above-referenced docket.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Pacific Gas and Electric Company

[Docket No. ER96–1019–000]

Take notice that on April 2, 1996, Pacific Gas and Electric Company (PG&E) tendered for filing, an amendment to its February 6, 1996, filing of revised Appendices A through J of the ''Agreement between PG&E and City and County of San Francisco.''

Subsequent to the initial filing, the Commission staff requested that PG&E provide certain additional revenue and cost of service data for the City and County of San Francisco (City). PG&E is amending this docket by filing additional information which is responsive to the Commission Staff queries.

Copies of this filing were served upon the City and the California Public Utilities Commission.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Monongahela Power Company

[Docket No. ER96–1049–000]

Take notice that on March 19, 1996, Monongahela Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Baltimore Gas and Electric Company

[Docket No. ER96–1065–000]

Take notice that on April 1, 1996, Baltimore Gas and Electric Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Boston Edison Company

[Docket No. ER96–1161–000]

Take notice that on April 2, 1996, Boston Edison Company tendered for filing additional information in support of its February 23, 1996, rate filing in the captioned proceeding for service to the Massachusetts Port Authority.

Boston Edison states that it has served copies of this filing upon the affected customer and the Massachusetts Department of Public Utilities.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Duke Power Company

[Docket No. ER96–1221–000]

Take notice that on March 28, 1996 and March 29, 1996, Duke Power Company tendered for filing additional information to its February 29, 1996, filing in the above-referenced docket.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power and Light Company

[Docket No. ER96–1332–000]

Take notice that on March 18, 1996, Wisconsin Power and Light Company (WP&L) tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Sonat Power Marketing Inc. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of March 13, 1996.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Pennsylvania Power & Light Company

[Docket No. ER96–1423–000]

Take notice that on March 28, 1996, Pennsylvania Power & Light Company (PP&L), tendered for filing with the Federal Energy Regulatory Commission Service Agreements (the Agreements) between PP&L and Industrial Energy Applications (EA), dated March 11, 1996, and between PP&L and Sonat Power Marketing, Inc. dated March 15, 1996.

The Agreements supplement a Short Term Capacity and Energy Sales umbrella tariff approved by the Commission in Docket No. ER95–782–000 on June 21, 1995.

In accordance with the policy announced in *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified and reh'g granted in part and denied in part*, 65 FERC ¶ 61,081 (1993), PP&L requests the Commission to make the Agreements effective as of March 27, 1996, because service will be provided under an umbrella tariff and each service agreement is filed within 30 days after the commencement of service. In accordance with 18 CFR 35.11, PP&L has requested waiver of the sixty-day notice period in 18 CFR 35.2(e). PP&L has also requested waiver of certain filing requirements for information previously filed with the Commission in Docket No. ER95–782–000.

PP&L states that a copy of its filing was provided to the customers involved and to the Pennsylvania Public Utility Commission.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. NIPSCO Energy Services, Inc.

[Docket No. ER96–1431–000]

Take notice that on March 28, 1996, NIPSCO Energy Services, Inc. (NESI)

filed its Rate Schedule, providing for wholesale sales of power and energy by NESI to eligible purchasers at agreed-upon rates.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumers Counselor.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Eastex Power Marketing, Inc.

[Docket No. ER96–1432–000]

Take notice that on March 28, 1996, Eastex Power Marketing, Inc. (EPMI), tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) indicating that EPMI has satisfied the requirements for WSPP membership. Accordingly, EPMI requests that the Commission permit its participation in the WSPP.

EPMI requests waiver of the 60-day prior notice requirement to permit its membership in the WSPP to become effective as of March 29, 1996, the day after the filing.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement

[Docket No. ER96–1433–000]

Take notice that on March 27, 1996, the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Association filed on behalf of the Parties to the PJM Agreement, Revision No. 15 to Schedule 4.01 of that Agreement.

The purpose of this filing is to decrease the rate applicable to capacity deficiency transactions determined in accordance with the PJM Agreement. The new rate is to become effective with the beginning of the next 12-month Planning Period on June 1, 1996. No changes in facilities are proposed in this filing.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. New England Power Company

[Docket No. ER96–1436–000]

Take notice that on March 29, 1996, New England Power Company (NEP) submitted for filing three documents relating to its sale and transmission of electricity to the Massachusetts Government Land Bank (Land Bank) at Fort Devens, Massachusetts: (1) a Short-Term All Requirements Bulk Power Supply Contract between NEP and the Land Bank; (2) a FERC Tariff No. 8, Firm Transmission Umbrella Short-Term Service Agreement between NEP and the Land Bank; and (3) an Amendment to the January 2, 1974, FERC Tariff No. 1 Service Agreement between NEP and the Department of the Army for the supply of the latter's power supply requirements at Fort Devens.

Under the first two agreements, NEP will sell and transmit power to meet the Land Bank's requirements on a short-term basis, pending the Land Bank's selection of a long-term supplier, or until October 31, 1996. The third agreement modifies the metering provisions in the existing Service Agreement for all-requirements service between NEP and the Army.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. The Montana Power Company

[Docket No. ER96–1437–000]

Take notice that on March 29, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, as an initial rate schedule, a Firm Energy Sale Agreement between Montana and Energy Services, Inc. (ESI).

A copy of the filing was served upon ESI.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Kansas City Power & Light Company

[Docket No. ER96–1438–000]

Take notice that on March 29, 1996, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated March 21, 1996, between KCPL and the City of Independence Power & Light Department (Independence). KCPL proposes an effective date of June 1, 1996, and requests a waiver of the Commission's notice requirement, if needed, to allow the requested effective date. This Agreement provides for the rates and charges for Firm Transmission Service between KCPL and Independence.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges which were conditionally accepted for filing by the Commission in Docket No. ER94–1045–000.

*Comment date:* April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER96–1439–000]

Take notice that on March 29, 1996, Ohio Edison Company, tendered for filing on behalf of itself and Pennsylvania Power Company, an Agreement for Power Transactions with Federal Energy Sales, Inc. This initial rate schedule will enable the parties to purchase and sell capacity and energy in accordance with the terms of the Agreement.

Comment date: April 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Indiana Michigan Power Company

[Docket No. ER96–1440–000]

Take notice that on March 29, 1996, Indiana Michigan Power Company (I&M), tendered for filing with the Commission a Facilities and Operation Agreement between I&M and the City of South Haven, Michigan (South Haven), regarding a new 69 kV delivery point. South Haven currently receives service under I&M FERC Electric Tariff MRS, Original Volume No. 4.

I&M proposes an effective date of June 1, 1996, for the Facilities and Operation Agreement. A copy of this filing was served upon South Haven, the Indiana Utility Regulatory Commission, and the Michigan Public Service Commission.

Comment date: April 22, 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. 96–9211 Filed 4–12–96; 8:45 am]

BILLING CODE 6717–01–P

**[Project No. 10854–002; Michigan]**

## Upper Peninsula Power Company; Notice of Availability of Draft Environmental Assessment

April 9, 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 No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for an original license for the Cataract Hydroelectric Project, located on the Middle Branch Escanaba River, near the City of Gwinn, Marquette County, Michigan; and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, Room 1–A, 888 First Street N.E., Washington, D.C. 20426. Please affix ''Cataract Hydroelectric Project No. 10854'' to all comments. For further information, please contact James Hunter at (202) 219–2839.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9190 Filed 4–12–96; 8:45 am]

**BILLING CODE 6717–01–M**

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## Michigan Gas Storage Company; Notice of Intent to Prepare an Environmental Assessment for the Proposed Cranberry Lake Header Replacement Project and Request for Comments on Environmental Issues

**[Docket No. CP96–263–000]**

April 9, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Cranberry Lake Header Replacement Project.[1] This EPA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

### Summary of the Proposed Project

Michigan Gas Storage Company (MGSCo) requests authorization to construct and operate 5.2 miles of 20-inch-diameter pipeline to replace 1.3 miles of 10-inch-diameter pipeline and 3.9 miles of 16-inch-diameter pipeline, and to abandon by removal 5.2 miles of 8-inch-diameter loop. All facilities are in Clare County, Michigan. The proposed project would allow for more efficient and safe operation of MGSCo's Cranberry Lake Storage Field.

The general location of the project facilities and specific locations for facilities on new sites are shown in appendix 1.[2]

### Land Requirements for Construction

Construction of the proposed facilities would require about 42 acres of land. About 36 of the 42 acres is existing pipeline right-of-way. The 6 acres of construction right-of-way would be allowed to revert to its prior use after construction.

### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources, fisheries, and wetlands
- vegetation and wildlife
- endangered and threatened species
- land use
- cultural resources
- air quality and noise
- public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Docket No. CP96–263–000

### Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by MGSCo. Keep in mind that this is a preliminary list:

- One mile of the proposed project crosses the Seney National Wildlife Refuge.
- About 1.5 acres of woody wetland vegetation would be temporarily cleared for construction.
- The Clam River, a State of Michigan designated trout stream, would be crossed by directional drilling.
- Three residences are within 50 feet of the construction right-of-way.

The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

### Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to

[1] Michigan Gas Storage Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426;
- Reference Docket No. CP96–263–000;
- Send a *copy* of your letter to: Mr. Bob Kopka, EA Project Manager, Federal Energy Regulatory Commission, 888 First Street NE., PR–11.1, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before May 12, 1996.

If you wish to receive a copy of the EA, you should request one from Mr.. Kopka at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr.. Bob Kopka, EA Project Manager, at (202) 208–0282.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9186 Filed 4–12–96; 8:45 am]

**BILLING CODE 6717–01–M**

## Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines; Regulation of Negotiated Transportation Services of Natural Gas Pipelines; Order Denying Requests for Rehearing and Clarification

**[Docket No. RM95–6–001; Docket No. RM96–7–001]**

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

Issued April 9, 1996.

On January 31, 1996, the Commission issued a Statement of Policy and Request for Comments (Policy Statement) on alternatives to traditional cost-of-service ratemaking methodologies.[1] The Policy Statement articulated and/or modified the criteria the Commission will use in evaluating pipeline company proposals to charge market-based rates, incentive rates, and negotiated rates where there is a cost-based recourse rate option. The Policy Statement also created a new proceeding, Docket No. RM96–7–000, and requested comments on whether the Commission should permit pipelines to negotiate the terms and conditions of service, in addition to the rates for those services.

Fifteen parties seek rehearing and/or clarification of the January 31 Policy Statement.[2] As discussed in greater detail below, the Commission denies the requests for rehearing and clarification.

Summary of the Requests for Rehearing and Clarification

The Requests for Rehearing generally track the three areas addressed in the Policy Statement—market-based rates, incentive rates, and negotiated rates with a recourse rate option. With respect to market-based rates, the parties seek rehearing of several of the criteria the Commission adopted. Specifically, parties argue that the Commission erred in adopting criteria for defining ''good alternatives'' which include the use of netbacks and a 10 percent price increase threshold. Furthermore, the parties allege error in the Commission's use of a .18 HHI as a screen to determine the level of scrutiny to be given to proposals for market-based rates. Parties also assert that the Commission's failure to adopt a periodic rate review requirement for pipelines charging market-based rates constitutes error. Other alleged points of error include the Commission's failure to extend the criteria for evaluating market-based rate proposals to the secondary transportation market and the Commission's stated willingness to consider pipeline proposals to mitigate market power. Finally, several parties provided suggestions for modifying the Policy Statement and/or the manner in which the criteria for evaluating market-based rates will be applied.

With respect to incentive rates, several parties expressed concern regarding the Commission's decision to eliminate the requirement that pipelines articulate quantifiable benefits to their customers to result from incentive rate proposals. Parties also express concern regarding the elimination of the requirement that rates under incentive regulation can be no higher than they would have been under cost-of-service regulation. In addition, several parties made general suggestions regarding the application of the criteria for evaluating incentive rate proposals.

Finally, parties also raised concerns regarding the Commission's stated willingness to entertain requests to charge negotiated rates, so long as a Commission-approved, cost-based recourse rate was available to shippers on the pipeline's system.

Discussion

The purpose of the Policy Statement was to provide the industry with guidance by stating the criteria the Commission will consider when evaluating proposals for alternative ratemaking methodologies. In stating the evaluation criteria, the Policy Statement also conveyed the Commission's intent to evaluate the specific proposals based on the facts and circumstances relevant to the applicant and to address any concerns regarding the application of the criteria on a case-by-case basis.[3] In general, objections to statements of policy are not directly reviewable. Rather, such review must await implementation of the policy in a specific case.[4] Therefore, the Commission declines to consider the issues raised in the requests for rehearing and/or clarification regarding market-based, incentive, or negotiated rate proposals in the abstract, but will consider such issues and arguments in the specific cases in which they apply. In addition, the Commission will consider negotiated rate issues that relate to negotiated terms and conditions of service in Docket No. RM96–7–000.[5]

[1] 74 FERC ¶ 61,076 (1996), 61 FR 4633 (February 7, 1996).

[2] Alberta Department of Energy
American Forest & Paper Association
Associated Gas Distributors
Brooklyn Union Gas Company
Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company **
Entex, A Division of NorAm Energy Corp. and Louisiana Gas Service Company a Division of Citizens Utilities Company
Independent Petroleum Association of America
Indicated Shippers
Industrial Gas Consumers
Interstate Natural Gas Association of America **
Koch Gateway Pipeline Company
NorAm Gas Transmission Company
Tenneco Energy **
Texaco Natural Gas, Inc.
United Distribution Companies **
** Request for Clarification.

[3] *See*, e.g., Policy Statement, slip op. at 26, 35, 40 and 47.

[4] *See*, American Gas Association v. FERC, 888 F.2d 136 (D.C. Cir. 1989).

[5] Regulation of Negotiated Transportation Services of Natural Gas Pipelines, Docket No.

Continued

By the Commission.
Lois D. Cashell,
*Secretary.*
[FR Doc. 96–9213 Filed 4–12–96; 8:45 am]
**BILLING CODE 6717–01–P**

## Western Area Power Administration

## Western Area Power Administration's Concept for Purchase of Non-Hydropower Renewable Resources, and Solicitation of Interest

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of policy consideration and request for comment.

**SUMMARY:** Western Area Power Administration (Western) is considering adoption of a policy whereby Western would purchase a portion of its expected purchase power requirements, on a project-by-project basis and in a competitive manner, from non-hydropower renewable resource producers. Within this portion of purchase power requirement set-aside for non-hydropower renewable resource, Western is also considering a 50 percent reservation for solar resources. Western has developed the concept contained in this notice for public consideration and comment. Western also solicits interest from power customers who want Western to facilitate the delivery of non-hydropower renewable resources on their behalf and at their cost. In addition, Western solicits public comment on alternative concepts that may also provide marketing opportunities for non-hydropower renewable resource producers. Western seeks as well, information from renewable resource developers that helps in understanding these resource options. After considering public comment on the concept described in this notice, and after considering alternative concepts and opportunities offered by the public, Western will adopt a final non-hydropower renewable resource purchase policy and program for each of its projects. If the policy adopted provides for one or more projects to acquire a portion of their purchase power requirements from non-hydropower renewable resources, those projects will then begin separate processes to acquire such resources.

**DATES:** Western seeks comments on the purchase concept outlined in this notice and input on alternative marketing concepts and opportunities. To be considered, comments and other input in response to this notice needs to be received by May 15, 1996.

At this time, Western does not plan to hold a public meeting. However, a summary of comments received, and Western's response to those comments, will be provided in a subsequent Federal Register notice, and to parties indicating they wish to continue receiving information about this process.

**FURTHER INFORMATION:** To receive information on this concept and solicitation, and/or to make requests to receive subsequent mailings on this process, contact: Mr. Michael S. Cowan, Chief Program Office, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401–0098, (303) 275–1630.

### Background

Western is conducting this process in support of the Department of Energy's program to develop renewable energy technologies as cost-competitive sources of electricity. The competitive forces brought on by electric utility deregulation have reduced immediate market opportunities for renewable resources, such as wind, solar, and biomass. However, over time, competition is expected to create new opportunities for renewable energy sales, as technology improves and end-use customers are offered greater freedom to choose their sources of power. This is a critical period in which electricity markets are being shaped and future energy options are being defined, and it is important that renewable energy is one of the choices that the new market will offer.

With its significant transmission resources, customer base, and interconnections with electric utilities throughout the West, Western is in a position to facilitate market opportunities for non-hydropower renewable resources. This public process was initiated to determine Western's appropriate role as such a facilitator, and to guide Western's decision as a potential buyer of non-hydropower renewables.

In 1995, Western developed a set of Integrated Resource Planning (IRP) principles for its own resource acquisition and transmission planning activities. These principles were developed through a public process and were published in the Federal Register, ''Final Principles of Integrated Resource Planning for Use in Resource Acquisition and Transmission Planning,'' 60 FR 30533 (June 9, 1995). In adopting these principles, Western committed to considering a full range of supply- and demand-side resource options (including renewable resources) that would be evaluated on a project-by-project basis using criteria developed in a public process.

Western's purchase power requirements are determined on a project-by-project basis. This is done because each project has differing purchase power requirements, the projects are marketed separately, and the cost of purchase power is recovered through firm power rates charged to each project's customers.

Western commonly makes power purchases for the purpose of ''firming'' the hydropower that it is charged with marketing. Although Western does not have unlimited authority to purchase non-Federal power, the courts interpreting the Reclamation statutes have held that Western has inherent authority to purchase non-Federal power to maximize the sale of federally produced power at firm power rates. Western has been given statutory authority to market a higher level of firm power than the Central Valley Project generators can regularly produce, by purchasing up to 400 MW of additional power.

Western is currently involved in two public processes to determine the need for purchase power and the criteria to be applied in making purchase power decisions. These include the Replacement Resources Process, pursuant to the Grand Canyon Protection Act of 1992 (Public Law 102–575) and the Central Valley Project 2004 Power Marketing Program. These processes are being conducted consistent with the principles of IRP adopted by Western. Public responses to the concept presented in this notice and specific to these projects will be considered in these ongoing public processes.

The facilities, marketing programs, nature of purchase power requirements, and estimated financial impacts from purchasing non-hydropower renewables for each of Western's projects are summarized in the following text and table. The nature of purchase power requirement is described as either firm or non-firm energy, and either annual, seasonal, or monthly. Firm energy is energy with capacity. Conversely, non-firm energy is energy only. The term of any purchase power contract would vary, but in no case will the term extend beyond the expiration of the project's current long-term firm power sales contracts, as amended.

The estimated financial and rate impacts provided are calculated by applying the assumptions of a 5 percent of annual purchase power requirement

RM96–7–000, Order Granting Clarification, 74 FERC ¶ 61,194 (1996) (clarification of the scope of the proceeding).

set-aside for non-hydropower renewable resources and a 55 mill per kWh cost for non-hydropower renewable resources. This 55 mill per kWh cost was assumed because it is considered achievable by many renewable resources. The 5 percent level of set-aside was assumed because it seemed to define a significant marketing opportunity for non-hydropower renewable resources, while keeping potential rate impacts to a minimum.

The estimated financial and rate impacts are examples only. Actual financial and rate impacts will depend on the final policy adopted regarding set aside percentages, purchase cost limitations, and actual cost of such purchases.

*Salt Lake City Area/Integrated Projects (SLCA/IP)*

For marketing and rate-making purposes, the Colorado River Storage Project (CRSP) and the Collbran and Rio Grande projects were combined into the SLCA/IP on October 1, 1987 and are marketed under the Post-1989 General Power Marketing and Allocation Criteria, developed in 1986 and modified by a 1989 court order.

The CRSP is the largest component of the SLCA/IP and consists of four major storage units: Glen Canyon, on the Colorado River in Arizona; Flaming Gorge on the Green River in Utah; Navajo on the San Juan River in northwestern New Mexico; and the Wayne N. Aspinall Unit (formerly Curecanti) on the Gunnison River in west-central Colorado.

Six Federal powerplants are associated with the CRSP. Maximum operating capacity of CRSP's 17 generating units is 1,802 MW. The CRSP Customer Service Center markets the 4,700 million kWh generated each year, in Colorado, Utah, New Mexico and Arizona. Portions of Nevada and Wyoming are also served by CRSP power.

The CRSP expected annual purchase power requirement is 200 million kWh of non-firm energy. Due to daily fluctuation release constraints at Glen Canyon and Flaming Gorge powerplants, and contractual monthly load patterns, the CRSP purchase power requirement is spread throughout most months of both winter and summer seasons. The purchase requirement is also confined to the day time, or on-peak periods. Alternative non-firm energy costs are presently 10.25 mills per kWh. The nature of the CRSP purchase power requirement is seasonal non-firm energy. The term for CRSP purchase contracts would not extend beyond the termination date of Western's existing long-term firm power sales contracts (September 30, 2004).

Assuming a 200 million kWh non-firm energy purchase requirement each year, a five percent purchase power requirement set-aside for non-hydropower renewable resources, alternative non-firm energy cost of 10.25 mills per kWh, and non-hydropower renewable resource cost at 55 mills per kWh, the additional cost to CRSP ratepayers would be $448 thousand annually. These additional costs would translate into a 0.07 mill per kWh rate increase—or a 0.4 percent rate increase.

*Parker-Davis Project*

The Parker-Davis Project is comprised of Parker and Davis Dams, on the Colorado River below Hoover Dam, powerplants at each of these dams, and the associated transmission system. Western's share of the combined installed capacity of these powerplants is 338 MW.

Power generated from the Parker-Davis Project is marketed to customers in Nevada, Arizona, and California. From Parker-Davis hydropower generation, Western's Desert Southwest Regional Office markets 183,774 kW of capacity in the winter season and 244,271 kW of capacity in the summer season. Total marketable energy is 313 million kWh in the winter season and 837.5 million kWh in the summer season.

In the event Parker-Davis generation is not sufficient to meet firm contractual obligations, Western must purchase power from other resources. The Parker-Davis Project purchase power requirement is about 70 million kWh annually. This requirement varies by season. During the spring (February through April) there is usually surplus generation—with some deficiencies in late spring. During the summer season, surplus generation usually exists, with only periodic purchase power requirements when rains are heavy. During the late summer to early fall period, there are some small purchase power requirements. The fall months of October and November are usually surplus in generation. Generation deficiencies generally occur during December with fluctuations of deficiency and surplus during January. The nature of the Parker-Davis purchase power requirement is seasonal non-firm energy. The term for Parker-Davis purchase power contracts would not extend beyond the termination date of Western's existing long-term firm power sales contracts (September 30, 2008).

Assuming a 70 million kWh firm energy purchase requirement each year, a 5 percent purchase power requirement set-aside for non-hydropower renewable resources, alternative seasonal non-firm energy cost of 20 mills per kWh, and non-hydropower renewable resource cost at 55 mills per kWh, the additional cost to Parker-Davis ratepayers would be $123 thousand annually. These additional costs would translate into a 0.11 mill per kWh rate increase—or a 1.7 percent rate increase.

*Loveland Area Projects (LAP)*

The Pick-Sloan Missouri Basin Program-Western Division(Western Division) and the Fryingpan-Arkansas Project (Fry-Ark) were operationally and contractually integrated by the Post-1989 marketing criteria into the LAP for marketing and rate setting purposes. This program is administered by Western's Rocky Mountain Region (RMR). The RMR markets this power in Colorado, Wyoming, Kansas, and western Nebraska. The RMR markets power, including project use power, to 40 customers.

Western Division generating resources include Bureau of Reclamation Missouri River Basin powerplants: Yellowtail, Boysen, Pilot Butte, Glendo, Kortes and Fremont Canyon. The powerplants of Reclamation's Colorado-Big Thompson, Kendrick, Shoshone and North Platte projects have also been integrated with the Western Division for marketing and operation.

Fry-Ark has six dams, five reservoirs; and two generating units at the powerplant at Mt. Elbert.

The marketing criteria published in the Federal Register, 51 FR 4012 (January 31, 1986), provide for marketing 2,088 million kWh of long-term firm energy with 716.5 MW of capacity annually. Firm power contracts provide for Western to furnish a specific amount of energy with capacity each month for the term of the contract. LAP firm energy is marketed based on available generation rather than customer load factors.

The marketing criteria and electric service contracts provide for re-evaluation of the marketable energy with capacity in 1999, if necessary, with 5 years notice. The RMR completed a resource study in July 1995. The results of the resource study were published in the Federal Register, 51 FR 4012 (December 20, 1995). The study shows that the RMR annual purchase power requirement is 66 million kWh. The nature of the LAP purchase power requirement is monthly non-firm energy, primarily during the winter season. The term for LAP purchase power contracts would not extend beyond the termination date of existing

long-term firm power contracts (September 30, 2024).

Assuming a 66 million kWh non-firm energy purchase requirement each year, a 5 percent purchase power requirement set-aside for non-hydropower renewable resources, alternative non-firm energy cost of 16 mills per kWh, and non-hydropower renewable resource cost at 55 mills per kWh, the additional cost to LAP ratepayers would be $129 thousand annually. These additional costs would translate into a 0.04 mill per kWh rate increase—or a 0.2 percent rate increase.

*Pick-Sloan Missouri Basin Program—Eastern Division (Pick-Sloan Eastern Division)*

Western's Upper Great Plains Regional Office, in Billings, Montana, markets power for the Pick-Sloan Eastern Division, which serves customers across more than 378,000 square miles in the northern Rocky Mountain and central plains states. Seven dams and powerplants on the Missouri River produce hydropower for the Pick-Sloan Eastern Division. They are: Canyon Ferry in western Montana; Garrison at Riverdale, N.D.; Oahe at Pierre, S.D.; Big Bend at Fort Thompson, S.D.; Fort Randall and Gavins Point in southern South Dakota. Yellowtail Dam on the Bighorn River in south central Montana produces power for both the Pick-Sloan Eastern and Western divisions. Including one-half of Yellowtail, Pick-Sloan Eastern Division powerplants generate in excess of 10,000 million kWh in a normal year.

The Pick-Sloan Eastern Division expects to purchase about 130 million kWh of non-firm energy annually. These requirements are restricted to the Winter season. The prevailing rate for non-firm energy in the Upper Great Plains Region is 14 mills per kWh. The nature of the Pick-Sloan Eastern Division purchase power requirement is seasonal non-firm energy. The term for Pick-Sloan Eastern Division purchase power contracts would not extend beyond the termination date of existing long-term firm power contracts (September 30, 2020).

Assuming a 130 million kWh non-firm energy purchase requirement each year, a 5 percent purchase power requirement set-aside for non-hydropower renewable resources, alternative non-firm energy cost of 14 mills per kWh, and non-hydropower renewable resource cost at 55 mills per kWh, the additional cost to Pick-Sloan Eastern Division ratepayers would be $267 thousand annually. These additional costs would translate into a 0.05 mills per kWh rate increase—or a 0.3 percent rate increase.

*Central Valley Project (CVP)*

The Central Valley Project in California has 12 dams that create reservoirs with a total storage capacity of 10.6 million acre-feet. The generating units associated with these dams have an installed capacity of 2,022 MW and a net average annual generation of about 5,200 million kWh.

After providing the power needed to deliver CVP water (project use requirements including station service), CVP power is marketed to preference and non-preference customers. The annual firm CVP power sales typically exceed 6,000 million kWh. The sum of project use and preference customer contractual obligations currently requires the Sierra Nevada Region (SNR) of Western to purchase power to meet CVP power obligations.

Firm purchases of 310 to 340 MW are currently being purchased under long-term contracts. The capacity factors of these resources range from 40 to 100 percent. There are no seasonal purchases, except in very dry years. In months where purchases exceed needs, energy is sold and/or banked under contract with Pacific Gas and Electric Company to be used during months when purchases are less than needs. Typically May through August are surplus months and November through February are deficit months. The nature of the CVP purchase power requirement is annual firm energy. The term for CVP purchase power contracts would not extend beyond the termination date of existing long-term firm power contracts (September 30, 2004). The CVP purchase power needs beyond 2004 are being determined in a separate public process.

Assuming 310 MW at 40 percent load factor purchase power requirement each year, a 5 percent purchase power requirement set-aside for non-hydropower renewable resources, alternative firm energy cost of 23 mills per kWh, and non-hydropower renewable resource cost of 55 mills per kWh, the additional cost to CVP ratepayers would be $1.738 million annually. These additional costs would translate into a 0.29 mill per kWh rate increase, or a 1.3 percent rate increase.

TABULAR SUMMARY OF ESTIMATED IMPACTS FROM CONCEPT FOR WESTERN PURCHASE OF NON-HYDROPOWER RENEWABLE RESOURCES

| Project name | Purchase reqmnt (GWH) | 5 percent set-aside (GWH) | Nature of purchase reqmnt | Alt. cost | Add. cost (mills/kWh) | Rate impact ($1,000) | Percent rate (mills/kWh) | Equivalent MW increase [1] | Term of present contracts [2] |
|---|---|---|---|---|---|---|---|---|---|
| CRSP ..... | 200 | 10.0 | Seasonal non-firm | 10.25 | 448 | 0.07 | 0.4 | 3.8 | 2004 |
| Parker-Davis . | 70 | 3.5 | Seasonal non-firm | 20.00 | 123 | 0.11 | 1.7 | 1.3 | 2008 |
| LAP ..... | 66 | 3.3 | Monthly non-firm | 16.00 | 129 | 0.04 | 0.2 | 1.3 | 2024 |
| P–S Eastern .. | 130 | 6.5 | Seasonal non-firm | 14.00 | 267 | 0.05 | 0.3 | 2.5 | 2020 |
| CVP ..... | 1,086 | 54.3 | Annual firm | 23.00 | 1,738 | 0.29 | 1.3 | 20.5 | 2004 |
| Total ... | 1,552 | 77.6 | | | 2,705 | | | 29.4 | |

[1] Equivalent MW is calculated by applying a 30 percent capacity factor to the 5 percent set-aside energy amount.
[2] Term of sales contracts.

Concept

Western is considering committing a portion of its purchase power requirements, on a project-by-project basis, for competitive solicitation from non-hydropower renewable resource power producers. The primary criterion used to determine the portion of purchase commitment would be that the

additional cost associated with purchase of such resources have little or no discernable rate impact to Western's power customers. Another criterion is that the cost of the non-hydropower renewable resource be less than an established upper limit, or cost cap. The contract term for purchase of these renewable resources would also vary by project, but in no case would the term extend beyond the termination date of Western's long-term firm power sales contracts for the project.

Within this concept, Western is also considering a 50 percent reservation of the non-hydropower renewable set-aside for solar resources—with the remaining 50 percent of set-aside open to other non-hydropower renewable resources, such as wind and biomass. This reservation for solar resources is being considered to help diversify the mix of non-hydropower resources purchased and to support the Department of Energy's goal of commercializing a variety of renewable resource technologies.

Other terms, requirements, and criteria such as: dispatchability, point of delivery, dependability, resource diversity, environmental impact, etc. would be developed in the project-specific application of this concept. Resource acquisitions made through application of this concept will be made on a project-by-project, cost-competitive basis within the set-aside for non-hydropower renewable resources established, with criteria and requirements satisfied, and in a manner consistent with Western's principles of IRP.

Solicitation

Western also solicits expressions of interest from its long-term firm power customers who may want Western to facilitate the purchase and delivery of non-hydropower renewable resources on their behalf and at their cost. These purchases would be in addition to Western's own purchases. Western also solicits input on alternative concepts, within Western's power marketing framework, administrative capability, and purchase power authority, that may also provide marketing opportunities for non-hydropower renewable resource producers.

In addition, Western solicits information from renewable resource developers that can help increase Western's understanding of non-hydropower renewable resource opportunities.

Public Process

The public process to determine Western's policy for purchase of non-hydropower renewables on a project-by-project basis begins with the publication of this notice.

Western requests public comments on the concept outlined in this notice. On the non-hydropower renewable resource purchase concept, Western requests whether or not the respondent supports Western adopting such a concept. With an indication of support, Western requests additional project-specific comments on (a) the magnitude or percentage of a potential purchase power requirement set-aside, (b) whether it's appropriate to have a 50 percent reservation for solar resources within the set-aside, and if so, whether the reservation amount for solar should be increased or reduced, (c) the acceptable rate impact, (d) a recommended cost cap in mills per kWh for non-hydropower resources, (e) a recommended contract term for purchase, and (f) any other related matter.

Western also requests input from the public on alternative methods whereby Western may be able to facilitate market opportunities for non-hydropower renewable resources.

Comments on this concept, responses to solicitation of interest, suggested alternative concepts, and information on market opportunities for renewable resources, are being sought during a 30-day comment period. Following this comment period, the final non-hydropower renewable resource purchase policy for each Western project will be published in the Federal Register. This public process ends with publication of the final policy in the Federal Register. The policy will be effective 30 days after publication. If the policy adopted provides for one or more projects to acquire a portion of their purchase power requirements from non-hydropower renewable resources, those projects will then begin separate processes to acquire such resources. Each of these acquisition processes will be consistent with Western's principles of IRP, and will build upon criteria established in the policy adopted.

Environmental Evaluation

Western is seeking comment on the non-hydropower renewable resource purchase concept presented in this notice through a public process. Western is committed to initiating an appropriate public process under NEPA and its implementing regulations for this proposed policy on a project-specific basis at the earliest possible time.

Determination Under Executive Order 12866

DOE has determined this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Issued at Golden, Colorado, April 3, 1996.

J. M. Shafer,

*Administrator.*

[FR Doc. 96–9243 Filed 4–12–96; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5458–5]**

## OMB Review of Agency Information Collection Activities; Renewal of ICR Titled Maximum Residue Limit (MRL) Petitions for Pesticides on Food/Feed and New Inert Ingredients; OMB #2070–0024, EPA#0597.06

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Office of Prevention, Pesticides and Toxic Substances (OPPTS) has submitted to the Office of Management and Budget (OMB) a renewal request for the following Information Collection Request (ICR): Maximum Residue Limit (MRL) Petitions for Pesticides on Food/Feed and New Inert Ingredients (OMB Control No. 2070–0024; EPA ICR No. 0597.06), which is abstracted below. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument. A Federal Register notice proposing this submission and seeking public comment on this ICR was issued on January 24, 1996 (61 FR 1922). EPA did not receive any comments in response to that notice.

**DATES:** Comments must be submitted on or before May 15, 1996.

**FOR FURTHER INFORMATION OR A COPY:** Call Sandy Farmer at EPA, (202) 260–2740, or e-mail a request to ''farmer.sandy@epamail.epa.gov''. Please refer to EPA ICR No. 0597.06.

**SUPPLEMENTARY INFORMATION:**

Title: Maximum Residue Limit (MRL) Petitions for Pesticides on Food/Feed

and New Inert Ingredients (OMB Control No. 2070–0024; EPA ICR No. 0597.06). This is a request to extend a currently approved information collection which expires on May 31, 1996.

Abstract: The use of pesticides on crops often results in pesticide residues in or on the crop. To protect the public health from unsafe pesticide residues, EPA sets limits, formerly known as tolerances, on the nature and level of residues permitted. EPA is mandated under the Federal, Food, Drug, and Cosmetic Act (FFDCA), as amended, to ensure that the maximum residue levels likely to be found in or on food/feed are safe for human consumption through a careful review and evaluation of residue chemistry and toxicology data. In addition, EPA must ensure that adequate enforcement of the MRL can be achieved through the testing of submitted analytical methods. EPA will establish an MRL or grant an exemption from the requirement of an MRL once the data reviewed is deemed adequate. This information collection is a one time request and is mandatory for the registration of a pesticide product used on food/feed crops. The regulations that include the information requirements are found in FFDCA Sections 402, 406, 408, and 409, and in 40 CFR Part 180.

*Respondents/Affected Entities:* Registrants of pesticide products which are used on food/feed crops.

*Estimated No. of Respondents:* 150.

*Estimated Annual Burden Per Respondent:* 1,442 hours.

*Estimated Total Annual Burden on Respondents:* 216,300 hours.

*Frequency of Collection:* Once per event.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 1,442 hours per response. This estimate includes the time needed to review regulations; conduct field trials; prepare petitions, read notices and comply with EPA correspondences; prepare responses, and maintain information. No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are published in the Federal Register with the final rule and are codified in 40 CFR Part 9 for subsequent display.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses. Please refer to EPA ICR No. 0597.06 and OMB Control No. 2070–0024 in any correspondence. Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2137), 401 M Street, SW., Washington, DC 20460; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: April 9, 1996.

Joseph Retzer,

*Director, Regulatory Information Division.*

[FR Doc. 96–9287 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

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**[FRL–5458–1]**

## Agency Information Collection Activities Scheduled for Administration; Collection of Economic and Regulatory Impact Supporting Data: National Hazardous Waste Constituent Survey Under EPA Information Collection Request (ICR) No.1641.01

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following information collection: Collection of Economic and Regulatory Impact Supporting Data: National Hazardous Waste Constituent Survey will be administered under the generic ICR No. 1641.01 Collection of Economic and Regulatory Support Data Under RCRA OMB Control Number 2050–0136, expiration date 10/31/97. In order to comply with the terms of clearance set forth by the Office of Management and Budget, EPA is submitting this announcement to notify the public of the specific survey that the Agency plans to undertake during this year.

**FOR FURTHER INFORMATION OR A COPY CALL:** Patricia Washington at EPA, (202) 260–7917, and refer to EPA ICR No. 1641.01.

**SUPPLEMENTARY INFORMATION:**

*Title:* Collection of Economic and Regulatory Impact Supporting Data: National Hazardous Waste Constituent Survey EPA Information Collection Request (ICR) No.1641.01. (OMB Control No.2050–0136; EPA ICR No. 1641.01) expiring 10/31/97. This is a new collection under the approved generic information collection request number 1641.01.

*Abstract:* EPA's Office of Solid Waste is conducting The National Hazardous Waste Constituent Survey which is a voluntary survey designed to collect information on the presence and concentration of chemical constituents, particularly metals and organics, in hazardous waste management facilities' waste streams. The information collected through this survey will provide valuable information for future Resource Conservation and Recovery Act (RCRA) regulatory initiatives, such as the Hazardous Waste Identification Rule (HWIR) Process Waste rulemaking. RCRA as amended by the Hazardous and Solid Waste Amendments (HSWA) requires EPA to establish a national regulatory program to ensure that hazardous waste is managed in a manner protective of human health and the environment. EPA is authorized under sections 2002 and 3007 of RCRA to collect information from industry and other parties when necessary to carry out its regulatory responsibilities. Executive Order No. 12866 requires that all administrative decisions be based on adequate information concerning the need for and consequences of proposed government action. Executive Order 12866 requires the preparation and evaluation of an Assessment of Costs and Benefits for all proposed regulatory action determined to be significant. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 6/17/94 (59 FR 31238); 0 comments were received.

*Burden Statement:* The annual public reporting and record keeping burden for this collection of information is estimated to average [23] hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* [Hazardous Waste Generators, scientists,

industry experts, and treatment, storage and disposal facilities].

*Estimated Number of Respondents:* [233].

*Frequency of Response:* [1].

*Estimated Total Annual Hour Burden:* [5359] hours.

Dated: April 1, 1996.

Michael Shapiro,

*Director, Office of Solid Waste.*

[FR Doc. 96–9289 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

**[FRL–5457–9]**

## Gulf of Mexico Program Management Committee Meeting

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

**ACTION:** Notice of Meeting of the Citizens Advisory Committee of the Gulf of Mexico Program.

**SUMMARY:** The Gulf of Mexico Program's Citizen Advisory Committee will hold a meeting at the NASA Conference Center, Room 107, Stennis Space Center, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** James D. Giattini, Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

**SUPPLEMENTARY INFORMATION:** A meeting of the Citizens Advisory Committee of the Gulf of Mexico Program will be held May 2–3, 1996, at the NASA Conference, Room 107, Stennis Space Center, Mississippi. The committee will meet from 10:00 a.m. to 4:30 p.m. on May 2 and from 9:00 a.m. on May 3. Agenda items will include: Development and Review of the Gulf of Mexico Program's Plan of Action, Approval of the March 31 and June 23, 1995 Meeting Summaries, Update on Program Activities, Update on Citizens Efforts, and Development of Future CAC Roles and Responsibilities.

The meeting is open to the public.

Byron O. Griffith,

*Acting Director, Gulf of Mexico Program.*

[FR Doc. 96–9293 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–M

**[FRL–5458–6]**

## Meeting of the Local Government Advisory Committee

The Local Government Advisory Committee will conduct its next meeting on April 29–30, 1996. Members will discuss and vote on the disposition of three 1994 Subcommittee reports—Access to Rulemaking, Environmental Outcomes/Flexibility, and Communication and Structure—and begin discussions and formulation of work plans for the 1996 Subcommittees, Roles and Responsibilities and Tools for Local Decision-Makers.

The meeting will be held at The Governor's House Hotel located at 1615 Rhode Island Avenue, N.W. in Washington, D.C. The meeting will begin at 8:30 a.m. on Monday, April 29th and conclude at 4:00 p.m. on the 30th.

The Designated Federal Officer (DFO) for this Committee is Denise Zabinski Ney. She is the point of contact for information concerning any Committee matters and can be reached by calling (202) 260–0419 or by writing to 401 M Street, S.W. (1502), Washington, DC 20460.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the above number if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible. However, seating will be on a first come, serve basis.

Shelley H. Metzenbaum,

*Associate Administrator, Office of Regional Operations and State/Local Relations.*

[FR Doc. 96–9288 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

**[FRL–5458–2]**

## Meeting of the Ozone Transport Commission for the Northeast United States

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Environmental Protection Agency is announcing its Annual meeting of the Ozone Transport Commission to be held on May 21, 1996.

This meeting is for the Ozone Transport Commission to deal with appropriate matters within the transport region, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

**DATES:** The meeting will be held on May 21, 1996 from 10:00 a.m. to 4:00 p.m.

**PLACE:** The meeting will be held at: The Parsippany Hilton Hotel, One Hilton Court, Parsippany, NJ 07054, (201) 267–7373.

**FOR FURTHER INFORMATION CONTACT:** *EPA:* Susan Studlien, Region I, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203, (617) 565–3800.

**THE STATE CONTACT:** *Host Agency:* Beverly Fedorko, New Jersey Department of Environmental Protection, 401 East State Street, CN 402, Trenton, NJ 08625, (609) 292–2885.

**FOR DOCUMENTS AND PRESS INQUIRIES CONTACT:** Stephanie A. Cooper, Ozone Transport Commission, 444 North Capitol Street, N.W., Suite 604, Washington, DC 20001, (202) 508–3840.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with appropriate matters within the transport region.

The purpose of this notice is to announce that this Commission will meet on May 21, 1996. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of Transport Commissions are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

**TYPE OF MEETING:** Open.

**AGENDA:** Copies of the final agenda will be available from Stephanie Cooper of the OTC office (202) 508–3840 on Tuesday, May 14, 1996. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of ozone into its region, to discuss market-based programs to reduce pollutants that cause ozone, and to elect a new Vice Chair of the OTC.

Dated: April 3, 1996.

John DeVillars,

*Regional Administrator, EPA Region I.*

[FR Doc. 96–9286 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00430; FRL–5363–1]

## Proposed Testing Guidelines; Notice of Availability and Request for Comments

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** EPA has established a unified library for test guidelines issued by the Office of Prevention, Pesticides and Toxic Substances (OPPTS), and is announcing the availability of proposed testing guidelines for the following two series: Series 835–Fate, Transport and Transformation Test Guidelines, and Series 850–Ecological Effects Test Guidelines. These test guidelines have been updated and harmonized, to the extent possible, with the Organization for Economic Cooperation and Development (OECD) guidelines for testing of chemicals, and other relevant international standards. A FIFRA Scientific Advisory Panel (SAP) meeting to review the Series 835 and 850 test guidelines is being planned for late May, 1996. Complete details of this meeting will be published in a future Federal Register notice.

**DATES:** Comments must be received on or before June 17, 1996.

**ADDRESSES:** Interested persons are invited to submit written comments in triplicate to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person: Bring comments to: Rm. 1132, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: guidelines@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00430'' (FRL–5363–1). No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION.''

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. All statements will be made part of the record. Comments received after the FIFRA SAP meeting will be taken into full consideration by the Agency.

**FOR FURTHER INFORMATION CONTACT:** For Series 835: By mail: Robert S. Boethling, Office of Pollution Prevention and Toxics (7406), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone: (202) 260–3912; e-mail: boethling.robert@epamail.epa.gov.

For Series 850: By mail: Leslie W. Touart, Environmental Fate and Effects Division (7507C), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone: (703) 305–6134; e-mail: touart.leslie@epamail.epa.gov or Robert E. Morcock, Health and Environmental Review Division, OPPTS (7403), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone: (202) 260–1265; e-mail: morcock.robert@epamail.epa.gov.

Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or for courier pick-up: Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5805. By internet: e-mail requests to: guidelines@epamail.epa.gov or via the EPA Public Access Gopher (gopher.epa.gov) under the heading ''Environmental Test Methods and Guidelines.''

**SUPPLEMENTARY INFORMATION:** The Agency is revising its test guidelines for Fate, Transport and Transformation Tests (Series 835) and Ecological Effects Tests (Series 850). Guidelines in the 850 Series are for use by the Office of Pesticide Programs (OPP) and the Office of Pollution Prevention and Toxics (OPPT) and have been harmonized with those of OECD. Guidelines in the 835 Series being made available at this time are for OPPT. OPPT guidelines have been harmonized with those of OECD. The OPP guidelines will be made available at a later date. The proposed guidelines are being made available for comment. All interested parties are encouraged to submit comments on the proposed guidelines. Specific comments should reference the specific number and paragraph or subparagraph of the appropriate proposed guideline. Recommended technical or scientific changes/modifications should be supported by current scientific/technical knowledge and include supporting references. References may be to the published literature, studies submitted to the Agency in support of registration, and unpublished data. Citations must be sufficiently detailed so as to allow the Agency to obtain copies of the original documents and unpublished data supplied to allow their evaluation. Comments on the proposed guidelines will be considered by the Agency and such modifications of the guidelines considered to be of merit will be incorporated into the final guidelines.

A record has been established for this notice under docket number ''OPP–00430'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any informaiton claimed as CBI, is available for inspection from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

guidelines@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

The following is the complete list of proposed guidelines being made available at this time:

## Series 835—Fate, Transport and Transformation Test Guidelines

| OPPTS Number | Name | Existing Numbers | | | EPA Pub. no. |
|---|---|---|---|---|---|
| | | OTS | OPP | OECD | 712–C– |
| | **Group A—Laboratory Transport Test Guidelines**. | | | | |
| 835.1110 | Activated sludge sorption isotherm | none | none | none | 96–298 |
| 835.1210 | Soil thin layer chromatography | 796.2700 | none | none | 96–047 |
| 835.1220 | Sediment and soil adsorption/desorption isotherm | 796.2750 | none | 106 | 96–048 |
| | **Group B—Laboratory Abiotic Transformation Test Guidelines**. | | | | |
| 835.2110 | Hydrolysis as a function of pH | 796.3500 | none | 111 | 96–057 |
| 835.2130 | Hydrolysis as a function of pH and temperature | 796.3510 | none | none | 96–059 |
| 835.2210 | Direct photolysis rate in water by sunlight | 796.3700 | none | none | 96–060 |
| 835.2310 | Maximum direct photolysis rate in air from UV/visible spectroscopy | 796.3800 | none | none | 96–066 |
| | **Group C—Laboratory Biological Transformation Test Guidelines**. | | | | |
| 835.3100 | Aerobic aquatic biodegradation | 796.3100 | none | none | 96–075 |
| 835.3110 | Ready biodegradability | 796.3180, .3200, .3220, .3240, .3260 | none | 301 | 96–076 |
| 835.3120 | Sealed-vessel carbon dioxide production test | none | none | none | 96–311 |
| 835.3170 | Shake flask die-away test | none | none | none | 96–297 |
| 835.3180 | Sediment/water microcosm biogradation test | none | none | none | 96–083 |
| 835.3200 | Zahn-Wellens/EMPA test | 796.3360 | none | 302B | 96–084 |
| 835.3210 | Modified SCAS test | 796.3340 | none | 302A | 96–085 |
| 835.3220 | Porous pot test | none | none | none | 96–301 |
| 835.3300 | Soil biodegradation | 796.3400 | none | 304A | 96–088 |
| 835.3400 | Anaerobic biodegradability of organic chemicals | 796.3140 | none | none | 96–090 |
| | **Group D—[Reserved]**. | | | | |
| | **Group E—Transformation Chemical-Specific Test Guidelines**. | | | | |
| 835.5045 | Modified SCAS test for insoluble and volatile chemicals | 795.45 | none | none | 96–097 |
| 835.5154 | Anaerobic biodegradation in the subsurface | 795.54 | none | none | 96–098 |
| 835.5270 | Indirect photolysis screening test: Sunlight photolysis in waters containing dissolved humic substances | 795.70 | none | none | 96–099 |
| | **Groups F-D—[Reserved]**. | | | | |

## Series 850—Ecological Effects Test Guidelines

| OPPTS Number | Name | Existing Numbers | | | EPA Pub. no. |
|---|---|---|---|---|---|
| | | OTS | OPP | OECD | 712–C– |
| 850.1000 | Special considerationd for conducting aquatic laboratory studies | none | none | none | 96–113 |
| | **Group A—Aquatic Fauna Test Guidelines**. | | | | |
| 850.1010 | Aquatic invetebrate acute toxicity, test, freshhwater daphnids | 797.1300 | 72–2 | none | 96–114 |
| 850.1020 | Gammarid acute toxicity test | 795.120 | none | none | 96–130 |
| 850.1025 | Oyster acute toxicity test (shell deposition) | 797.1800 | 72–3 | none | 96–115 |
| 850.1035 | Mysid acute toxicity test | 797.1930 | 72–3 | none | 96–136 |
| 850.1045 | Penaeid acute toxicity test | 797.1970 | 72–3 | none | 96–137 |
| 850.1055 | Bivalve acute toxicity test (embryo larval) | none | 72–3 | none | 96–100 |
| 850.1075 | Fish acute toxicity test, freshwater and marine | 797.1400 | 72–1, 3 | 203 | 96–118 |
| 850.1085 | Fish acute toxicity mitigated by humic acid | 797.1460 | none | none | 96–117 |
| 850.1300 | Daphnid chronic toxicity test | 797.1330 | 72–4 | 202 | 96–120 |
| 850.1350 | Mysid chronic toxicity test | 797.1950 | 72–4 | none | 96–166 |
| 850.1400 | Fish early-life stage toxicity test | 797.1000 | 72–4 | 210 | 96–121 |
| 850.1500 | Fish life cycle toxicity | none | 72–5 | none | 96–122 |
| 850.1710 | Oyster BCF | 797.1830 | 72–6 | none | 96–127 |
| 850.1730 | Fish BCF | 797.1520 | 72–6, 165–4 | 305 | 96–129 |
| 850.1735 | Whole sediment acute toxicity invertebrates, freshwater | none | none | none | 96–354 |
| 850.1740 | Whole sediment acute toxicity invertebrates, marine | none | none | none | 96–355 |
| 850.1790 | Chironomid sediment toxicity test | 795.135 | none | none | 96–313 |
| 850.1800 | Tadpole/sediment subchronic toxicity test | 797.1995 | none | none | 96–132 |
| 850.1850 | Aquatic food chain transfer | none | 72–6 | none | 96–133 |

Series 850—Ecological Effects Test Guidelines—Continued

| OPPTS Number | Name | Existing Numbers | | | EPA Pub. no. |
|---|---|---|---|---|---|
| | | OTS | OPP | OECD | 712–C– |
| 850.1900 | Generic freshwater microcosm test, laboratory | 797.3050, .3100 | none | none | 96–134 |
| 850.1925 | Site-specific aquatic microcosm test, laboratory | 797.3100 | none | none | 96–173 |
| 850.1950 | Field testing for aquatic organisms | none | 72–7, 165–5 | none | 96–135 |
| | **Group B—Terrestrial Wildlife Test Guidelines**. | | | | |
| 850.2100 | Avian acute oral toxicity test | 797.2175 | 71–1 | none | 96–139 |
| 850.2200 | Avian dietary toxicity test | 797.2050 | 71–2 | 205 | 96–140 |
| 850.2300 | Avian reproduction test | 797.2130, .2150 | 71–4 | 206 | 96–141 |
| 850.2400 | Wild mammal acute toxicity | none | 71–3 | none | 96–142 |
| 850.2450 | Terrestrial (soil-core) microcosm test | 797.3775 | none | none | 96–143 |
| 850.2500 | Field testing for terrestrial wildlife | none | 71–5 | none | 96–144 |
| | **Group C—Beneficial Insects and Invertebrates Test Guidelines**. | | | | |
| 850.3020 | Honey bee acute contact toxicity | none | 141–1 | none | 96–147 |
| 850.3030 | Honey bee toxicity of residues on foliage | none | 141–2 | none | 96–148 |
| 850.3040 | Field testing for pollinators | none | 141–5 | none | 96–150 |
| | **Group D—Nontarget Plants Test Guidelines**. | | | | |
| 850.4000 | Background—Nontarget plant testing | none | 120–1 | none | 96–151 |
| 850.4025 | Target area phytotoxicity | none | 121–1 | none | 96–152 |
| 850.4100 | Terrestrial plant toxicity, Tier I (seedling emergence) | none | 122–1 | none | 96–153 |
| 850.4150 | Terrestrial plant toxicity, Tier I (vegetative vigor) | none | 122–1 | none | 96–163 |
| 850.4200 | Seed germination/root elongation toxicity test | 797.2750 | 122–1 | none | 96–154 |
| 850.4225 | Seedling emergence, Tier II | 797.2750 | 123–1 | none | 96–363 |
| 850.4230 | Early seedling growth toxicity test | 797.2800 | 123–1 | none | 96–347 |
| 850.4250 | Vegetative vigor, Tier II | 797.2750 | 123–1 | none | 96–364 |
| 850.4300 | Terrestrial plants field study, Tier III | none | 124–1 | none | 96–155 |
| 850.4400 | Aquatic plant toxicity test using *Lemna* spp. Tiers I and II | 797.1160 | 122–2, 123–2 | none | 96–156 |
| 850.4450 | Aquatic plants field study, Tier III | none | 124–2 | none | 96–157 |
| 850.4600 | *Rhizobium*-legume toxicity | 797.2900 | none | none | 96–158 |
| 850.4800 | Plant uptake and translocation test | 797.2850 | none | none | 96–159 |
| | **Group E—Toxicity to Microorganisms Test Guidelines**. | | | | |
| 850.5100 | Soil microbial community toxicity test | 797.3700 | none | none | 96–161 |
| 850.5400 | Algal toxicity, Tiers I and II | 797.1050 | 122–2, 123–2 | none | 96–164 |
| | **Group F—Chemical-Specific Test Guidelines**. | | | | |
| 850.6200 | Earthworm subchronic toxicity test | 795.150 | none | 207 | 96–167 |
| 850.6800 | Modified activated sludge, respiration inhibition test for sparingly soluble chemicals | 795.170 | none | 209 | 96–168 |
| | **Group G—Field Test Data Reporting Guidelines**. | | | | |
| 850.7100 | Data reporting for environmental chemistry methods | none | none | none | 96–348 |

List of Subjects

Environmental protection, Test guidelines.

Dated: April 5, 1996.

Susan H. Wayland,

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 96–9282 Filed 4–12–96; 8:45 am]

**BILLING CODE 6560–50–F**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collections Being Reviewed by FCC For Extension under Delegated Authority; Comments Request

April 8, 1996.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not

display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

**DATES:** Written comments should be submitted on or before June 14, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESS:** Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060–0388.

*Title:* Section 80.227 Special requirements for protection from RF radiation.

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Individuals, business or other for-profit.

*Number of Respondents:* 35.

*Estimated Time Per Response:* 10 hours.

*Total Annual Burden:* 260 hours.

*Total Annual Cost:* $18,000.00.

*Needs and Uses:* Section 80.227 is needed to advise users of ship earth stations how to avoid potentially environmentally significant RF levels, i.e., those in excess of the safety guidelines identified in Section 1.1307(b) of the FCC's Rules. If such information were not provided, it would be more difficult to ensure that environmental impact is avoided.

*OMB Approval Number:* 3060–0286.

*Title:* Section 80.605 U.S. Coast Guard Coordination.

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Individuals, state or local governments, business or other for-profit, non-profit institutions.

*Number of Respondents:* 47.

*Estimated Time Per Response:* 1 hours.

*Total Annual Burden:* 52 hours.

*Total Annual Cost:* $1,134.00.

*Needs and Uses:* Section 80.605 is needed to assure that no hazard to marine navigation will result from the grant of applications for non-selectable transponders and shore based radionavigation aids. If this collection was not conducted, stations posing a hazard to marine navigation could be licensed inadvertently and /or long delays in the processing of applications could result due to the necessity for coordination between the FCC, Coast Guard and the applicant.

*OMB Approval Number:* 3060–0556.

*Title:* Section 80.1061 Special requirements for 406.025 MHz EPIRBs (Proposed rule PR Dck 93–143).

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Individuals, Businesses or other for-profit.

*Number of Respondents:* 9,500.

*Estimated Time Per Response:* .084 hour per response.

*Total Annual Burden:* 798 hours.

*Total Annual Cost:* none.

*Needs and Uses:* Section 80.1061 is needed to require owners of 406.025 MHz Emergency Position Indicating Radiobeacons (EPIRBs) to register information such as name, address, type of vessel with the National Oceanic and Atmospheric Administration (NOAA). If the collection were not conducted, NOAA would not have access to this information which would increase the time needed to complete a search and rescue operation.

*OMB Approval Number:* 3060–0554.

*Title:* Section 87.199 Special requirements for 406.025 MHz EPIRBs (Proposed rule PR Dck 93–143).

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Individuals, Businesses or other for-profit.

*Number of Respondents:* 500.

*Estimated Time Per Response:* .084 hour per response.

*Total Annual Burden:* 42 hours.

*Total Annual Cost:* none.

*Needs and Uses:* Section 87.199 is needed to require owners of 406.025 MHz Emergency Locator Transmitters (ELTs) to register information such as name, address, type of vessel with the National Oceanic and Atmospheric Administration (NOAA). If the collection were not conducted, NOAA would not have access to this information which would increase the time needed to complete a search and rescue operation.

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 96–9135 Filed 4–12–96; 8:45 am]

**BILLING CODE 6712–01–F**

## FEDERAL HOUSING FINANCE BOARD

**[No. 96–N–2]**

### Notice of Federal Home Loan Bank Members Selected for Community Support Review

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 added a new Section 10(g) to the Federal Home Loan Bank Act of 1932 requiring that members of the Federal Home Loan Bank (FHLBank) System meet standards for community investment or service in order to maintain continued access to long-term FHLBank System advances. In compliance with this statutory change, the Federal Housing Finance Board (Housing Finance Board) promulgated Community Support regulations (12 CFR Part 936). Under the review process established in the regulations, the Housing Finance Board will select a certain number of members for review each quarter, so that all members that are subject to the Community Reinvestment Act of 1977, 12 U.S.C. 2901 *et seq.*, (CRA), will be reviewed once every two years. The purpose of this Notice is to announce the names of the members selected for the first quarter review (1996–97 cycle) under the regulations. The Notice also conveys the dates by which members need to comply with the Community Support regulation review requirements and by which comments from the public must be received.

**DATES:** *Due Date For Member Community Support Statements for Members Selected in First Quarter Review:* May 30, 1996.

*Due Date For Public Comments on Members Selected in First Quarter Review:* May 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. McKenzie, Associate Director, Office of Housing Finance, (202) 408–2845, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. A telecommunications device for deaf persons (TDD) is available at (202) 408–2579.

**SUPPLEMENTARY INFORMATION:**

A. Selection for Community Support Review

The Housing Finance Board currently reviews all FHLBank System members that are subject to CRA approximately once every two years. Approximately one-eighth of the FHLBank members in each district will be selected for review by the Housing Finance Board each calendar quarter. To date, only members that are subject to CRA have been reviewed. In selecting members, the Housing Finance Board follows the chronological sequence of the members' CRA Evaluations post-July 1, 1990, to the greatest extent practicable, selecting one-eighth of each District's membership for review each calendar quarter. However, the Housing Finance Board will postpone review of new members until they have been System members for one year.

Selection for review is not, nor should it be construed as, any indication of either the financial condition or Community Support performance of the institutions listed.

B. List of FHLBank Members To Be Reviewed in the First Quarter, Grouped by FHLBank District

| Member | City | State |
|---|---|---|
| **Federal Home Loan Bank of Boston—District 1<br>Post Office Box 9106<br>Boston, Massachusetts 02205–9106** | | |
| Canaan National Bank | Canaan | CT |
| Litchfield Bancorp | Litchfield | CT |
| Milford Bank | Milford | CT |
| New Milford Savings | New Milford | CT |
| National Iron Bank | Salisbury | CT |
| Bank of Southington | Southington | CT |
| Stamford Federal Savings Bank | Stamford | CT |
| First National Bank of Suffield | Suffield | CT |
| Westport Bank and Trust Company | Westport | CT |
| Adams Co-operative Bank | Adams | MA |
| Fleet National Bank | Boston | MA |
| Massachusetts Co-operative Bank | Boston | MA |
| Wainwright Bank and Trust Company | Boston | MA |
| Brookline Co-operative Bank | Brookline | MA |
| Chelsea-Provident Co-op Bank | Chelsea | MA |
| East Bridgewater Savings Bank | East Bridgewater | MA |
| Glendale Co-operative Bank | Everett | MA |
| Fall River Five Cents Savings Bank | Fall River | MA |
| Cape Cod Bank and Trust Company | Hyannis | MA |
| First National Bank of Ipswich | Ipswich | MA |
| Marlborough Co-operative Bank | Marlborough | MA |
| Needham Co-operative Bank | Needham | MA |
| North Adams Hoosac Savings Bank | North Adams | MA |
| North Brookfield Savings Bank | North Brookfield | MA |
| Easton Co-operative Bank | North Easton | MA |
| Rockland Trust Company | Rockland | MA |
| Century Bank | Somerville | MA |
| Braintree Co-operative Bank | South Braintree | MA |
| Park West Bank and Trust Company | West Springfield | MA |
| UniBank for Savings | Whitinsville | MA |
| Williamstown Savings | Williamstown | MA |
| Siwooganock Guaranty Savings Bank | Lancaster | NH |
| Community Guaranty | Plymouth | NH |
| Community Bank | Wolfeboro | NH |
| Home Loan and Investment Bank | Providence | RI |
| Randolph National Bank | Randolph | VT |
| Citizens Savings Bank | St. Johnsbury | VT |
| **Federal Home Loan Bank of New York—District 2<br>Seven World Trade Center<br>22nd Floor<br>New York, New York 10048–1185** | | |
| Chatham Savings and Loan Association | Chatham | NJ |
| Provident Savings Bank | Jersey City | NJ |
| Atlantic Stewardship Bank | Midland Park | NJ |
| Jersey Bank for Savings | Montvale | NJ |
| Bergen Commercial Bank | Paramus | NJ |
| Phillipsburg National Bank & Trust Company | Phillipsburg | NJ |
| United National Bank | Plainfield | NJ |

| Member | City | State |
|---|---|---|
| Carnegie Bank, NA | Princeton | NJ |
| Raritan Savings Bank | Raritan | NJ |
| Trenton Savings Bank, FSB | Trenton | NJ |
| Hudson United Bank | Union City | NJ |
| Bank of Gloucester County | Woodbury | NJ |
| Yardville National Bank | Yardville | NJ |
| Canandaigua National Bank and Trust Company | Canandaigua | NY |
| Chemung Canal Trust Company | Elmira | NY |
| National Bank of New York City | Flushing | NY |
| Long Island Commercial Bank | Islandia | NY |
| Roundout Savings Bank | Kingston | NY |
| Lockport Savings Bank | Lockport | NY |
| Middletown Savings Bank | Middletown | NY |
| State Bank of Long Island | New Hyde Park | NY |
| East New York Savings Bank | New York | NY |
| Greater New York Savings Bank | New York | NY |
| North Side Savings Bank | New York | NY |
| Queens County Savings Bank | New York City | NY |
| The Pavilion State Bank | Pavilion | NY |
| Rhinebeck Savings Bank | Rhinebeck | NY |
| First National Bank of Rochester | Rochester | NY |
| Tioga State Bank | Spencer | NY |
| OnBank and Trust Company | Syracuse | NY |
| Tupper Lake National Bank | Tupper Lake | NY |
| Warwick Savings Bank | Warwick | NY |
| Banco Santander Puerto Rico | Hato Rey | PR |

**Federal Home Loan Bank of Pittsburgh—District 3**
**601 Grant Street**
**Pittsburgh, Pennsylvania 15219–4455**

| | | |
|---|---|---|
| County Bank | Rehobeth Beach | DE |
| Kishacoquillas Valley National Bank | Belleville | PA |
| First Valley Bank | Bethlehem | PA |
| County National Bank | Clearfield | PA |
| Citizens Trust Company | Coudersport | PA |
| Wayne Bank | Elderton | PA |
| Farmers National Bank of Emlenton | Emlenton | PA |
| Southwest National Bank of Pennsylvania | Greensburg | PA |
| Harleysville Savings Bank | Harleysville | PA |
| Hollidaysburg Trust Company | Hollidaysburg | PA |
| Honesdale National Bank | Honesdale | PA |
| Johnstown Bank and Trust Company | Johnstown | PA |
| United States National Bank | Johnstown | PA |
| Armstrong County Trust Company | Kittanning | PA |
| Farmers Trust Bank | Lebanon | PA |
| Old Forge Bank | Old Forge | PA |
| Corestates Bank | Philadelphia | PA |
| First Home Savings Bank, FSB | Pittsburgh | PA |
| First National Bank of Port Allegany | Port Allegany | PA |
| Great Valley Savings Bank | Reading | PA |
| Hamlin Bank and Trust Company | Smethport | PA |
| First National Bank of Spangler | Spangler | PA |
| Fayette Bank and Trust Company | Uniontown | PA |
| Eagle National Bank | Upper Darby | PA |
| First National Bank and Trust | Waynesboro | PA |
| Bruceton Bank | Bruceton Mills | WV |
| Mountain Valley Bank, N.A. | Elkins | WV |
| Calhoun County Bank, Inc. | Grantsville | WV |
| Harrison County Bank | Lost Creek | WV |
| Blue Ridge Bank, Inc. | Martinsburg | WV |
| One Valley Bank-East, N.A. | Martinsburg | WV |
| Union Bank of Tyler County | Middlebourne | WV |
| South Branch Valley National Bank | Moorefield | WV |
| The Grant County Bank | Petersburg | WV |
| First National Bank of St. Marys | St. Marys | WV |
| Home National Bank of Sutton | Sutton | WV |
| Wheeling National Bank | Wheeling | WV |

| Member | City | State |
|---|---|---|
| **Federal Home Loan Bank of Atlanta—District 4<br>Post Office Box 105565<br>Atlanta, Georgia 30348** | | |
| Bank of Alabama | Birmingham | AL |
| Highland Bank | Birmingham | AL |
| First National Bank | Brewton | AL |
| Camden National Bank | Camden | AL |
| Valley National Bank | Lanett | AL |
| First State Bank of Clay County | Lineville | AL |
| First National Bank of Opelika | Opelika | AL |
| First National Bank in Sylacauga | Sylacauga | AL |
| First National Bank of Wetumpka | Wetumpka | AL |
| Citizens Bank of Winfield | Winfield | AL |
| Adams National Bank | Washington | DC |
| Fleet Bank, F.S.B. | Boca Raton | FL |
| American Bank of Bradenton | Bradenton | FL |
| First National Bank of Manatee | Bradenton | FL |
| Hernando County Bank | Brooksville | FL |
| Drummond Community Bank | Chiefland | FL |
| Crystal River Bank | Crystal River | FL |
| BankFirst | Eustis | FL |
| First National Bank of Homestead | Homestead | FL |
| Marine National Bank of Jacksonville | Jacksonville | FL |
| First National Bank of the Florida Keys | Marathon | FL |
| Fidelity Bank of Florida | Merritt Island | FL |
| Coconut Grove Bank | Miami | FL |
| International Bank of Miami | Miami | FL |
| Peoples National Bank of Niceville | Niceville | FL |
| Security Bank, N.A. | North Lauderdale | FL |
| Friendship Community Bank | Ocala | FL |
| Independent Bank of Ocala | Ocala | FL |
| Southern Bank of Central Florida | Orlando | FL |
| Florida FirstBank | Panama City | FL |
| Liberty Bank | Pensacola | FL |
| United Bank of Pinellas | St. Petersburg | FL |
| Guaranty National Bank of Tallahassee | Tallahassee | FL |
| SunTrust Bank, Tallahassee, N.A. | Tallahassee | FL |
| First National Bank of Wauchula | Wauchula | FL |
| Adel Banking Company | Adel | GA |
| First National Bank of Alma | Alma | GA |
| Citizens Bank of Americus | Americus | GA |
| Athens First Bank and Trust Company | Athens | GA |
| Mutual Federal Savings Bank of Atlanta | Atlanta | GA |
| SouthTrust Bank of Georgia | Atlanta | GA |
| First Federal Savings Bank of Bainbridge | Bainbridge | GA |
| Cairo Banking Company | Cairo | GA |
| Georgia Bank and Trust | Calhoun | GA |
| Bank of Canton | Canton | GA |
| Etowah Bank | Canton | GA |
| Carrollton Federal Bank, FSB | Carrollton | GA |
| Brown Bank | Cobbtown | GA |
| Community Bank and Trust | Commerce | GA |
| First National Bank of Commerce | Commerce | GA |
| Cordele Banking Company | Cordele | GA |
| Community Bank and Trust | Cornelia | GA |
| Hardwick Bank and Trust Company | Dalton | GA |
| Fidelity National Bank | Decatur | GA |
| Merchants and Farmers Bank | Donalsonville | GA |
| Citizens Bank and Trust Company | Eastman | GA |
| Trust Company Bank of Northeast Georgia | Gainesville | GA |
| First National Bank of Griffin | Griffin | GA |
| Citizens Bank | Hogansville | GA |
| McIntosh State Bank | Jackson | GA |
| First National Bank and Trust | Louisville | GA |
| Central and Southern Bank of Georgia | Milledgeville | GA |
| Exchange Bank | Milledgeville | GA |
| Bank of Monticello | Monticello | GA |
| American Banking Company | Moultrie | GA |
| Bank of Quitman | Quitman | GA |
| Bryan Bank and Trust | Richmond Hill | GA |
| Northwest Georgia Bank | Ringgold | GA |
| Rossville Bank | Rossville | GA |
| West Central Georgia Bank | Thomaston | GA |

| Member | City | State |
|---|---|---|
| Valdosta Bank and Trust | Valdosta | GA |
| First National Bank of Cherokee | Woodstock | GA |
| Carrolton Bank | Baltimore | MD |
| Hebron Savings Bank | Hebron | MD |
| Citizens Bank of Maryland | Laurel | MD |
| Regal Savings Bank, F.S.B. | Owings Mills | MD |
| Provident State Bank of Preston | Preston | MD |
| FirstSouth Bank | Burlington | NC |
| Home Federal Savings & Loan Association | Charlotte | NC |
| Park Meridian Bank | Charlotte | NC |
| Guaranty State Bank | Durham | NC |
| Yadkin Valley Bank and Trust Company | Elkin | NC |
| Fidelity Bank | Fuquay-Varina | NC |
| Peoples Bank | Newton | NC |
| SouthTrust Bank of North Carolina, N.A. | Raleigh | NC |
| First National Bank of Reidsville | Reidsville | NC |
| Shelby Savings Bank, SSB | Shelby | NC |
| Mitchell County Savings Bank | Spruce Pine | NC |
| Wake Forest FS&LA | Wake Forest | NC |
| First FS&LA of Charleston | Charleston | SC |
| SouthTrust Bank of Charleston | Charleston | SC |
| American Federal Bank, FSB | Greenville | SC |
| United Carolina Bank of South Carolina | Greer | SC |
| Horry County State Bank | Loris | SC |
| Orangeburg National Bank | Orangeburg | SC |
| Carolina Southern Bank | Spartanburg | SC |
| First American Federal Savings Bank | Bristol | VA |
| Bank of Franklin | Franklin | VA |
| Old Point National Bank | Hampton | VA |
| Washington Federal Savings Bank | Herndon | VA |
| First Federal Savings Bank | Lynchburg | VA |
| Salem Bank and Trust, N.A. | Salem | VA |
| First Community Bank of Saltville | Saltville | VA |
| Community Bank of Northern Virginia | Sterling | VA |
| Citizens and Farmers Bank | West Point | VA |

**Federal Home Loan Bank of Cincinnati—District 5**
**Post Office Box 598**
**Cincinnati, Ohio 45201**

| | | |
|---|---|---|
| Citizens Deposit Bank of Arlington | Arlington | KY |
| Peoples Bank & Trust Company of Madison County | Berea | KY |
| Deposit Bank of Carlisle | Carlisle | KY |
| Cecillian Bank | Cecilia | KY |
| Tri-County National Bank | Corbin | KY |
| Farmers National Bank | Danville | KY |
| Franklin Bank and Trust Company | Franklin | KY |
| First National Bank & Trust Company | Georgetown | KY |
| Georgetown Bank and Trust Company | Georgetown | KY |
| Peoples Bank and Trust Company | Greensburg | KY |
| Peoples State Bank | Hodgenville | KY |
| Commonwealth Bank | Louisville | KY |
| Republic Bank and Trust Company | Louisville | KY |
| Jackson County Bank | McKee | KY |
| Commercial Bank | Middlesboro | KY |
| Farmers Bank of Milton | Milton | KY |
| Morehead National Bank | Morehead | KY |
| Morganfield National Bank | Morganfield | KY |
| Peoples Bank and Trust | Owenton | KY |
| Peoples First National Bank and Trust | Paducah | KY |
| First National Bank Paintsville | Paintsville | KY |
| Matewan Bank, FSB | Pikeville | KY |
| Springfield State Bank | Springfield | KY |
| Powell County Bank | Stanton | KY |
| Peoples Bank of Tompkinsville | Tompkinsville | KY |
| United Southern Bank | Trenton | KY |
| Citizens Deposit and Trust Bank | Vanceburg | KY |
| Bank of Whitesburg | Whitesburg | KY |
| First Security Bank and Trust | Whitesburg | KY |
| Peoples Commercial Bank | Winchester | KY |
| Apple Creek Banking Company | Apple Creek | OH |
| Bellbrook Community Bank | Bellbrook | OH |
| First National Bank of Bellevue | Bellevue | OH |

| Member | City | State |
|---|---|---|
| Citizens Commercial Bank and Trust Company | Celina | OH |
| Clyde Savings Bank Company | Clyde | OH |
| Cortland Savings and Banking Company | Cortland | OH |
| Community Bank | Crooksville | OH |
| First Federal Savings Bank of Dover | Dover | OH |
| First National Community Bank | East Liverpool | OH |
| Genoa Banking Company | Genoa | OH |
| Glouster Community Bank | Glouster | OH |
| First National Bank of Southwest Ohio | Hamilton | OH |
| Richland Trust Company | Mansfield | OH |
| Old Phoenix National Bank | Medina | OH |
| Metamora State Bank | Metamora | OH |
| Consumers National Bank | Minerva | OH |
| Henry County Bank | Napoleon | OH |
| Osgood State Bank | Osgood | OH |
| Community First Bank, N.A. | Ripley | OH |
| Sabina Bank | Sabina | OH |
| Somerville National Bank | Somerville | OH |
| Champaign National Bank and Trust | Urbana | OH |
| First National Bank of Zanesville | Zanesville | OH |
| American Fidelity Bank | Alcoa | TN |
| First Farmers Merchants National Bank | Columbia | TN |
| Citizens Tri-County Bank | Dunlap | TN |
| Citizens Bank | Elizabethtown | TN |
| Erwin National Bank | Erwin | TN |
| Andrew Johnson Bank | Greeneville | TN |
| CommunityFIRST Bank | Hartsville | TN |
| Sun Trust Bank of East Tennessee, N.A. | Knoxville | TN |
| City State Bank | Martin | TN |
| Bank of Nashville | Nashville | TN |
| Sun Trust Bank of Nashville, N.A. | Nashville | TN |
| Farmers Bank | Parsons | TN |
| Volunteer State Bank | Portland | TN |
| First National Bank of Pulaski | Pulaski | TN |
| Citizens Bank | Smithville | TN |
| First Claiborne Bank | Tazewell | TN |

**Federal Home Loan Bank of Indianapolis—District 6**
**P.O. Box 60**
**Indianapolis, Indiana 46205–0060**

| | | |
|---|---|---|
| Community State Bank | Avilla | IN |
| Bath State Bank | Bath | IN |
| First Bank of Berne | Berne | IN |
| Bippus State Bank | Bippus | IN |
| Farmers and Merchants Bank | Boswell | IN |
| Farmers State Bank—Brookston | Brookston | IN |
| People's Trust Company | Brookville | IN |
| Star Financial Bank | Columbia City | IN |
| Irwin Union Bank | Columbus | IN |
| Fountain Trust Company | Covington | IN |
| Peoples State Bank | Ellettsville | IN |
| National City Bank of Evansville | Evansville | IN |
| Bank of Geneva | Geneva | IN |
| Mercantile National Bank of Indiana | Hammond | IN |
| Farmers State Bank | Lanesville | IN |
| American State Bank | Lawrenceburg | IN |
| Indiana Lawrence Bank | North Manchester | IN |
| First National Bank of Portland | Portland | IN |
| Saratoga State Bank | Saratoga | IN |
| Tell City National Bank | Tell City | IN |
| Morris Plan Company of Terre Haute | Terre Haute | IN |
| Lake City Bank | Warsaw | IN |
| Peoples Loan and Trust Bank | Winchester | IN |
| Alden State Bank | Alden | MI |
| First National Bank of Michigan | East Lansing | MI |
| State Bank—Fenton | Fenton | MI |
| First Bank, Upper Michigan | Gladstone | MI |
| FMB—First Michigan Bank, Grand Rapids | Grand Rapids | MI |
| United Bank of Michigan | Grand Rapids | MI |
| Grant State Bank | Grant | MI |
| FMB—Oceana Bank | Hart | MI |
| MFC First National Bank—Iron Mountain | Iron Mountain | MI |

| Member | City | State |
|---|---|---|
| Farmers State Bank of Munith | Munith | MI |
| FMB—Lumberman's Bank, Muskegon | Muskegon | MI |
| FMB—First Michigan Bank | Zeeland | MI |

**Federal Home Loan Bank of Chicago—District 7**
**111 East Wacker Drive, Suite 700**
**Chicago, Illinois 60601**

| | | |
|---|---|---|
| Anchor State Bank | Anchor | IL |
| First State Bank of Beardstown | Beardstown | IL |
| Germantown Trust and Savings Bank | Breese | IL |
| First National of Bridgeport | Bridgeport | IL |
| Bank of Carbondale | Carbondale | IL |
| First National Bank and Trust Company | Carbondale | IL |
| First Security Bank of Cary-Grove | Cary | IL |
| Ashland State Bank | Chicago | IL |
| Commercial National Bank | Chicago | IL |
| Lincoln National Bank | Chicago | IL |
| Uptown National Bank | Chicago | IL |
| Home State Bank, N.A. | Crystal Lake | IL |
| Farmers State Bank of Danforth | Danforth | IL |
| Plains Bank of Illinois | Des Plaines | IL |
| Amcore Bank, N.A., Rock River | Dixon | IL |
| Today's Bank—West | Galena | IL |
| First Eagle National Bank | Hanover Park | IL |
| Bank of Calhoun County | Hardin | IL |
| Bank of Hillside | Hillside | IL |
| State Bank of Jerseyville | Jerseyville | IL |
| First National Bank of Lacon | Lacon | IL |
| Farmers Bank of Liberty | Liberty | IL |
| Success National Bank | Lincolnshire | IL |
| First National Bank | Manlius | IL |
| Banterra Bank | Marion | IL |
| Bank of Maroa | Maroa | IL |
| First State Bank | Mendota | IL |
| First National Bank of Niles | Niles | IL |
| First National Bank of Northbrook | Northbrook | IL |
| Citizens National Bank of Paris | Paris | IL |
| Southside Trust and Savings Bank, Peoria | Peoria | IL |
| Bank of Pontiac | Pontiac | IL |
| Omni Bank | Pontoon Beach | IL |
| Princeville State Bank | Princeville | IL |
| Farmers National Bank | Prophetstown | IL |
| River Forest State Bank and Trust | River Forest | IL |
| Lakeland Community Bank | Round Lake Heights | IL |
| Marion County Savings and Loan Association | Salem | IL |
| First Illinois National Bank | Savanna | IL |
| Bank of Springfield | Springfield | IL |
| First Community State Bank | Staunton | IL |
| First National Bank in Taylorville | Taylorville | IL |
| Central Illinois Bank | Urbana | IL |
| First National Bank of Waterloo | Waterloo | IL |
| Williamsville State Bank | Williamsville | IL |
| Hinsbrook Bank and Trust | Willowbrook | IL |
| Amcore Bank, N.A. Northwest | Woodstock | IL |
| Polk County Bank | Balsam Lake | WI |
| Baraboo National Bank | Baraboo | WI |
| Union Bank of Blair | Blair | WI |
| Great Midwest Bank, S.S.B. | Brookfield | WI |
| Bank North | Crivitz | WI |
| MidAmerica Bank | Dodgeville | WI |
| First National Bank in Eagle River | Eagle River | WI |
| State Bank of East Troy | East Troy | WI |
| Royal Bank | Elroy | WI |
| Bank of Galesville | Galesville | WI |
| Royal Bank | Gays Mills | WI |
| First National Bank of Hartford | Hartford | WI |
| First National Bank of Hudson | Hudson | WI |
| MidAmerica Bank Hudson | Hudson | WI |
| Coulee State Bank | La Crosse | WI |
| Citizens State Bank of Loyal | Loyal | WI |
| Bank of Luxemburg | Luxemburg | WI |
| First Business Bank of Madison | Madison | WI |

| Member | City | State |
|---|---|---|
| Firstar Bank Madison | Madison | WI |
| Associated Bank Lakeshore | Manitowoc | WI |
| Firstar Bank Manitowoc | Manitowoc | WI |
| Citizens Bank of Mukwonago | Mukwonago | WI |
| First State Bank | New London | WI |
| Bank of New Richmond | New Richmond | WI |
| First Bank of Oconomowoc | Oconomowoc | WI |
| Community Bank of Oconto County | Octonto Falls | WI |
| MidAmerica Bank North | Phillips | WI |
| River Valley State Bank | Rothschild | WI |
| Bank of Somerset | Somerset | WI |
| First Bank of Sparta | Sparta | WI |
| Farmers and Merchants State Bank | Stanley | WI |
| River Bank | Stoddard | WI |
| Community Bank and Trust Company | Superior | WI |
| Bank of Verona | Verona | WI |
| Marathon Savings Bank | Wausau | WI |
| Firstar Bank Wisconsin Rapids | Wisconsin Rapids | WI |

**Federal Home Loan Bank of Des Moines—District 8**
**907 Walnut Street**
**Des Moines, Iowa 50309**

| | | |
|---|---|---|
| Atkins Savings Bank and Trust | Atkins | IA |
| Citizens Bank and Trust | Belle Plaine | IA |
| Iowa Trust and Savings Bank | Centerville | IA |
| City State Bank | Central City | IA |
| Midwest Heritage Bank, F.S.B. | Chariton | IA |
| First Security Bank and Trust Company | Charles City | IA |
| Boatmen's Bank Iowa, N.A. | Des Moines | IA |
| Firstar Bank of Des Moines, N.A. | Des Moines | IA |
| Iowa State Bank | Des Moines | IA |
| Peoples Savings Bank | Elma | IA |
| Boatmen's Bank | Fort Dodge | IA |
| Lee County Bank and Trust, N.A. | Fort Dodge | IA |
| Grinnell State Bank | Grinnell | IA |
| Security State Bank | Independence | IA |
| Hawkeye State Bank | Iowa City | IA |
| Farmers State Bank | Keosauqua | IA |
| LeClaire State Bank | LeClaire | IA |
| Farmers and Merchants State Bank | Lone Tree | IA |
| Liberty Bank and Trust | Mason City | IA |
| Northwestern State Bank of Orange City | Orange City | IA |
| Pleasantville State Bank | Pleasantville | IA |
| Farmers Savings Bank | Princeton | IA |
| First Federal Savings Bank of Siouxland | Sioux City | IA |
| Solon State Bank | Solon | IA |
| Boatmen's National Bank of Northwest Iowa | Spencer | IA |
| Randall-Story State Bank | Story City | IA |
| Northeast Security Bank | Sumner | IA |
| Farmers and Merchants Savings Bank | Waukon | IA |
| West Branch State Bank | West Branch | IA |
| Earlham Savings Bank | West Des Moines | IA |
| West Liberty State Bank | West Liberty | IA |
| Farmers Savings Bank | West Union | IA |
| First Trust and Savings Bank | Wheatland | IA |
| North American State Bank | Belgrade | MN |
| Firstar Bank of Minnesota, N.A. | Bloomington | MN |
| Highland Bank | Bloomington | MN |
| First American Bank of Brainerd | Brainerd | MN |
| National Bank of Canby | Canby | MN |
| First National Bank of Chaska | Chaska | MN |
| First American Bank, N.A. | Crookston | MN |
| First American Bank of Detroit Lakes | Detroit Lakes | MN |
| Republic Bank, Inc. | Duluth | MN |
| Cannon Valley Bank | Dundas | MN |
| State Bank in Eden Valley | Eden Valley | MN |
| First National Bank of Elmore | Elmore | MN |
| First State Bank of Excelsior | Excelsior | MN |
| First American Bank of International Falls | International Falls | MN |
| Security State Bank of Lewiston | Lewiston | MN |
| Minnwest Bank | Luverne | MN |
| MidAmerica Bank South | Mankato | MN |

| Member | City | State |
|---|---|---|
| Premier Bank | Maplewood | MN |
| Security State Bank of Marine | Marine on St. Croix | MN |
| First American Bank S.W. | Marshall | MN |
| Franklin National Bank of Minneapolis | Minneapolis | MN |
| First Minnetonka City State Bank | Minnetonka | MN |
| Minnwest Bank of Montevideo | Montevideo | MN |
| American Bank and Trust Company | Moorhead | MN |
| Bank Windsor | Nerstrand | MN |
| Farmers State Bank of New London | New London | MN |
| MidAmerica Bank | Newport | MN |
| First State Bank of Onamia | Onamia | MN |
| United Community Bank | Perham | MN |
| Farmers and Merchants State Bank of Pierz | Pierz | MN |
| Security State Bank of Pine Island | Pine Island | MN |
| State Bank of Richmond | Richmond | MN |
| First American Bank Metro South | South St. Paul | MN |
| Southview Bank | South St. Paul | MN |
| Farmers and Merchants Bank | Springfield | MN |
| Liberty Savings Bank, FSB | St. Cloud | MN |
| Capital Bank | St. Paul | MN |
| First Integrity Bank | Staples | MN |
| Central Bank | Stillwater | MN |
| Northern State Bank of Thief River Falls | Thief River Falls | MN |
| Community Bank of Vernon Center | Vernon Center | MN |
| State Bank of Wheaton | Wheaton | MN |
| First American Bank—Willmar | Willmar | MN |
| Town and County State Bank of Winona | Winona | MN |
| Security State Bank of Wykoff | Wykoff | MN |
| Bank of Advance | Advance | MO |
| First Community Bank, Missouri | Bernie | MO |
| Citizens Bank | Carl Junction | MO |
| Carroll County Savings and Loan Association | Carrollton | MO |
| Bank of Chesterfield | Chesterfield | MO |
| Enterprise Bank | Clayton | MO |
| First Bank FSB | Clayton | MO |
| First Bank | Creve Couer | MO |
| First Midwest Bank of Dexter | Dexter | MO |
| Farmers and Merchants Bank of Hale | Hale | MO |
| Farmers and Commercial Bank | Holden | MO |
| Bannister Bank and Trust | Kansas City | MO |
| Country Club Bank | Kansas City | MO |
| Union Bank | Kansas City | MO |
| Bank of Knob Noster | Knob Noster | MO |
| Madison-Hunnewell Bank | Madison | MO |
| Central Bank of Lake of the Ozarks | Osage Beach | MO |
| First National Bank | Salem | MO |
| First Financial Bank of Southeast Missouri | Sikeston | MO |
| Bremen Bank and Trust | St. Louis | MO |
| Sterling National Bank | Sugar Creek | MO |
| Bank of Sullivan | Sullivan | MO |
| Trenton Trust Company | Trenton | MO |
| Mercantile Bank of Warrensburg | Warrensburg | MO |
| Towner County State Bank | Cando | ND |
| State Bank of Oliver County | Center | ND |
| First American Bank West | Minot | ND |
| Security State Bank of New Salem | New Salem | ND |
| Walhalla State Bank | Walhalla | ND |
| American State Bank & Trust Co. of Williston | Williston | ND |
| Hand County State Bank | Miller | SD |
| First National Bank | Pierre | SD |
| Rushmore State Bank | Rapid City | SD |
| Day County Bank | Webster | SD |

**Federal Home Loan Bank of Dallas—District 9**
**P.O. Box 619026**
**Dallas/Forth Worth, Texas 75261–9026**

| | | |
|---|---|---|
| Citizens First State Bank | Arkadelphia | AR |
| Union Bank of Benton | Benton | AR |
| First National Bank of Berryville | Berryville | AR |
| First Community Bank | Conway | AR |
| First National Bank | De Queen | AR |
| First National Bank | De Witt | AR |

| Member | City | State |
|---|---|---|
| Citizens First Bank | El Dorado | AR |
| Bank of England | England | AR |
| Citizens First Bank | Fordyce | AR |
| Merchants National Bank | Fort Smith | AR |
| Caddo First National Bank | Glenwood | AR |
| First National Bank in Green Forest | Green Forest | AR |
| Helena National Bank | Helena | AR |
| Bank of North Arkansas | Melbourne | AR |
| Commercial Bank and Trust Company | Monticello | AR |
| Mercantile Bank of Conway County | Morrilton | AR |
| First National Bank and Trust Company | Mountain Home | AR |
| Perry County State Bank | Perryville | AR |
| Simmons First National Bank | Pine Bluff | AR |
| Bank of Prescott | Prescott | AR |
| Merchants and Planters Bank | Sparkman | AR |
| Premier Bank, N.A. | Baton Rouge | LA |
| Parish National Bank | Bogalusa | LA |
| Citizens National Bank of Bossier City | Bossier City | LA |
| Catahoula—LaSalle Bank | Jonesville | LA |
| Hibernia National Bank | New Orleans | LA |
| Tensas State Bank | Newellton | LA |
| Patterson State Bank | Patterson | LA |
| Iberville Trust and Savings Bank | Plaquemine | LA |
| Rayne State Bank and Trust Company | Rayne | LA |
| Teche Bank and Trust Company | St. Martinville | LA |
| Bank of Sunset and Trust Company | Sunset | LA |
| Washington State Bank | Washington | LA |
| Citzens Bank | Columbia | MS |
| Bank of Kilmichael | Kilmichael | MS |
| Peoples Bank | Mendenhall | MS |
| Bank of Morton | Morton | MS |
| Merchants and Planters Bank | Raymond | MS |
| Walthall Citizens Bank | Tylertown | MS |
| Merchants Bank N.A. | Vicksburg | MS |
| First National Bank of West Point | West Point | MS |
| First National Bank of Wiggins | Wiggins | MS |
| Valley National Bank | Espanola | NM |
| Lea County State Bank | Hobbs | NM |
| Bank of the Rio Grande, N.A. | Las Cruces | NM |
| United Bank and Trust | Abilene | TX |
| Alamo Bank of Texas | Alamo | TX |
| Austin National Bank | Austin | TX |
| Norwest Bank | Austin | TX |
| Austin County State Bank | Bellville | TX |
| Brenham National Bank | Brenham | TX |
| Texas Bank | Brownwood | TX |
| First National Bank of Bryan | Bryan | TX |
| First State Bank of Canadian | Canadian | TX |
| First State Bank | Celina | TX |
| First Bank and Trust of Childress | Childress | TX |
| First National Bank of Chillicothe | Chillicothe | TX |
| Coahoma State Bank | Coahoma | TX |
| Citizens National Bank | Crockett | TX |
| Bent Tree National Bank | Dallas | TX |
| Equitable Bank | Dallas | TX |
| Founders National Bank | Dallas | TX |
| Preston National Bank | Dallas | TX |
| United Bank and Trust | Dallas | TX |
| First Prosperity Bank | El Campo | TX |
| Norwest Bank El Paso, N.A. | El Paso | TX |
| Overton Bank and Trust | Fort Worth | TX |
| Southwest Bank | Fort Worth | TX |
| Bank of Galveston | Galveston | TX |
| Riverside National Bank | Grand Prairie | TX |
| Gruver State Bank | Gruver | TX |
| First State Bank | Hawkins | TX |
| Northwest Bank | Houston | TX |
| Hull State Bank | Hull | TX |
| Humble National Bank | Humble | TX |
| Industry State Bank | Industry | TX |
| City National Bank of Kilgore | Kilgore | TX |
| First National Bank of La Grange | La Grange | TX |
| Commerce Bank | Laredo | TX |
| Longview Bank and Trust Company | Longview | TX |

| Member | City | State |
|---|---|---|
| First State Bank | Louise | TX |
| First Bank | McKinney | TX |
| First National Bank of Missouri City | Missouri City | TX |
| Fredonia State Bank | Nacogdoches | TX |
| First State Bank | Pittsburg | TX |
| Wood County National Bank | Quitman | TX |
| First Valley Bank | Raymondville | TX |
| First National Bank of Refugio | Refugio | TX |
| Robert Lee State Bank | Robert Lee | TX |
| First National Bank of South Texas | San Antonio | TX |
| Thorndale State Bank | Thorndale | TX |
| First State Bank | Waskom | TX |
| Hill Bank and Trust | Weimar | TX |
| Wilson State Bank | Wilson | TX |
| Fannin Bank | Windom | TX |

**Federal Home Loan Bank of Topeka—District 10**
**Post Office Box 176**
**Topeka, Kansas 66601**

| | | |
|---|---|---|
| Boulder Valley Bank and Trust | Boulder | CO |
| Cheyenne Mountain Bank | Colorado Springs | CO |
| Bank of Cherry Creek, N.A. | Denver | CO |
| First Bank of Cherry Creek, N.A. | Denver | CO |
| First Bank of Denver, N.A. | Denver | CO |
| Union Bank and Trust | Denver | CO |
| First Bank of Eagle County | Eagle | CO |
| Mesa National Bank | Grand Junction | CO |
| Kiowa State Bank | Kiowa | CO |
| First Bank of Colorado, N.A. | Lakewood | CO |
| FirstBank of South Jeffco | Lakewood | CO |
| Pioneer Bank of Longmont | Longmont | CO |
| Peoples National Bank | Monument | CO |
| Bank of Telluride | Telluride | CO |
| Labette County State Bank | Altamont | KS |
| Union State Bank | Arkansas City | KS |
| Baxter State Bank | Baxter Springs | KS |
| Community Bank | Chapman | KS |
| First National Bank of Derby | Derby | KS |
| Pony Express Commercial Bank | Elwood | KS |
| Citizens State Bank | Gridley | KS |
| Citizens State Bank and Trust | Hiawatha | KS |
| First National Bank of Hutchison | Hutchison | KS |
| Brotherhood Bank and Trust Company | Kansas City | KS |
| Exchange National Bank | Marysville | KS |
| Peoples Bank and Trust Company | McPherson | KS |
| First Neodesha Bank | Neodesha | KS |
| Citizens State Bank and Trust Company | Osage City | KS |
| Oak Park Bank | Overland Park | KS |
| First State Bank and Trust Company | Pittsburg | KS |
| Grant County Bank | Ulysses | KS |
| Union State Bank | Uniontown | KS |
| First National Bank of Winfield | Winfield | KS |
| Arlington State Bank | Arlington | NE |
| Farmers and Merchants National Bank | Ashland | NE |
| Battle Creek State Bank | Battle Creek | NE |
| Beatrice National Bank and Trust Company | Beatrice | NE |
| Clarkson Bank | Clarkson | NE |
| Columbus Bank and Trust Company | Columbus | NE |
| Fremont National Bank and Trust Co. | Fremont | NE |
| United Nebraska Bank | Grand Island | NE |
| Thayer County Bank | Hebron | NE |
| Union Bank and Trust Company | Lincoln | NE |
| Martell State Bank | Martell | NE |
| Otoe County Bank and Trust Company | Nebraska City | NE |
| Adams Bank and Trust | Ogallala | NE |
| First Westroads Bank, Inc. | Omaha | NE |
| Omaha State Bank | Omaha | NE |
| First National Bank | Schuyler | NE |
| First National Bank of Shelby | Shelby | NE |
| Farmers and Merchants State Bank | Wayne | NE |
| American State Bank | Broken Bow | OK |
| Oklahoma National Bank&Trust Co. of Chickasha | Chickasha | OK |

| Member | City | State |
|---|---|---|
| Durant Bank and Trust Company | Durant | OK |
| First National Bank in Durant | Durant | OK |
| Central National Bank and Trust of Enid Co. | Enid | OK |
| Farmers and Merchants National Bank | Fairview | OK |
| Bank of Southern Oklahoma | Madill | OK |
| BancFirst | Oklahoma City | OK |
| Boatmen's First National Bank of Oklahoma | Oklahoma City | OK |
| First Fidelity Bank, N.A. | Oklahoma City | OK |
| Lincoln National Bank | Oklahoma City | OK |
| Southwestern Bank and Trust Company | Oklahoma City | OK |
| Pauls Valley National Bank | Pauls Valley | OK |
| Pioneer Bank and Trust | Ponca City | OK |
| Farmers State Bank | Quinton | OK |
| Security N.B. of Sapulpa | Sapulpa | OK |
| First State Bank in Temple | Temple | OK |
| Bank IV, Oklahoma, N.A. | Tulsa | OK |
| Citizens Bank of Tulsa | Tulsa | OK |
| First Farmers National Bank | Waurika | OK |
| First Heritage National Bank | Waynewood | OK |
| City Bank | Weatherford | OK |

**Federal Home Loan Bank of San Francisco—District 11**
**307 East Chapman Avenue**
**Orange, California 92666**

| | | |
|---|---|---|
| Bank of Arizona | Scottsdale | AZ |
| City National Bank | Beverly Hills | CA |
| Foothill Independent Bank | Glendora | CA |
| Bank of Hemet | Hemet | CA |
| FirstBank, N.A. | Palm Desert | CA |
| North Valley Bank | Redding | CA |
| Mechanics Bank of Richmond | Richmond | CA |
| Roseville First National Bank | Roseville | CA |
| Trans Pacific National Bank | San Francisco | CA |
| Montecito Bank and Trust | Santa Barbara | CA |
| Bank of America Community Development Bank | Walnut Creek | CA |
| Pioneer Citizens Bank of Nevada | Reno | NV |

**Federal Home Loan Bank of Seattle—District 12**
**1501 Fourth Avenue**
**Seattle, Washington 98101–1693**

| | | |
|---|---|---|
| Bank of Hawaii | Honolulu | HI |
| Bank of Bridger | Bridger | MT |
| First Security Bank | Malta | MT |
| First State Bank of Thompson Falls | Thompson Falls | MT |
| First National Bank of White Sulphur Springs | White Sulphur Springs | MT |
| Mountain Bank | Whitefish | MT |
| Bank of Wallowa County | Joseph | OR |
| Valley of the Rogue Bank | Rogue River | OR |
| Barnes Banking Company | Kaysville | UT |
| Cache Valley Bank | Logan | UT |
| Sun Capital Bank | St. George | UT |
| Inter Bank | Duvall | WA |
| Kittitas Valley Bank, N.A. | Ellensburg | WA |
| Peoples State Bank | Lynden | WA |
| Pend Oreille Bank | Newport | WA |
| Inland Northwest Bank | Spokane | WA |
| Towne Bank of Woodinville | Woodinville | WA |
| Norwest Bank Wyoming, N.A. | Casper | WY |
| Shosone First Bank | Cody | WY |

C. Due Dates

Members selected for review must submit completed Community Support Statements to their FHLBanks no later than May 30, 1996.

All public comments concerning the Community Support performance of selected members must be submitted to the members' FHLBanks no later than May 30, 1996.

D. Notice to Members Selected

Within 15 days of this Notice's publication in the Federal Register, the individual FHLBanks will notify each member selected to be reviewed that the member has been selected and when the member must return the completed Community Support Statement. At that time, the FHLBank will provide the member with a Community Support Statement form and written instructions and will offer assistance to the member

in completing the Statement. The FHLBank will only review Statements for completeness, as the Housing Finance Board will conduct the actual review.

E. Notice to Public

At the same time that the FHLBank members selected for review are notified of their selection, each FHLBank will also notify community groups and other interested members of the public. The purpose of this notification will be to solicit public comment on the Community Support records of the FHLBank members pending review.

Any person wishing to submit written comments on the Community Support performance of a FHLBank member under review in this quarter should send those comments to the member's FHLBank by the due date indicated in order to be considered in the review process.

Dated: March 28, 1996.

By the Federal Housing Finance Board.

Rita I. Fair,

*Managing Director.*

[FR Doc. 96–8072 Filed 4–12–96; 8:45 am]

BILLING CODE 6725–01–P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 96-8575) published on pages 15483 and 15484 of the issue for Monday, April 8, 1996.

Under the Federal Reserve Bank of San Francisco heading, the entry for B. John Barry, is revised to read as follows:

*1. B. John Barry*, Aspen, Colorado; to acquire over an additional 15.7 percent, for a total of over 25 percent, up to 100 percent; Thomas J. Barry, Prescott, Arizona, to acquire an additional 7.7 percent, for a total of 9.9 percent; Michael B. Barry, St. Paul, Minnesota, to acquire an additional 8 percent, for a total of 9.9 percent; and Jessica M. Barry, St. Paul, Minnesota, to acquire an additional 6 percent, for a total of 9.9 percent, of the voting shares of Redwood Empire Bancorp, Santa Rosa, California, and thereby indirectly acquire National Bank of the Redwoods, Santa Rosa, California.

Comments on this application must be received by April 29, 1996.

Board of Governors of the Federal Reserve System, April 9, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–9202 Filed 4–12–96; 8:45 am]

BILLING CODE 6210–01–F

### 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 April 26, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Roger V. Doughan*, Co-Trustee for Marcia Saylor Mekelburg Trust Under Agreement and Karen Saylor Nelson Trust Under Agreement, all of Hampton, Iowa; to acquire a total of 49 percent of the voting shares of A. M. Saylor, Incorporated, Hampton, Iowa, and thereby indirectly acquire First National Bank of Hampton, Hampton, Iowa.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. Frederick D. Thompson*, Forth Worth, Texas; serving as trustee for Cleaves Rhea Thompsom Trust U/W Louise R. Floore, Fort Worth, Texas, to retain a total of 6.09 percent; Frederick Dickson Thompson, Jr., Trust U/W Louise R. Floore, Fort Worth, Texas, to retain a total of 6.04 percent; John Andrew Thompson Trust U/W Louise R. Floore, Fort Worth, Texas, to retain a total of 6.09 percent; Thompson Family Trust Exempt, Fort Worth, Texas, to acquire a total of 2.21 percent; Thompson Family Trust Nonexempt, Fort Worth, Texas, to acquire a total of 2.20 percent; and Thompson Management Trust, Fort Worth, Texas, to acquire a total of 2.21 percent, of the voting shares of Central Bancorporation, Inc., Fort Worth, Texas, and thereby indirectly acquire Central Bank & Trust Co., Fort Worth, Texas.

Board of Governors of the Federal Reserve System, April 9, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–9203 Filed 4–12–96; 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 7, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. F & M Bancorporation, Inc.*, Kaukauna, Wisconsin; to acquire 100 percent of the voting shares of Community State Bank, Algoma, Wisconsin.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Federated Bancshares, Inc.*, Otterville, Missouri; to acquire 8.72 percent of the voting shares of First Bank of Kansas City, Kansas City, Missouri.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. Marlin Holding, Ltd.*, Marlin, Texas; to become a bank holding company by retaining 67.93 percent of the voting shares of Central Financial Bancorp, Inc., Lorena, Texas, and thereby indirectly retain Central Delaware Financial Bancorp, Dover, Delaware; Lorena State Bank, Lorena, Texas; and Bank of Troy, Troy, Texas.

In connection with this application, Minor Financial, L.L.C., Marlin, Texas, also has applied to become a bank holding company by retaining 1 percent of the voting shares of Marlin Holding, Ltd., Marlin, Texas, and thereby indirectly retain Central Financial Bancorp, Inc., Lorena, Texas; Central Delaware Financial Bancorp, Dover, Delaware; Lorena State Bank, Lorena, Texas; and Bank of Troy, Troy, Texas.

*2. Plano Bancshares, Inc.*, Plano, Texas, and Plano Bancshares of Delaware, Inc., Dover, Delaware; to acquire 92.32 percent of the voting shares of First McKinney Bancshares, Inc., McKinney, Texas, and thereby indirectly acquire First Bank, McKinney, Texas.

Board of Governors of the Federal Reserve System, April 9, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board*.

[FR Doc. 96–9204 Filed 4–12–96; 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 companies listed in this notice have 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.

Each 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 applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 26, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Mahaska Investment Company*, Oskaloosa, Iowa; to acquire, through its subsidiary, Central Valley Bank, F.S.B., Ottumwa, Iowa, certain assets and to assume certain liabilities of Boatman's Bank Iowa, N.A., Sigourney, Iowa, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

*2. Montgomery Bancshares, Inc.*, Montgomery, Illinois; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Norwest Corporation*, Minneapolis, Minnesota; through Norwest Financial Services, Inc., Des Moines, Iowa, and Norwest Financial, Inc., Des Moines, Iowa, to acquire Cardinal Credit Corporation, Lexington, Kentucky, and thereby engage in consumer finance activities, pursuant to § 225.25(b)(1)(i) of the Board's Regulation Y, and in credit insurance, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 9, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board*.

[FR Doc. 96–9205 Filed 4–12–96; 8:45 am]

BILLING CODE 6210–01–F

## Waterhouse Investor Services

## Notice to Engage in Nonbanking Activities

Waterhouse Investor Services, New York, New York (Notificant), has given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to indirectly acquire 50 percent of the voting shares of Marketware International, Inc., Holmdel, New Jersey (Company), and thereby develop and sell computer software products to facilitate the purchase and sale of securities by customers using personal computers pursuant to section 225.25(b)(7) of the Board's Regulation Y (12 CFR 225.25(b)(7)). Company would, *inter alia*, provide software to permit customers to place ''buy'' or ''sell'' orders with Waterhouse Securities, Inc., an affiliated broker-dealer, over the non-proprietary computer network known as the Internet. Notificant seeks approval to conduct the proposed activities nationwide.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity ''which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.'' 12 U.S.C. 1843(c)(8).

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the notice, and does

not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 26, 1996. Any request for a hearing on this proposal must, as required by section 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. The notice may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, April 9, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–9206 Filed 4–12–96; 8:45 am]

BILLING CODE 6210–01–F

## Federal Open Market Committee; Domestic Policy Directive of January 30-31, 1996.

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on January 30-31, 1996.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that the economy has been growing rather slowly in recent months. Nonfarm payroll employment continued to expand moderately in December, and the civilian unemployment rate remained at 5.6 percent. Industrial production increased only slightly further in the fourth quarter. Growth of consumer spending was modest, on balance, over the past several months. Housing starts rebounded in November from a sizable October decline. Orders for nondefense capital goods point to a moderation in the expansion of spending on business equipment, and nonresidential construction has risen appreciably further. The nominal deficit on U.S. trade in goods and services narrowed in October from its average rate in the third quarter. There has been no clear change in underlying inflation trends.

Most market interest rates have declined somewhat since the Committee meeting on December 19. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies has risen further over the intermeeting period.

Growth of M2 and M3 strengthened in December and January. From the fourth quarter of 1994 to the fourth quarter of 1995, M2 expanded in the upper half of its range and M3 grew at the upper end of its range. Growth in total domestic nonfinancial debt has been moderate in recent months, placing this aggregate near the midpoint of its monitoring range for the year.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at this meeting established ranges for growth of M2 and M3 of 1 to 5 percent and 2 to 6 percent respectively, measured from the fourth quarter of 1995 to the fourth quarter of 1996. The monitoring range for growth of total domestic nonfinancial debt was set at 3 to 7 percent for the year. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks to decrease slightly the existing degree of pressure on reserve positions, taking account of a possible reduction in the discount rate. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint or slightly lesser reserve restraint would be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with moderate growth in M2 and M3 over coming months.

By order of the Federal Open Market Committee, April 5, 1996.

Donald L. Kohn,

*Secretary, Federal Open Market Committee.*

[FR Doc. 96–9210 Filed 4–12–96; 8:45 am]

BILLING CODE 6210–01–F

[1] Copies of the Minutes of the Federal Open Market Committee meeting of January 30-31, 1996, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

## FEDERAL TRADE COMMISSION

## Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

**AGENCY:** Federal Trade Commission.

**ACTION:** Invitation to Comment on Requested Exemption from Trade Regulation Rule.

**SUMMARY:** The Commission is requesting public comment with respect to a request from Freightliner Corporation for an exemption from the requirements of the Franchise Rule.

**DATES:** Written comments will be accepted until June 14, 1996.

**ADDRESSES:** Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Requests for copies of the petition and the Franchise Rule should be directed to the Public Reference Branch, Room 130, (202) 326–2222.

**FOR FURTHER INFORMATION CONTACT:** Myra Howard, Attorney, PC–H–238, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2047.

**SUPPLEMENTARY INFORMATION:** On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures'' (16 CFR Part 436) (''the Rule''). In general, the Rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the Rule is available upon request from the FTC Public Reference Branch, Room 130, FTC Headquarters Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

Freightliner Corporation filed a petition for exemption pursuant to Section 18(g) on November 18, 1994. Briefly stated, Petitioner alleges that an exemption should be granted to

Freightliner because: (1) Freightliner dealers are sophisticated business persons; (2) prospective dealers and their advisors have more than adequate time to review the dealer agreement and other information before executing a dealer contract; (3) given their levels of experience and sophistication, prospective dealers will be well-acquainted with the truck industry and all relevant facts about the dealership; and (4) automobile dealer associations have supported, or not opposed, previous exemption petitions.

In August 1979, the staff of the Commission issued an ''informal staff advisory opinion'' under Section 1.1(b) of its Rules of Practice, 16 C.F.R. § 1.1(b), stating the staff's conclusion that ''in accordance with the facts represented by Freightliner in its request for an advisory opinion,'' ''dealerships sold by Freightliner * * * would be exempt from the rule for lack of the required payment mandated by Section 436.2(a)(2) of the Franchise Rule, 16 CFR § 436.2(a)(2).''[1] A staff advisory opinion is not binding on the Commission, but a decision to grant the Petitioner's current request effectively would continue to excuse Freightliner from compliance with the Franchise Rule, albeit by exemption rather than by a determination that the Rule by its terms does not apply.

Freightliner now requests an exemption from the Rule. It argues that recent changes in its business practices, in particular, its current requirement that dealers purchase for operation of their businesses certain computerized software priced over $500.00, have brought the company within the scope of the Rule. *See* Letter to Donald S. Clark, Secretary of the Commission, dated January 18, 1996, from William L. Monts III, counsel to Petitioner. A complete presentation of the arguments submitted by Petitioner appears in the petition as supplemented by the letter to Mr. Clark from Mr. Monts. Both the petition and the supplemental letter may be obtained from the FTC Public Reference Branch, Room 130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580, during regular business hours.

In assessing the present exemption request, the Commission solicits comments on all issues germane to the proceeding, including the following: (1) Is there any evidence indicating that Petitioner may engage in unfair or deceptive acts or practices in the offer and sale of truck franchises? (2) If not, is it in the public interest to exempt it from coverage under the Franchise Rule?

Interested parties may submit written data, views or arguments on any issues of fact, law or policy that may bear on the requested exemption, whether or not these issues have been raised by the petition or this notice. Comments may be submitted within sixty days of the date of this notice and should be addressed to the Secretary of the Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Comments should be marked ''Freightliner Franchise Rule Exemption Comment,'' and two copies should be submitted.

By direction of the Commission.

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9275 Filed 4–12–96; 8:45 am]

**BILLING CODE 6750–01–M**

[1] Bus. Fran. Guide (CCH) ¶ 6389 at 9561 (Aug. 27, 1979). *See also* 16 CFR § 436.2(a)(3)(iii), exempting from consideration as ''required payments'' payments under § 436.2(a)(2) within the first fix months after the commencement of operation of the franchisee's business totalling less than $500.00.

**[Docket No. C–3634]**

## Phillips Petroleum Company, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Phillips Petroleum Company, an Oklahoma-based corporation, to modify the acquisition agreement so that 830 specified miles of pipe and related gas gathering assets within the Panhandle counties are not included in the sale of Enron assets to Phillips. The consent order also requires Phillips, for 10 years, to notify the Commission before it acquires more than five miles of gas gathering pipeline located within the Panhandle counties from any one person during any 18-month period; and requires Enron, for 10 years, to notify the Commission before it can sell any of the 830 miles of pipeline assets excluded from the challenged deal to Phillips or to Maxus Energy Corporation.

**DATES:** Complaint and Order issued December 28, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Ronald Rowe, FTC/S–2602, Washington, DC 20580, (202) 326–2105.

**SUPPLEMENTARY INFORMATION:** On Tuesday, September 12, 1995, there was published in the Federal Register, 60 FR 47376, a proposed consent agreement with analysis in the Matter of Phillips Petroleum Company, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered a slightly modified order in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9276 Filed 4–12–96; 8:45 am]

**BILLING CODE 6750–01–M**

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

**[Dkt. C–3625]**

## Port Washington Real Estate Board, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York brokerage service from restricting the use of exclusive agency listings, fixing commission splits between listing and selling brokers, restricting or prohibiting members from holding open houses or using ''For Sale'' signs, restricting brokers from advertising free services to property owners, and excluding from membership brokers who do not operate a full-time office in the territory served by the Board's multiple listing service.

**DATES:** Complaint and Order issued November 6, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Michael Bloom or Alan Loughnan, New York Regional Office, Federal Trade Commission, 150 William St., 13th Floor, New York, N.Y. 10038. (212) 264–1207.

**SUPPLEMENTARY INFORMATION:** On Wednesday, July 12, 1995, there was published in the Federal Register, 60 FR 35907, a proposed consent agreement

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

with analysis In the Matter of Port Washington Real Estate Board, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9277 Filed 4–12–96; 8:45 am]

BILLING CODE 6750–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Title IV–B Five Year Plan, Annual Progress and Services Report and CFS–101.

*OMB No:* 0980–0047.

*Description:* Under title IV–B, subparts 1 and 2, States and Indian Tribes are to submit a five year plan, an annual progress and services report, and an annual budget request and estimated expenditure report, (CFS–101). The plan is used by States and Indian Tribes to develop and implement services and describe coordination efforts with other federal, state and local programs. The Annual Progress and Services Report is used to provide updates and will be submitted annually with the Annual Progress and Services Report to apply for appropriated funds for the next fiscal year.

*Respondents:* State governments.

*Annual Burden Estimates:*

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| APSR | 114 | 1 | 120 | 13,680 |
| CFS–101 | 114 | 1 | 5 | 570 |
| CFSP | 25 | 1 | 500 | 12,500 |

Estimated Total Annual Burden Hours: 26,750.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: March 28, 1996.

Roberta Katson,

*Director, Office of Information Resource Management Services.*

[FR Doc. 96–9239 Filed 4–12–96; 8:45 am]

BILLING CODE 4184–01–M

### Health Resources and Services Administration

### Availability of Funds for Community and Migrant Health Center Activities, for the Provision of Technical and Other Non-Financial Assistance to Community and Migrant Health Centers, and for Cooperative Agreements To Support Community and Migrant Health Centers

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice of Availability of Funds.

**SUMMARY:** The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1996 Community and Migrant Health Center (C/MHC) activities. The activities supported include: the operation of C/MHCs (including enhanced perinatal services), capital improvements, cooperative agreements to support C/MHCs and other community-based providers of primary care, and awards for the provision of technical and other non-financial assistance to C/MHCs and other community-based providers of primary care. It is anticipated that grants will be awarded under sections 329 and 330 of the Public Health Service (PHS) Act, 42 U.S.C. 254b and 254c, respectively. Technical assistance is awarded under sections 329(g)(1), 330(f)(1), and 333(d) of the PHS Act, 42 U.S.C., 254b(g)(1), 254c(f)(1) and 254f(d), respectively.

This program announcement is subject to the final action on the appropriation of funds. At this time, given the continuing resolutions and the absence of a final FY 1996 appropriation, the specific amount available for these grant programs is not known.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led national activity for setting priority areas. The health center program directly addresses the Healthy People 2000 objectives by improving access to preventive and primary care services for underserved populations, especially minority and other disadvantaged populations. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–01) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–01) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of

1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

**APPLICATION DEADLINES:** Applications shall be considered to have met the deadline if they are: (1) Received on or before the deadline; or (2) sent on or before the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailing.) Late applications not accepted for processing will be returned to the applicant. Deadlines are as follows:

**SECTIONS 329 AND 330 FUNDS:** Competing continuation applications for section 329 and/or Section 330 funds to provide essential services are due 120 days prior to the expiration of the current project period award unless otherwise specified. Noncompeting continuation applications are due 120 days prior to the expiration of the current budget period. For a list of service areas with expiring project periods, see Federal Register notice published on May 25, 1995, 60 FR 27736 *et seq.*

**TECHNICAL AND OTHER NON-FINANCIAL ASSISTANCE GRANTS AND COOPERATIVE AGREEMENTS:** Proposals for national grants of technical and other non-financial assistance under sections 329(g)(1), 330(f)(1) and 333(d) and proposals for national cooperative agreements under sections 329(g)(1), 330(f)(1) and 333(d) must be received no later than June 1, 1996.

**CAPITAL:** All C/MHCs will be notified directly of the deadlines for capital improvement project applications, as well as the evaluation criteria for awarding grants.

**ADDRESSES:** Application kits (PHS form 5161–1 with revised face sheets DHHS Form 424, as approved by the Office of Management and Budget (OMB) under control numbers 0937–0189) and guidance will be sent to current sections 329/330 grantees for continuation funding. New applicants for sections 329/330 funding should send application requests to the PHS Regional Grants Management Officers (RGMOs), whose addresses are provided in the appendix to this document. Application kits and guidance for competitive activity for capital improvements, cooperative agreements to support C/MHCs and other community-based providers of primary care, and awards for the provision of technical and other non-financial assistance to C/MHCs and other community-based providers of primary care may be obtained from: Bureau of Primary Health Care, Health Resources and Services Administration, c/o Houston Associates, Inc., 1010 Wayne Avenue, Suite 1200, Silver Spring, Maryland 20910. The telephone number is (800) 523–2192. The fax number is (800) 523–2193. Completed applications for capital improvements, cooperative agreements to support C/MHCs and other community-based providers of primary care, and awards for the provision of technical and other non-financial assistance to C/MHCs and other community-based providers of primary care must be sent to: Bureau of Primary Health Care, HRSA, c/o Houston Associates, Inc., at the above address.

**FOR FURTHER INFORMATION CONTACT:** The RGMOs are available to provide assistance on business management issues. For general program information about the availability of funds, contact Richard C. Bohrer, (301) 594–4300.

**SUPPLEMENTARY INFORMATION:**

A. General Primary Care Services Delivery

Number of Awards: A total of approximately 640 C/MHC grants will be made available, of which approximately 270 will be for competing continuation grants and approximately 370 will be for noncompeting continuation grants. Awards will be for a one year budget period. Project periods will be for up to five years.

Eligible Applicants: It is the intent of HRSA to continue to support health services in the service areas of currently funded C/MHCs, given the need inherent in their designation as medically underserved. Within their project periods, only current grantees may apply for sections 329 and 330 awards to continue to provide health services in medically underserved areas. However, any nonprofit private and public entities may apply to serve the geographic areas where project periods are expiring. For a list of service areas with expiring project periods, see the Federal Register notice published on May 25, 1995, 60 FR 27736 *et seq.*

Review Criteria: When determining whether Federal support will be made available for continuing awards, the Department will review C/MHCs for compliance with standard criteria stipulated in the program regulations (42 CFR Part 51c for CHC and Part 56 for MHC activities) and effectiveness in use of previously awarded sections 330 and 329 funds. This year's reviews will continue to emphasize need and community impact, health services, management and finance, and governance. Specifically, applications will be evaluated based on: (1) the extent of demonstrated need for services based on geographic, demographic, and economic factors, resources in the area, and health status; (2) the capability of the applicant to provide primary health services (including enhanced perinatal services) as appropriate to meet the needs of the community, as evidenced by such attributes as an adequate medical provider staff (e.g., number, specialty mix, and qualifications), critical linkages to other relevant entities (e.g., State or local health departments, State Medicaid agencies, health professions training programs), and coordination with other levels of care; (3) the extent to which the applicant assures the delivery of effective and efficient health services through appropriate leadership, management structures and financial systems; (4) the extent to which the applicant demonstrates the appropriateness of governing board composition, committee structure, and performance to assure that the board functions fully and effectively in its fiduciary role; and (5) the extent to which the applicant demonstrates the coordination and integration of services supported by this grant with other Federally funded, State and local health services delivery projects and programs serving the same population(s).

B. National Cooperative Agreements

Number of Awards: Approximately 5 cooperative agreements with national organizations to provide assistance in the development and coordination of primary health care services in needy areas may be awarded. Awards for national cooperative agreements will be for a one year budget period. Project periods will be for up to five years.

Eligible Applicants: An applicant must be a national organization that represents State, local or community-based health constituencies, and that satisfies the Secretary that it is able to meet program requirements.

Review Criteria: All national organizations seeking cooperative agreements will be evaluated according to their ability to address activities in one or more of the following areas: (1) enhanced access to primary care for medically underserved and uninsured populations; (2) improved management and enhanced financing for primary care services in medically underserved areas and for medically underserved populations; (3) recruitment and retention of health providers in

medically underserved areas and for medically underserved populations; (4) health care services for special populations, including migrant and seasonal farmworkers; (5) integration/collaboration of C/MHCs and other community-based providers of primary care with public and other external organizations; (6) clinical strategies for primary care clinicians serving medically underserved populations.

Federal Responsibilities Under Cooperative Agreements: Federal responsibilities under the cooperative agreements, in addition to the usual monitoring and technical assistance provided under grants, will include the following: (1) coordination of national cooperative agreement activities with other federally funded primary care activities, (including State and Regional Primary Care Associations and State Cooperative Agreements) and (2) final approval of workplans for activities under the national cooperative agreement with attention to planning, task design and setting target task completion dates.

C. Technical and Other Non-Financial Assistance

Number of Awards: Approximately 5 awards to national organizations to support the provision of technical and other non-financial assistance to C/MHCs and other community-based providers of primary care to the underserved may be made. Awards will be for a one year budget period. Project periods will be for up to five years.

Eligible Applicants: Eligible applicants are private nonprofit entities, including (but not limited to) national associations. For the purpose of carrying out the Section 329 and Section 330 legislative authorities, national technical and other non-financial assistance is required to increase the skill levels of C/MHCs around program expectations and national trends in areas affecting C/MHCs and other community-based providers of primary care. Programs focus on enhancing skills of senior-level staff such as Executive and Medical Directors and Board members. National technical and other non-financial assistance also addresses the need for guidance materials and technical publications for use at State, regional and provider levels. Such assistance is especially critical for assisting centers in fulfilling emerging roles and responsibilities, e.g., managed care, integrated service network development. National assistance permits information and expectations to be communicated directly to Executive and Medical Directors of C/MHCs and other community-based providers of primary care, as well as to State/Regional Primary Care Associations and State Cooperative Agreements where the primary responsibility is vested for application and implementation assistance.

Review Criteria: All applicants for national awards will be evaluated according to their ability to address activities in one or more of the following areas: (1) provision of training and technical assistance in management, governance and financing to C/MHCs and other community-based providers of primary care in medically underserved areas and for medically underserved populations; (2) assistance to C/MHCs and other community-based providers of primary care for the recruitment and retention of primary care providers; (3) coordination and/or development of strategies to increase access to primary care services for medically underserved, uninsured and special populations, including migrant and seasonal farmworkers; (4) support for the integration/collaboration of C/MHCs and other community-based providers of primary care with public and other external organizations; and/or (5) development of clinical strategies for primary care clinicians serving medically underserved populations.

Other Award Information: All general primary care services delivery grants to be awarded under this notice are subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kits will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for that review. Applicants (other than Federally recognized Indian Tribal governments) should contact their State Single Points of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. State process recommendations should be submitted to the appropriate Regional Office (see Appendix). The due date for State process recommendations is 60 days after the appropriate application deadline date. The Bureau of Primary Health Care does not guarantee that it will accommodate or explain its response to State process recommendations received after this date.

Public Health System Reporting Requirement: Section 329 and Section 330 general primary care services delivery grants are subject to the Public Health System Reporting Requirement, PHS Circular 92.01. Reporting requirements have been approved by the OMB under control numbers 0937–0195. Under this requirement, the community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions. Applicants may submit the Project Summary section of the application as the PHSIS.

Community-based nongovernmental applicants are required to submit a copy of the face page of the application (SF 424) to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date. In the OMB Catalog of Federal Domestic Assistance, the Community Health Center program is listed as Number 93.224 and the Migrant Health Center program is listed as Number 93.246.

Dated: April 10, 1996.

Ciro V. Sumaya,

*Administrator.*

Appendix—Regional Grants Management Officers

Region I: Grants Management Officer, PHS Regional Office I, John F. Kennedy Federal Building, Boston, MA 02203, (617) 565–1482

Region II: Grants Management Officer, PHS Regional Office II, Room 3300, 26 Federal Plaza, New York, NY 10278, (212) 264–4496

Region III: Grants Management Officer, PHS Regional Office III, P.O. Box 13716, Philadelphia, PA 19101, (215) 596–6653

Region IV: Grants Management Officer, PHS Regional Office IV, Room 1106, 101 Marietta Tower, Atlanta, GA 30323, (404) 331–2597

Region V: Grants Management Officer, PHS Regional Office V, 105 West Adams Street, 17th Floor, Chicago, IL 60603, (312) 353–8700

Region VI: Grants Management Officer, PHS Regional Office VI, 1200 Main Tower, Dallas, TX 75202, (214) 767–3885

Region VII: Grants Management Officer, PHS Regional Office VII, Room 501, 601 East 12th Street, Kansas City, MO 64016, (816) 426–5841

Region VIII: Grants Management Officer, PHS Regional Office VIII, 1961 Stout Street, Denver, CO 80294, (303) 844–4461

Region IX: Grants Management Officer, PHS Regional Office IX, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–2595

Region X: Grants Management Officer, PHS Regional Office X, Mail Stop RX 20, 2201 Sixth Avenue, Seattle, WA 98121, (206) 553–7997

[FR Doc. 96–9295 Filed 4–12–96; 8:45 am]

BILLING CODE 4160–15–U

## National Institutes of Health

### Division of Research Grants; 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 Division of Research Grants Special Emphasis Panel (SEP) meetings.

*Purpose/Agenda:* To review individual grant applications.

*Name of SEP:* Biological and Physiological Sciences.

*Date:* April 11–12, 1996.

*Time:* 8:30 a.m.

*Place:* Ramada Inn, Bethesda, MD.

*Contact Person:* Dr. Calbert Laing, Scientific Review Administrator, 6701 Rockledge Drive, Room 4204, Bethesda, Maryland 20892, (301) 435–1221.

*Name of SEP:* Biological and Physiological Sciences.

*Date:* April 16, 1996.

*Time:* 2:30 p.m.

*Place:* NIH, Rockledge 2, Room 4150, Telephone Conference.

*Contact Person:* Dr. Marcia Litwack, Scientific Review Administrator, 6701 Rockledge Drive, Room 4150, Bethesda, Maryland 20892, (301) 435–1719.

*Name of SEP:* Biological and Physiological Sciences.

*Date:* April 17, 1996.

*Time:* 2:30 p.m.

*Place:* NIH, Rockledge 2, Room 4150, Telephone Conference.

*Contact Person:* Dr. Marcia Litwack, Scientific Review Administrator, 6701 Rockledge Drive, Room 4150, Bethesda, Maryland 20892, (301) 435–1719.

This notice is being published less than 15 days prior to above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

*Name of SEP:* Behavioral and Neurosciences.

*Date:* April 29, 1996.

*Time:* 8:30 a.m.

*Place:* State Plaza Hotel, Washington, DC.

*Contact Person:* Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

*Name of SEP:* Chemistry and Related Sciences.

*Date:* May 6, 1996.

*Time:* 9:00 a.m.

*Place:* Ramada Inn, Bethesda, MD.

*Contact Person:* Dr. Asher Hyatt, Scientific Review Administrator, 6701 Rockledge Drive, Room 4160, Bethesda, Maryland 20892, (301) 435–1724.

*Name of SEP:* Biological and Physiological Sciences.

*Date:* June 14, 1996.

*Time:* 8:30 a.m.

*Place:* Residence Inn, Bethesda, MD.

*Contact Person:* Dr. Sandy Warren, Scientific Review Administrator, 6701 Rockledge Drive, Room 5134, Bethesda, Maryland 20892, (301) 435–1019.

*Name of SEP:* Microbiological and Immunological Sciences.

*Date:* June 28, 1996.

*Time:* 8:30 a.m.

*Place:* Holiday Inn, Chevy Chase, MD.

*Contact Person:* Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 4200, Bethesda, Maryland 20892, (301) 435–1219.

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 Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 8, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–9196 Filed 4–12–96; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[MT–910–1820–00]**

### Call for Nominations on Resource Advisory Councils; Montana, North Dakota and South Dakota

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to solicit public nominations for each of four Bureau of Land Management (BLM) Resource Advisory Councils currently assisting BLM in Montana, North Dakota, and South Dakota. The four councils of Butte, Lewistown, Miles City, and the Dakotas established and authorized in 1995 by the Secretary of the Interior, provide advice and recommendations to BLM on management of the public lands. Public nominations will be received and considered for 45 days beginning with the publication date of this notice.

The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10–15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, Resource Advisory Council membership must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One: Holders of federal grazing permits, representatives of energy and mining development, timber industry, transportation or rights-of-way, off-road vehicle use and developed recreation.

Category Two: Representatives of environmental and resource conservation organizations, dispersed recreation, archeological and historic interests, and wild horse and burro groups.

Category Three: Representatives of state and local government, Native American tribes, academicians involved in natural sciences, employees of state agencies responsible for the management of natural resources, land, or water, and the public at large.

The Butte Council has one opening in Category One, two openings in Category Two, and two openings in Category Three (one of these two openings must be filled by an elected official). The Lewistown Council has two openings in Category One, one opening in Category Two, and two openings in Category Three. The Miles City Council has two openings in Category One, one opening in Category Two, and two in Category Three (one of these two openings must be filled by an elected official). The Dakotas Council has one opening in Category One for someone from North Dakota, two openings in Category Two (one from North Dakota and one from South Dakota), and one opening in Category Three for someone from South Dakota.

Individuals may nominate themselves or others. Nominees must be residents of the state or states in which the council has jurisdiction. Nominees will be evaluated based on their education, training, and experience of the issues and knowledge of the geographical area of the Council. Nominees should have

demonstrated a commitment to collaborative resource decision making. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications. Background information forms are available at BLM offices in Montana, North Dakota and South Dakota.

The nomination period will also be announced through press releases issued by the BLM Montana/Dakota offices. Nominations for Resource Advisory Councils should be sent to the appropriate BLM offices listed below:

Jim Owings, Butte District Manager, P.O. Box 3388, Butte, Montana 59702–3388

Dave Mari, Lewistown District Manager, Airport Road, Lewistown, Montana 59457

Glenn Carpenter, Miles City District Manager, P.O. Box 940, Miles City, Montana 59301–0940

Doug Burger, Dakotas District Manager, 2933 Third Avenue West, Dickinson, North Dakota 58601–2619

**DATES:** All nominations must be received by the appropriate BLM Office on or before May 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jody Weil, BLM Montana State Office, P.O. Box 36800, Billings, Montana, 59107–6800, 406–255–2912.

Larry E. Hamilton,

*State Director.*

[FR Doc. 96–9226 Filed 4–12–96; 8:45 am]

**BILLING CODE 4310–DN–P**

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**[OR–912–0777–52; GP6–0119]**

## Call For Nominations To Resource Advisory Councils in Oregon and Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to solicit public nominations for each of three Bureau of Land Management (BLM) Resource Advisory Councils currently assisting the BLM and Forest Service in Oregon and Washington. The three councils: Eastern Washington, John Day-Snake, and Southeastern Oregon, established and authorized in 1995 by the Secretary of the Interior, provide advice and recommendations to the BLM and Forest Service on management of public lands. Public nominations will be received and considered for 45 days beginning with the publication date of this notice.

The Councils, which were established in August, are made up of 15 members who were randomly given 1–3 year terms to ensure that the entire council would not change at the same time. We are currently calling for nominations to fill the positions that expire in August. The terms for the vacancies listed below will be for three years.

The three councils, which cover eastern Washington and eastern Oregon, have identified many different issues that they would like to work on with the BLM and the Forest Service. To date, the Councils have been working on such issues as standards for rangeland health and guidelines for grazing management, the Interior Columbia Basin Ecosystem Management Project, and the Southeastern Oregon Resource Management Plan.

These councils are authorized under the Federal Land Policy and Management Act (FLPMA) which directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, Resource Advisory Council membership must be balanced and representative of the various interests concerned with the management of public lands. These include three categories:

Category One: holders of federal grazing permits, representatives of energy and mining development, timber industry, transportation or rights-of-way, off-road vehicle use and developed recreation.

Category Two: representatives of environmental and resource conservation organizations, dispersed recreation, archeological and historic interests, and wild horse and burro groups.

Category Three: representatives of State and local government, Native American tribes, academicians involved in natural sciences, employees of State agencies responsible for the management of natural resources, land, or water, and the public at large.

The Eastern Washington Council has five openings. Three of the openings are in Category One: energy and mineral, transportation and rights of way, and commercial recreation. Two of the openings are in Category Two: national/regional environmental, and archeological and historic interests.

The John Day-Snake Council has six openings. Three of the openings are in Category One: energy and mineral, commercial timber, and transportation and rights of way. One of the openings is in Category Two under national/regional conservation. Two of the openings are in Category Three: academician and public at large.

The Southeastern Oregon Council has six openings (one was created by a resignation). Two of the openings are in Category One: energy and minerals and commercial recreation. Three of the openings are in Category Two: dispersed recreation, wild horse and burro, and national/regional conservation. Under Category Three there is one opening for a state employee.

Individuals may nominate themselves or others. Existing council members, whose terms will expire in August, may be renominated. Nominees must be residents of the State in which the council has jurisdiction. The Eastern Washington Council covers eastern Washington (with the exception of the area south of the Snake River drainages). The John Day-Snake Council covers central and northeastern Oregon and the Snake River drainages in southeast Washington. The Southeastern Oregon Council covers southeastern Oregon.

Nominees will be evaluated based on their experience working with the interest area they choose to represent and their knowledge of the geographic area covered by the Council. Nominees must also have demonstrated a commitment to collaborative resource decision making. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications. The BLM Oregon/Washington State Director, the Forest Service Regional Forester, and the Washington and Oregon Governor's Offices will forward the nominations to the Secretary of Interior, who will make the appointments to the Councils.

This nomination period will also be announced through press releases issued by the BLM Oregon/Washington State Office. Nominations for Resource Advisory Councils should be sent to: Elaine Zielinski, Bureau of Land Management, Oregon/Washington State Director, P.O. Box 2965, Portland, OR, 97208.

**DATES:** All nominations must be received by the BLM Oregon/Washington State Office on or before May 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Brenda Lincoln Wojtanik, OR 912, Bureau of Land Management, Oregon/Washington State Office, P.O. Box 2965,

Portland, Oregon, 97208, (Telephone 503–952–6437).

Eric Hoffman,

*Acting State Director, Oregon/Washington.*

[FR Doc. 96–9232 Filed 4–12–96; 8:45 am]

BILLING CODE 4310–33–P

**[NM–060–06–1020–00) (601)]**

## Change of Mailing Address

**SUMMARY:** This notice sets forth the new mailing address of the Bureau of Land Management, Carlsbad Resource Area Office, Carlsbad, New Mexico.

**DATES:** May 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Howard Parman, Public Affairs Officer, Bureau of Land Management, 1717 West 2nd Street, Roswell, NM 88201, (505) 627–0212.

**SUPPLEMENTARY INFORMATION:** The Department of the Interior's Bureau of Land Management, New Mexico State Office, Roswell District Office, Carlsbad Resource Area Office is changing their mailing address effective May 15, 1996. The new mailing address will be: Bureau of Land Management, Carlsbad Resource Area Headquarters, 620 E. Greene Street, Carlsbad, New Mexico 88220–6292.

Dated: April 5, 1996.

Edwin L. Roberson,

*Acting District Manager.*

[FR Doc. 96–9224 Filed 4–12–96; 8:45 am]

BILLING CODE 4310–FB–M

**[NV–943–1430;N–53982]**

## Notice of Realty Action: Termination of Classification, Nevada

**ACTION:** Notice.

**SUMMARY:** This notice terminates an existing Recreation and Public Purposes Classification N–53982 in its entirety.

**EFFECTIVE DATE:** April 15, 1996.

**FOR FURTHER INFORMATION CONTACT:** Larry Sip, Bureau of Land Management, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, NV, 89108 (702) 647–5063.

**SUPPLEMENTARY INFORMATION:** The lands described below were classified suitable for lease or sale pursuant to the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869–1 to 869–4) and were segregated from appropriation under the public land laws and the general mining laws.

Mount Diablo Meridian, Nevada

T. 22 S., R. 60 E.,
Sec. 08: E½NE¼, SW¼NE¼, NE¼NW¼NE¼, W½NW¼NE¼, N½SE¼, E½SE¼SE¼, SW¼SE¼SE¼, E½SE¼SW¼SE¼, W½SW¼SE¼, W½NE¼SW¼SE¼.

Containing 290 acres.

Clark County applied for and received a lease for a community park on the above described land. Clark County has since requested a relinquishment of the lease as they no longer want to establish a park on these parcels. Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by Appendix 1 of the Bureau of Land Management Manual 1203, Nevada Supplement, Release 1–178, the aforementioned Recreation and Public Purposes classification is hereby terminated.

Dated: April 4, 1996.

Dave Wolf,

*Acting District Manager, Las Vegas, NV.*

[FR Doc. 96–9180 Filed 4–12–96; 8:45 am]

BILLING CODE 4310–HC–P

**[WY–037–1430–01; WYW–49331]**

## Realty Action; Sale for Recreation & Public Purposes; Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action, Recreation and Public Purposes application for sale in Albany County.

**SUMMARY:** The following public lands were classified as suitable for lease and sale under the Recreation and Public Purposes Act as amended, 43 U.S.C. 869 et seq., on April 26, 1962:

Sixth Principal Meridian

T. 14 N., R. 70 W.,
Sec. 28, lot 2, SW¼.

The above land contains 238.29 acres.

**FOR FURTHER INFORMATION CONTACT:** Karla Swanson, Area Manager, Great Divide Resource Area, Bureau of Land Management, 812 E. Murray Street, Rawlins, Wyoming 92301, 307–324–4841.

**SUPPLEMENTARY INFORMATION:** Laramie County Community College (LCCC), currently holds a Recreation and Public Purpose lease on the above described lands. The Bureau of Land Management (BLM), now proposes to convey these lands to LCCC for educational purposes.

The proposed conveyance is consistent with the Great Divide Resource Management Plan and would serve important educational objectives which cannot be achieved prudently or feasibly elsewhere.

The conveyance will contain reservations to the United States for:

1. A right-of-way for ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945.

2. All minerals.

The conveyance will be subject to the following:

1. A telephone right-of-way granted to Mountain States Telephone and Telegraph.

2. A water pipeline right-of-way granted to the City of Cheyenne.

Upon publication of this notice in the Federal Register, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

For a period of forty-five (45) days from the date of issuance of this notice, interested parties may submit comments to the BLM, District Manager, Rawlins District Office, 1300 N. Third Street, Rawlins, Wyoming 82301. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objection, this proposed realty action will become final.

Dated: March 29, 1996.

Karla K. H. Swanson,

*Area Manager.*

[FR Doc. 96–9222 Filed 4–12–96; 8:45 am]

BILLING CODE 4310–22–M

**[ID–933–1430–01; IDI–31739]**

## Notice of Proposed Withdrawal and Opportunity for Public Meeting; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Agriculture, Forest Service has filed an application to withdraw 1,374.13 acres of National Forest System lands for the protection of the Brundage Mountain Ski Area. This notice closes the land for up to two years from location and entry under the United States mining laws. The land will remain open to all other uses which may be made on National Forest System lands.

**DATES:** Comments and requests for a public meeting must be received on or before July 15, 1996.

**ADDRESSES:** Comments and meeting requests should be sent to the Idaho State Director, BLM, 3380 Americana Terrace, Boise, Idaho 83706–2500.

**FOR FURTHER INFORMATION CONTACT:** Cathie Foster, BLM, Idaho State Office, (208) 384–3163.

**SUPPLEMENTARY INFORMATION:** On March 18, 1996, the United States Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the

United States mining laws, subject to valid existing rights;

Boise Meridian

T. 19 N., R. 2 E.,
Section 1, SE¼SE¼;
Section 12, SW¼NE¼, E½NE¼, N½SE¼, E½SE¼SE¼,
Section 13, NE¼NE¼.
T. 19 N., R. 3 E.,
Section 6, lots 5 to 7 inclusive, SW¼NE¼, SE¼NW¼, E½SW¼,W½SE¼;
Section 7, lots 1 to 4 inclusive, W½NE¼, E½W½, SE¼;
Section 18, lot 1, NW¼NE¼, NE¼NW¼.

The area described contains 1,374.13 acres in Adams County.

For a period of 90 days of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Idaho State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved to that date.

The temporary segregation of the lands in connection with this withdrawal application shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Department of Agriculture.

Dated: April 2, 1996.

Jimmie Buxton,

*Branch Chief, Lands and Minerals.*

[FR Doc. 96–9223 Filed 4–12–96; 8:45 am]

**BILLING CODE 4310–GG–M**

## Bureau of Reclamation

### Draft Biological Assessment of Operations, Maintenance, and Sensitive Species of the Lower Colorado River

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability of Draft Biological Assessment and notice of public meeting on Bureau of Reclamation's lower Colorado River operations and maintenance.

**SUMMARY:** The purpose of this action is to provide notice of the availability for review, the Draft Biological Assessment prepared under the requirements of Section 7 of the Endangered Species Act for operations and maintenance of the lower Colorado River. A public meeting will be held to summarize the assessment and to accept comments.

**DATES AND ADDRESSES:** Technical comments on the Draft Biological Assessment are requested no later than May 15, 1996. A public meeting to summarize the assessment and to accept comments will be held on May 3, 1996, 9:30 a.m. to 3:30 p.m., in the Commissioner's Meeting Room, 5th floor, McCarran Airport, Las Vegas, Nevada. A copy of the Draft Biological Assessment may be reviewed between the hours of 7:30 a.m. to 4:00 p.m., Monday through Friday at the following locations:

- Bureau of Reclamation, Lower Colorado Regional Office, Administration Building Receptionist, Nevada Highway and Park Street, Boulder City, Nevada
- Bureau of Reclamation, Phoenix Area Office, Environmental Resource Management Division, 23636 North 7th Street, Phoenix, Arizona
- Bureau of Reclamation, Yuma Area Office, Technical Services Office, 7301 Calle Agua Salada, Yuma, Arizona

**FOR FURTHER INFORMATION CONTACT:** Comments and questions should be addressed to Mr. William E. Rinne, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, NV 89006–1470, telephone: (702) 293–8709, or to Mr. Tom Shrader, telephone (702) 293–8703.

**SUPPLEMENTARY INFORMATION:** The Draft Biological Assessment addresses Reclamation's current and projected routine, ongoing lower Colorado River operations and maintenance over the next five years, critical habitat and the biology and distribution of sensitive species found along the lower Colorado River, and the potential effect of such operations and maintenance on species and habitat that have protected status under the Endangered Species Act of 1973, as amended. The geographic area addressed in this document is the mainstem reach of the Colorado River from the upper end of Lake Mead at Pierce Ferry to the Southerly International Boundary with the Republic of Mexico. Reclamation will consider all comments on the draft document in finalizing the Biological Assessment, and all comments received will be distributed as part of the public record on this consultation.

Dated: April 2, 1996.

William E. Rinne,

*Director, Resource Management and Technical Services.*

[FR Doc. 96–9181 Filed 4–12–96; 8:45 am]

**BILLING CODE 4310–94–P**

## DEPARTMENT OF LABOR

### Office of the Chief Financial Officer

### 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 preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of the Chief Financial Officer is soliciting comments concerning the proposed extension of Department of Labor regulations implementing various provisions of the Debt Collection Act of 1982, including Disclosure of Information to Credit Reporting Agencies; Administrative Offset; Interest, Penalties and Administrative Costs.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before May 15, 1996. The Department is requesting OMB to approve or disapprove this request on or before July 31, 1996.

The Department of Labor is particularly interested in comments which:

* 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 burden of the proposed collection of information, including the validity of the methodology and assumptions used:

* Enhance the quality, utility, and clarify 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:** Mark Wolkow, Department of Labor, Room S–4502 Frances Perkins Building, 200 Constitution Ave. NW, Washington, D.C. 20210; 202–219–8184 (phone); 202–219–4975 (fax); mwolkow@dol.gov (email).

**SUPPLEMENTARY INFORMATION:.**

I. Background

The Debit Collection Act of 1982 and the Federal Claims Collection Standards, as implemented in the Department by 29 CFR Part 20, require Federal agencies to afford debtors the opportunity to exercise certain rights before the agency reports a debt to a credit bureau or makes an administrative offset. In the exercise of these rights, the debtor may be asked to provide a written explanation of the basis for disputing the amount of existence of a debt alleged owed the agency. A debtor may also be required to provide asset, income, liability, or other information necessary for the agency to determine the debtor's ability to repay the debt, including any interest, penalties and administrative costs assessed.

Information provided by the debtor will be evaluated by the agency official responsible for collection of the debt in order to reconsider his/her initial decision with regard to the existence or amount of the debt. Information concerning the debtor's assets, income, liabilities, etc., will be used by the agency official responsible for collection of the debt to determine whether the agency's action with regard to administrative offset or the assessment of interest, administrative costs or penalties would create undue financial hardship for the debtor, or to determine whether the agency should accept the debtor's proposed repayment schedule.

If a debtor disputes or asks for reconsideration of the agency's determination concerning the debt, the debtor will be required to provide the information or documentation necessary to state his/her case. Presumably, the agency's initial determination would not change without the submission of new information.

Information concerning the debtor's assets, income, liabilities, etc., would typically not be available to the agency unless submitted by the debtor.

II. Current Actions:

Failure of the agency to request the information described would either violate the debtor's rights under the Debt Collection Act of 1982 or limit the agency's ability to collect outstanding debts.

If a debtor wishes to appeal an agency action based on undue financial hardship, he/she may be asked to submit information on his/her assets, income, liabilities, or other information considered necessary by the agency official for evaluating the appeal. Use of the information will be explained to the debtor when it is requested; consent to use the information for the specified purpose will be implied from the debtor's submission of the information.

III. Type of Review

Extension without change.

IV. Agency

Office of the Chief Financial Officer.

V. Title

Disclosure of Information to Credit Reporting Agencies; Administrative Offset; Interest penalties and Administrative Costs.

VI. OMB Number

1225–0030.

VII. Agency Number

N/A.

VIII. Affected Public

Individuals or households; businesses or other for-profit; not-for-profit institutions; small business or organizations; farms; Federal employees.

IX. Cite/Reference/Form/Etc.

It is estimated that 10% of the individuals and organizations indebted to the Department will contest the proposed collection action and will request an administrative review and/or appeal an action based on undue financial hardship. In some cases the debtor will make one request, but not the other. However, in most cases, it is expected that the debtor will request both actions—first, administrative review of the determination of indebtedness, and second, relief because of undue financial hardship.

Annual burden was estimated based on a review of debtor responses to similar requests for information. Debtors typically respond in 1–2 page letters, supplemented by copies of documents. Letters are most often typewritten. Annual burden is based on a 1¾ hour time allotment to prepare and type a letter. Debtors will not be asked to respond on a form.

X. Estimated Total Burden Hours

12,250.

XI. Estimated Total Burden Cost

Estimated annual cost to the Federal Government: $734,650.

Estimated annual cost to the respondents: $239,890.

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

Dated: April 8, 1996.

Michael N. Griffin,

*Acting Deputy Chief Financial Officer.*

[FR Doc. 96–9268 Filed 4–12–96; 8:45 am]

**BILLING CODE 4510–23–M**

## Employment and Training Administration

### Job Training Partnership Act: Native American Employment and Training Council Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and Section 401(h)(1) of the Job Training Partnership Act, as amended (29 U.S.C. 1671(h)(1), notice is hereby given of a meeting of the Native American Employment and Training Council.

*Time and Date:* The meeting will begin at 1:00 p.m. on April 25, 1996, and continue until close of business that day; and will reconvene at 8:00 a.m. on April 26, 1996, and adjourn at 5:00 p.m. that day. From 3:00 p.m. to 5:00 p.m. on April 25 will be reserved for participation and presentations by members of the public.

*Place:* Narragansett Ballroom—C, Westin Hotel, One West Exchange Street, Providence, Rhode Island 02903.

*Status:* The meeting will be open to the public.

*Matters To Be Considered:* The agenda will focus on the following topics: (1) status of Program Year 1995 Partnership Plan; (2) evaluation progress of the Section 401

program; (3) technical assistance and training; (4) status of pending job training legislation; and (6) status of nominations for expiring appointments to the Council.

Contact Person for More Information: Thomas M. Dowd, Chief, Division of Indian and Native American Programs. Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–4641, Washington, D.C. 20210. Telephone: (202) 219–8502 (this is not a toll-free number).

Signed at Washington, D.C., this 9th day of April, 1996.

Timothy M. Barnicle,

*Assistant Secretary of Labor.*

[FR Doc. 96–9269 Filed 4–12–96; 8:45 am]

**BILLING CODE 4510–30–M**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice (96–041)]**

### NASA Advisory Council, Advisory Committee on the International Space Station; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Advisory Committee on the International Space Station.

**DATES:** May 9, 1996, 10:00 a.m. to 5:00 p.m.; and May 10, 1996, 8:30 a.m. to 12:00 p.m.

**ADDRESSES:** National Aeronautics and Space Administration Headquarters, 300 E Street, SW, MIC 7 A&B, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Bruce Luna, Code M–4, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1101.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Space Station Program Overview

—Space Station International Participation

—Space Station Utilization

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 9, 1996.

Leslie M. Nolan,

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 96–9265 Filed 4–12–96; 8:45 am]

**BILLING CODE 7510–01–M**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (P.L. 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, P.L. 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to these permit applications by May 10, 1996. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:**

Nadene G. Kennedy at the above address or (703) 306–1033.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

*1. Applicant*

Ron Koger, Project Director, Antarctic Support Associates, 61 Inverness Drive East, Suite 300, Englewood, Colorado 80112, Permit Application No. 97–001.

*Activity for Which Permit Is Requested*

The applicant proposes to enter the White Island Site of Special Scientific Interest #18 enroute to the INMARSAT transmitting/receiving facility located on Black Island for the purpose of conducting routine maintenance and emergency repair work. Route of travel through SSSI No. 18, approximately 10 km along the south-west section then through White Strait, has been deemed the only safe year-round surface traverse route to the Black Island site. Surface traverse through the SSSI will be via tracked vehicle, snow mobile, hovercraft, and/or foot travel including ski and snowshoe. Activities within the SSSI will comply fully with the management plan including maintaining a greater than 50 meter distance from the Weddell seal population.

*Location*

White Island (SSSI #18), McMurdo Sound, Antarctica.

*Dates*

June 1, 1996–May 31; 2000.

*2. Applicant*

David F. Parmelee, Marjorie Barrick Museum of Natural History, Box 454009, University of Nevada, 4505 Maryland Parkway, Las Vegas, Nevada 89154–4009, Permit Application No. 96–003.

*Activity for Which Permit Is Requested*

Taking; Import Into the U.S.

The applicant is a former principal investigator with the U.S. Antarctic Program who banded and monitored numerous birds in the Palmer Station vicinity during the mid/1970's to mid/1980's. Since that time, the applicant has been lecturing onboard cruise ships operating in the Antarctic Peninsula area which permits him to continue observations. This season he will return to the Peninsula as a lecturer and requests permission to continue monitoring previously banded individuals. In addition, the applicant would like to salvage up to 12 dead birds each of penguins, albatrosses, storm-petrels, diving petrels, sheathbills, skuas, waterfowl, waders and songbirds and import them into the U.S. for scientific study conducted at the Barrick Museum of Natural History, University of Nevada.

*Location*

Antarctic Peninsula regions, including Anvers Island, the South Shetlands and South Orkney Islands.

*Dates*

November 1, 1996–December 31, 1996.

Nadene G. Kennedy,

*Permit Office, Office of Polar Programs.*

[FR Doc. 96–9197 Filed 4–12–96; 8:45 am]

**BILLING CODE 7555–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–37078; File No. SR–CBOE–96–19]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Eligibility Requirements for Participation on the RAES System in SPX Options

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 18, 1996, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend one of the four Rule 24.16 requirements market makers in Standard & Poor's 500 Stock Index (''SPX'') options must meet to qualify for participation in the Retail Automatic Execution System (''RAES''). Pursuant to the change, SPX market makers who execute at least 50%, instead of 75% (as CBOE Rule 24.16 currently states), of their market maker contracts for the preceding month in SPX options may participate on RAES.

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 Section (a), (b) and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of the proposed rule change is to amend one of the four Rule 24.16 requirements SPX market makers must meet to qualify for participation in RAES. RAES is the Exchange's automatic execution system for small (generally fewer than 10 contracts) public customer market or marketable limit orders. When RAES receives an order, the system automatically will attach to the order its execution price, determined by the prevailing market quote at the time of the order's entry into the system. A buy order will pay the offer; a sell order will sell at the bid. An eligible SPX market maker who is signed onto the system at the time the order is received will be designated to trade with the public customer order at the assigned price.

Rule 24.16(a)(iv), RAES Eligibility in SPX, states that for a market maker to qualify to participate in SPX RAES that market maker must: (A) be approved under Exchange rules as a market maker with a letter of guarantee, (B) maintain his principal business on the CBOE as a market maker, (C) execute at least seventy-five percent of his market maker contracts for the preceding month in SPX options (''75% SPX requirement''), and (D) execute at least seventy-five percent of his market maker trades for the preceding month in SPX options in person. These requirements generally ensure that those market makers who are satisfying the public customer orders at the prevailing bid or offer are the same market makers who have made a commitment to make markets on a regular basis at the SPX post.

The Exchange has learned, however, that a number of market makers who regularly make markets in SPX fail to execute seventy-five percent of their market marker contracts for the preceding month in SPX options. In many cases, these market makers fail to meet the 75% SPX qualification because they execute a large percentage of contracts in S&P 100 (''OEX'') options on the floor of the Exchange in order to hedge their SPX positions. Because SPX and OEX options are legitimate hedge vehicles for each other, the Exchange does not believe a market maker who makes markets regularly in SPX options, but who employs these hedge strategies, should be prevented from contributing to the Exchange's efforts to execute small public customer RAES orders. Consequently, the Exchange proposes that the 75% SPX requirement be reduced to a 50% requirement.

The proposed change will increase the number of market makers available to execute the public customer RAES orders, at the same time ensuring that the orders are filled by market makers who are best equipped to handle these orders. In fact, the 50% requirement would ensure that a market maker who was assigned a RAES trade had transacted at least as many market maker contracts in SPX options as that market maker had transacted in all other products on the CBOE floor combined. The Exchange's proposed change to increase participation on SPX RAES should work in conjunction with existing Rule 24.16(b) to ensure broad participation. Paragraph (b) of the Rule states that any market maker who has logged onto RAES at any time during an expiration month must continue to do so each time he is present in the trading crowd until the next expiration. Therefore, the proposed rule change will ensure that a larger number of market makers generally will be available to participate on RAES and paragraph (b) should ensure that those market makers will be available on any particular day.

CBOE believes that the proposed rule change will increase the number of market makers available to execute public customer RAES orders in SPX. Hence, the Exchange believes the rule proposal is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to perfect the mechanisms of a free and open market and to protect investors and the public interest.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed change will impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received.

[1] 15 U.S.C. § 78s(b)(1) (1988).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–CBOE–96–19 and should be submitted by May 6, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–9229 Filed 4–12–96; 8:45 am]

**BILLING CODE 8010–01–M**

[2] 17 CFR 200.30–3(a)(12) (1994).

**[Release No. 34–37083; File No. SR–PSE–96–08]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Amendments to Exchange Constitution Article III, Section 2(c)

April 8, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 28, 1996, the Pacific Stock Exchange, Inc. (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to Article III, Section 2(c) of the PSE Constitution. The proposed amendments to Article III, Section 2(c) are as follows [New text is italicized; deleted text is bracketed]:

Sec. 2(c). [No two or more Governors for a common or overlapping term may be associated either as partners, officers, directors, stockholders or otherwise in the same member firm or in a partnership or corporation which is affiliated with the same member firm. A Governor or nominee for Governor shall be considered to be associated with another member of the Board of Governors as a stockholder in the same member firm or in a partnership or corporation which is affiliated with the same member firm if:]

[(i) He or any member, allied member or associated person in his member firm or its subsidiaries or affiliates is an officer or director (or person occupying a similar status or performing similar functions) in a member firm or its subsidiaries or affiliates with which another member of the Board of Governors is associated; or]

[(ii) He or his member firm, its subsidiaries or affiliates or any member, allied member or associated person therein owns, directly or indirectly, more than 1% of the outstanding publicly traded stock of a member firm, its subsidiaries or affiliates with which another member of the Board of Governors is associated.]

*Care shall be taken to have the various interests of the membership represented on the Board of Governors. If the Board determines that an affiliation or association between Governors of the Board creates a conflict of interests, one Governor shall resign from the Board, or be removed by the Board if no resignation is received.*

No person, other than one elected to the Board as a representative of the public, may serve as Governor for more than two successive three-year terms.

[1] 15 U.S.C. § 78s(b)(1).

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 Section A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Prior to 1973, the Exchange had no rule in place regarding conflicts of interests. That year, a much simplified version of the current rule was added to the Constitution, which read as follows:

''No two or more Governors for a common or overlapping term may be associated either as partners, stockholders or otherwise in the same member firm or in a partnership or corporation which is affiliated with the same member firm.''

In 1983, the rule expanded the definition of associates to include officers and directors,[2] and attempted to define more clearly an ''indirect association'' between Governors, by using two specific tests.[3] Those tests are described in the current rule.[4] However, the experience of PSE management and the PSE Board of Governors in interpreting and applying the current rule has been that the language is too cumbersome and specific to achieve the intended purpose of eliminating conflicts. Being restricted by the specific language of the current rule leaves the

[2] *See* Securities Exchange Act Release No. 19406 (Feb. 17, 1983), 48 FR 8385 (Feb. 28, 1996) (order approving File No. SR–PSE–82–16).

[3] *See* PSE Const., Art. III, Sec. 2(c).

[4] *Id.*

Board with little flexibility with respect to conflicts outside the rule's language.

A task force was created to help review the current rule, and to examine alternatives that might work better to avoid conflicts on both the Board of Governors and the Exchange committees. The task force consisted of nine members as follows: four governors (including a public governor, a specialist, an options floor broker and an allied member), two options clearing firm officials, the chairman of the Options Floor Trading Committee, the chairman of the Equity Floor Trading Committee, and the chairman of the Ethics and Business Conduct Committee. The task force concluded that the current language was unnecessarily specific, and therefore was too restrictive on the Board's power to determine whether a conflict existed. After review, the task force noted that most of the other exchanges used broad and general language, or no language at all, with the understanding that the boards of each exchange follow the spirit of a general policy of avoiding conflicts of interest. The task force approved the proposed rule, which is intended to provide more flexibility to the PSE Board to determine when a conflict exists, and to take the appropriate action.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to assure a fair representation of its members in the selection of its Governors and administration of its affairs, and further it is designed to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating and processing information with respect to, and facilitating transactions in securities and to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition that is not necessary or appropriate in furtherance of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received. A nine person task force consisting of Governors and Exchange members was created to review the current rule and to examine alternatives. The task force met on two occasions and recommended the proposed rule for approval by the Board of Governors. Subsequent to approval by the Board of Governors, voting members approved the proposed constitutional amendment at the January 25, 1996 Annual Meeting of the Exchange.

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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PSE–96–08 and should be submitted by May 6, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–9185 Filed 4–12–96; 8:45 am]

BILLING CODE 8010–01–M

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

**DATES:** Comments should be submitted on or before June 14, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629. Copies of these collections can also be obtained.

**SUPPLEMENTARY INFORMATION:**

*Title:* SBDC Project Officer's Review Checklist.

*Type of Request:* Extension of a currently approved collection.

*Description of Respondents:* Small Business Development Centers.

*Annual Responses:* 228.

*Annual Burden:* 456.

*Comments:* Send all comments regarding these information collections to Mary Ann Holl, Office of SBDC, Small Business Administration, 409 3rd Street, S.W., Washington, D.C. 20416. Phone No.: 202–205–7302.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: March 29, 1996.

Jacqueline White,

*Chief, Administrative Information Branch.*

[FR Doc. 96–9191 Filed 4–12–96; 8:45 am]

BILLING CODE 8025–01–M

## DEPARTMENT OF STATE

**[Public Notice No. 2367]**

### Shipping Coordinating Committee, Subcommittee on Standards of Training and Watchkeeping; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 09:30 AM of Friday, May 24, 1996, in Room 4315 of the United States Coast Guard Headquarters Building, 2100 2nd Street SW, Washington DC 20593–0001. The primary purpose of the meeting is to prepare for the twenty-

eight session of the International Maritime Organization (IMO) Sub-Committee on Standards of Training and Watchkeeping (STW) to be held at IMO from September 17 to 21, 1996, and the second meeting of the Intersessional Working Group on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), to be held from June 10 to 14, 1996, at IMO.

The primary matters to be discussed include:

1. Guidance on implementation of the 1995 amendments to the STCW Convention, including transitional provisions and target dates for implementation of new requirements:

2. Work emanating from the 1995 STCW Conference, including consideration of training requirements for maritime pilots, Vessel Traffic Service (VTS) personnel, and personnel on passenger ships;

3. Maritime safety training for personnel on Mobile Offshore Units (MOU/MODUs);

4. Bulk carrier safety, including a review of the IMO resolution on the principles of safe manning;

5. Code for Safe Navigation and Watchkeeping;

6. Training of personnel responsible for cargo handling on ships carrying dangerous or hazardous substances in solid form in bulk or in packaged form; and

7. Guidance associated with the new International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW–F Convention, as adopted by the 1995 conference; not yet ratified or in force).

Members of the public may attend the meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Christopher Young, U.S. Coast Guard (G–MOS–1), Room 1210, 2100 Second Street SW., Washington, DC 20593–0001 or by calling: (202) 267–0229.

Dated: April 3, 1996.

Charles A. Mast,

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 96–9216 Filed 4–12–96; 8:45 am]

**BILLING CODE 4710–07–M**

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings; Agreements Filed During the Week Ending 4/6/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket Number:* OST–96–1233.
*Date filed:* April 3, 1996
*Parties:* Members of the International Air Transport Association.
*Subject:* CAC/Reso/183 dated March 29, 1996, Expedited Resos—19th Cargo Agency Conference, r–1–801r r–2–801rr, Intended effective date: June 1, 1996.

*Docket Number:* OST–96–1234.
*Date filed:* April 3, 1996.
*Parties:* Members of the International Air Transport Association.
*Subject:* COMP Telex Mail Vote 793, Rescind Hong Kong Rounding Unit Adopted in MV785, April 10, 1996, Intended effective date: April 10, 1996.

*Docket Number:* OST–96–1244.
*Date filed:* April 5, 1996.
*Parties:* Members of the International Air Transport Association.
*Subject:* COMP Telex Mail Vote 795, Fares from Malawi, Intended effective date: May 1, 1996.

*Docket Number:* OST–96–1245.
*Date filed:* April 5, 1996.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC23 Telex Mail Vote 794, Australia-Europe fare increase, r–1–1st class fares r–2 Intermediate fares, Intended effective date: May 1, 1996.

Paulette V. Twine,

*Chief Documentary Services Division.*

[FR Doc. 96–9263 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–62–P**

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending April 5, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST–96–1213.
*Date filed:* April 1, 1996.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 29, 1996.
*Description:* Application of Continental Airlines, Inc., pursuant to 49 U.S.C. Sections 41108, 41102 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing Continental to provide scheduled foreign air transportation of persons, property and mail between Houston and Tokyo, Newark and Tokyo, and Newark and Osaka. Continental also requests the right to combine service between these points with service at other points Continental is authorized to serve by certificates or exemptions, consistent with applicable international agreements.

*Docket Number:* OST–96–1215.

*Date filed:* April 1, 1996.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 29, 1996.

*Description:* Application of Reimers Air Service, Inc., pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regulations applies for a certificate of public convenience and necessity authorizing interstate and scheduled air transportation.

*Docket Number:* OST–96–1219.

*Date filed:* April 1, 1996.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 29, 1996.

*Description:* Application of Regal Air International, Inc. pursuant to 49 U.S.C. Section 41102 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing Regal Air to provide scheduled interstate and overseas air transportation of persons, property and mail. Upon certification, Regal Air intends to provide service between Orlando, Florida, on the one hand, and Atlanta, Georgia, Detroit, Michigan, Washington, D.C. (Dulles), and Newark, New Jersey on the other hand.

*Docket Number:* OST–96–1224.

*Date filed:* April 2, 1996.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 30, 1996.

*Description:* Application of Laker Airways Inc., pursuant to 49 U.S.C. Sections 41101(a) and 41102(a) and Subpart Q of the Regulations, requests a certificate of public convenience and necessity authorizing it to provide scheduled foreign air transportation of persons, property and mail between Miami, and Fort Lauderdale, Florida, on the one hand, and London (Gatwick), Manchester and Glasgow (Prestwick), in the United Kingdom, on the other hand, between Orlando, Florida, on the one hand, and Manchester and Glasgow (Prestwick), in the United Kingdom, on

the other, and such other relief as may be appropriate.

Paulette V. Twine,

*Chief, Documentary Services Division.*

[FR Doc. 96–9264 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–62–P**

## Coast Guard

**[CGD 96–018]**

### Application for Recertification of Cook Inlet Regional Citizens' Advisory Council

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of availability; requests for comments.

**SUMMARY:** The Coast Guard announces the availability of the application for recertification submitted by the Cook Inlet Regional Citizens' Advisory Council (CIRCAC) for June 1, 1996, through May 31, 1997. The application may be reviewed at the Cook Inlet Regional Citizens' Advisory Council's Office, 910 Highland Avenue, Kenai, Alaska 99611–8033, between the hours of 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (907) 283–7222. The Coast Guard seeks comments on the application from interested groups. The Coast Guard will publish a later notice in the Federal Register to notify the public of its decision regarding the recertification request.

**DATES:** Comments must be received on or before May 30, 1996.

**ADDRESSES:** Comments may be mailed to the Commander (G–MRO–1), ATTN: J. Jackson, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Janice Jackson, Response Division, (202) 267–0500.

**SUPPLEMENTARY INFORMATION:** Under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the Act), the Coast Guard may certify, on an annual basis, an alternative voluntary advisory group (advisory group) in lieu of Regional Citizens' Advisory Councils for Cook Inlet and Prince William Sound Alaska. The Coast Guard published guidelines on December 31, 1992, to assist groups seeking recertification under the Act (57 FR 62600). The Coast Guard issued a policy statement on July 7, 1993 (58 FR 36505), to clarify the factors that the Coast Guard would be considering in making its determination as to whether advisory groups should be certified in accordance with the Act; and the procedures which the Coast Guard would follow in meeting its certification responsibilities under the Act.

The Coast Guard has received an application for recertification of CIRCAC, the currently certified advisory group for the Cook Inlet region. In accordance with the review and certification process contained in the policy statement, the Coast Guard announces the availability of the application. It solicits comments from interested groups including oil terminal facility owners and operators, owners and operators of crude oil tankers calling at the terminal facilities, and fishing, aquacultural, recreational and environmental citizens groups, concerning the recertification application of CIRCAC. At the conclusion of the comment period, the Coast Guard will review all application materials and comments received and will take one of the following actions:

(a) Recertify the advisory group under 33 U.S.C. 2732(o).

(b) Issue a conditional recertification for a period of 90 days, with a statement of any discrepancies which must be corrected to qualify for recertification for the remainder of the year.

(c) Deny recertification of the advisory group if the Coast Guard finds that the group is not broadly representative of the interests and communities in the area or is not adequately fostering the goals and purposes of the Act.

The Coast Guard will notify CIRCAC by letter of the action taken on its application. A notice will be published in the Federal Register to advise the public of the Coast Guard's determination.

Dated: April 9, 1996.

J.C. Card,

*Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 96–9281 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–14–M**

## Federal Aviation Administration

### Noise Exposure Map Notice and Receipt of Noise Compability Program and Request for Review

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Snohomish County Airport (PAE) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Snohomish County Airport under Part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before October 2, 1996.

**EFFECTIVE DATE:** The effective date of the FAA's determination on the Snohomish County Airport noise exposure maps and the start of its review of the associated noise compatibility program is April 5, 1996. The public comment period ends May 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dennis Ossenkop, FAA, Airports Division, ANM–611, 1601 Lind Avenue, S.W., Renton, Washington, 98055–4056. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps for Snohomish County Airport are in compliance with applicable requirements of Part 150, effective April 5, 1996. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before October 2, 1996. This notice also announces the availability of this program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a noise exposure map that has been found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Airport Manager for Snohomish County Airport submitted to the FAA noise exposure maps, descriptions and other documentation which were produced during an airport Noise Compatibility Study. It was requested that the FAA review this material as the noise exposure maps, as described in Section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by PAE. The specific maps under consideration are Figures C5 and G1 in the submission. The FAA has determined that these maps for Snohomish County Airport are in compliance with applicable requirements. This determination is effective on April 5, 1996. FAA's determination on an airport operator's noise exposure maps is limited to the determination that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on noise exposure maps submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable for the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of the FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for PAE, also effective on April 5, 1996. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 2, 1996.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, paragraph 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to the local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Independence Avenue, SW, Room 615, Washington, D.C.

Federal Aviation Administration, Airports Division, ANM–600, 1601 Lind Avenue, S.W., Renton, Washington, 98055–4056

Snohomish Country Airport, Everett, Washington

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Renton, Washington, April 5, 1996.

Matthew Cavanaugh,

*Acting Manager, Airports Division, ANM–600, Northwest Mountain Region.*

[FR Doc. 96–9251 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

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**[Summary Notice No. PE–96–19]**

## Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

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

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before May 6, 1996.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

**FOR FURTHER INFORMATION CONTACT:** Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 9, 1996.

Donald P. Byrne,

*Assistant Chief Counsel for Regulations.*

Petitions for Exemption

*Docket No.:* 28459.

*Petitioner:* BiPlane Adventure Tours, Ltd.

*Sections of the FAR Affected:* 14 CFR 135.1(b)(2).

*Description of Relief Sought:* To permit BiPlane Adventure Tours, Ltd.,

to conduct sightseeing flights beyond the 25-statute mile limit from Old Bridge Airport, New Jersey, to the Statute of Liberty in New York Harbor, which is approximately 30 statute miles away, without meeting the requirements of part 135.

*Docket No.:* 28487.

*Petitioner:* Custom Products, Inc.

*Sections of the FAR Affected:* 14 CFR 25.853(a).

*Description of Relief Sought:* To allow Custom Products, Inc., exemption from the vertical burn test requirements of § 25.853(a) of the FAR for water-based adhesives used in the manufacture of aircraft seat cushions.

[FR Doc. 96–9242 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

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**[Summary Notice No. PE–96–17]**

## Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

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

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before May 6, 1996.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

**FOR FURTHER INFORMATION CONTACT:** Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 9, 1996.

Donald P. Byrne,

*Assistant Chief Counsel for Regulations.*

Disposition of Petitions

*Docket No.:* 23290.

*Petitioner:* Air Transport Association of America.

*Sections of the FAR Affected:* 14 CFR 121.311(f) and 121.391(d).

*Description of Relief Sought/ Disposition:* To permit ATA member airlines and other similarly situated part 121 certificate holders to locate required flight attendants at the mid-cabin flight attendant station during takeoff and landing on B–767 aircraft.

*Grant, March 13, 1996, Exemption No. 4298F*

*Docket No.:* 26847.

*Petitioner:* FlightSafety International.

*Sections of the FAR Affected:* 14 CFR 141.65.

*Description of Relief Sought/ Disposition:* To permit FlightSafety International (FSI) to recommend graduates of its approved certification course for airline transport pilot (ATP) certificates and associated ratings without taking the FAA written test. Because FSI holds an exemption from § 141.65 (Exemption No. 5652, as amended), which permits FSI to recommend graduates of its flight instructor certification courses for flight instructor certificates with associated ratings, without having to take the FAA written or practical test, this request is considered an amendment to that exemption.

*Grant, March 13, 1996, Exemption No. 5652B*

*Docket No.:* 27196.

*Petitioner:* Tower Air, Inc.

*Sections of the FAR Affected:* 14 CFR 121.434(e).

*Description of Relief Sought/ Disposition:* To amend Exemption No. 5628, which permits Tower Air, Inc., to use flight attendants, on certain flights, who have not completed supevised operating experience under part 121. This amendment corrects the inadvertent omission of the termination date of the exemption (2 years from the issuance of the exemption).

*Grant, March 19, 1996, Exemption No. 5628A*

*Docket No.:* 27612.

*Petitioner:* United AirLines.

*Sections of the FAR Affected:* 14 CFR 121.411(a)(6).

*Description of Relief Sought/ Disposition:* To permit Captain Larry Walters to continue to serve United Airlines, Inc., (United) as a Check Airman and Aircrew Program Designee in Boeing 757/767 simulators and to conduct line checks from the observer's seat in United's Boeing 757/767 aircraft, even though he has lost his medical certification.

*Denial, March 13, 1996, Exemption No. 6408*

*Docket No.:* 28319.

*Petitioner:* Dornier Aviation (North America), Inc.

*Sections of the FAR Affected:* 14 CFR 121.411(a) (2) and (3) and (b)(2); 121.413 (b) and (c); appendix H, part 121; 135.337(a) (2) and (3) and (b)(2); and 135.339 (b) and (c).

*Description of Relief Sought/ Disposition:* To permit Dornier Aviation (North America) Inc., (DANA) to use certain qualified instructor pilots to train part 121 and part 135 certificate holders' pilots in an FAA-approved simulator, or in airplanes manufactured by Dornier Luftfahrt, GmbH, without those instructors meeting all the applicable training requirements of part 121 and 135, or the employment requirements of appendix H of part 121, and with DANA holding an air carrier operating certificate.

*Grant, March 13, 1996, Exemption No. 6409*

*Docket No.:* 28368.

*Petitioner:* Dornier Aviation (North America), Inc.

*Sections of the FAR Affected:* 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(c)(2) and (d)(2) and (3); 61.65(c), (e)(2) and (3), and (g); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); 61.191(c); and appendix A, part 61.

*Description of Relief Sought/ Disposition:*

To permit Dornier Aviation (North America), Inc., to use FAA-approved simulators to meet certain flight experience requirements of part 61.

*Grant, March 6, 1996, Exemption No. 6401*

[FR Doc. 96–9246 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–M

**[Summary Notice No. PE–96–18]**

## Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

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

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before May 6, 1996.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael D. Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 9, 1996.

Donald P. Byrne,

*Assistant Chief Counsel for Regulations.*

Dispositions of Petitions

*Docket No.:* 28386.

*Petitioner:* Heart of Georgia Technical Institute.

*Sections of the FAR Affected:* 14 CFR 141.35(d) (2) and (3).

*Description of Relief Sought/ Disposition:* To allow the Heart of Georgia Technical Institute to designate Mr. William James Breazeale to serve as chief flight instructor without meeting certain experience requirements for such a designation.

*Denial, March 22, 1996, Exemption No. 6413*

*Docket No.:* 28414.

*Petitioner:* Zebra Air, Inc.

*Sections of the FAR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/ Disposition:* To permit Zebra Air, Inc., to operate its Bell JetRanger BIII aircraft (Registration No. N1080N, Serial No. 3459; and Registration No. N750LT, Serial No. 1767) under part 135 without a TSO–C112 (Mode S) transponder installed.

*Grant, March 7, 1996, Exemption No. 6407*

*Docket No.:* 28434.

*Petitioner:* Mercy Air Service, Inc.

*Sections of the FAR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/ Disposition:* To permit Mercy Air Service, Inc., to operate certain of its aircraft under part 135 without a TSO–C112 (Mode S) transponder installed.

*Grant, March 7, 1996, Exemption No. 6406*

*Docket No.:* 28450.

*Petitioner:* Mr. Arthur J. Farmer.

*Sections of the FAR Affected:* 14 CFR 121.383(c).

*Description of Relief Sought/ Disposition:* To permit Mr. Farmer to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

*Denial, March 19, 1996, Exemption No. 6410*

[FR Doc. 96–9247 Filed 4–12–96; 8:45 am]

BILLING CODE 4910–13–M

## In-Flight Beta Operations

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

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a public meeting which is being held by the Federal Aviation Administration (FAA) for the purpose of soliciting and reviewing information from the public on what type of FAA action would be appropriate to prevent future occurrences of in-flight beta operation on all turboprop airplanes certified in the transport category under part 25 of the Federal Aviation Regulations (FAR) and certified in the commuter category under part 23 of the FAR, Special Federal Aviation Regulations (SFAR) 23 and SFAR 41. Numerous reports have been made relating to intentional or inadvertent operation of the propellers in the beta range during flight. Initial examination of these events indicate that the throttle lever flight idle stop has not adequately prevented beta operation during flight and that additional actions to prevent such operation may be appropriate. In order to make a determination what action to take, the FAA is holding a public meeting for the purpose of soliciting and reviewing comments from the public. The FAA will evaluate all comments and ideas in deciding whether rulemaking (including airworthiness directive action) is warranted for airplanes currently type certificated and equipped with turboprop engines.

**DATES:** The public meeting is scheduled for Tuesday and Wednesday, June 11 and 12, 1996. On-site registration will begin at 7:30 a.m. on Tuesday, June 11, and the public meeting will begin at 8:30 a.m. on that day.

**REGISTRATION:** Persons planning to attend the public meeting should pre-register by contacting Mark Quam, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Ave. SW, Renton, WA 98055–4056, telephone (206) 227–2145; fax (206) 227–1149; internet address MARK__QUAM@mail.hq.faa.gov. Arrangements for oral presentation must be made by May 10, 1996.

**ADDRESSES:** The public meeting will be held at the Red Lion Hotel Seattle Airport, 18740 Pacific Highway South, Seattle, WA 98188, telephone (206) 246–8600. Guest room reservations should be made in advance. A block of guest rooms has been reserved for meeting participants at the Red Lion Hotel at a group rate of $74.77 (plus tax). This block of rooms will be held until May 20, 1996. Persons planning on attending the public meeting should contact the hotel directly for room reservations and identify themselves as participants in the FAA In-flight Beta

Operations Public Meeting to receive the special room rate.

**FOR FURTHER INFORMATION CONTACT:** For information regarding turbopropeller airplanes certificated in the transport category under part 25 (14 CFR part 25): Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW, Renton, WA 98055–4056; telephone (206) 227–2145; fax (206) 227–1149; internet address MARK__QUAM@mail.hq.faa.gov. For information regarding turbopropeller airplanes certificated in the commuter category under part 23 (14 CFR part 23), SFAR 23 and SFAR 41: Mike Kiesov, Aerospace Engineer, FAA Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut Street, Suite 900, Kansas City, Missouri 64106, telephone (816) 426–6934; fax (816) 426–2169.

**SUPPLEMENTARY INFORMATION:** Notice is herewith given of a public meeting to be on Tuesday and Wednesday, June 11 and 12, 1996, at the Red Lion Hotel Seattle Airport, Seattle, Washington. The purpose of this meeting is to hear comments from the general public regarding what type of FAA action, if any, would be appropriate to prevent future occurrences of in-flight beta operation on turboprop airplanes certified in the transport category under part 25 of the FAR and certified in the commuter category under part 23, SFAR 23 and SFAR 41. The FAA will consider information presented at the public meeting in the course of making its decision as to the type of action to take on this issue. Attendance is open to the interested public, but will be limited to the space available.

Request To Be Heard

Persons planning to present data or comments at the public meeting are requested to provide the FAA an abstract of their presentation no later than May 10, 1996. The abstract should include an estimate of the time needed to make the presentation, and should be sent to Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW, Renton, Washington 98055–4056; internet address MARK__QUAM@mail.hq.faa.gov. Following each presentation, a discussion period will be allowed. Requests received after the date specified above will be scheduled only if time is available during the meeting; however, the name of those individuals may not appear on the written agenda for the public meeting.

The FAA will prepare an agenda of speakers who will be available at the meeting. Every effort will be made to accommodate as many speakers as possible. The amount of time allocated to each speaker may be less than the amount of time requested.

Discussion

Sections 23.1155 and 25.1155 (''Reverse thrust and propeller pitch settings below the flight regime'') of the FAR (14 CFR 23.1155 and 25.1155) state:

> ''* * * each control for * * * propeller pitch settings below the flight regime must have a means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime * * *''

Reverse thrust and propeller settings below the flight regime are referred to as beta operation. ''Beta'' is the range of propeller operation intended for use during taxi, ground idle and reverse operations, as controlled by the power lever settings aft of the flight idle stop.

Generally, compliance with this requirement has been the installation of a stop or detent that requires a separate distinct pilot action (such as lifting the power levers up and beyond the stop or detent) to displace the power levers from the flight regime. Despite these requirements of §§ 23.1155 and 25.1155, the FAA has received fifteen reports over the last seven years involving airplanes equipped with turboprop engines in which the propeller control was intentionally or inadvertently displaced from the flight regime into the beta range during flight.

Of those fifteen in-flight beta events, five have been classified as accidents. In-flight beta operation that preceded these accidents has resulted in two different kinds of consequences:

1. Permanent engine damage and total loss of thrust on all engines when the propellers that were operating in the beta range drove the engines to overspeed; and

2. Loss of airplane control because at least one propeller operated in the beta range during flight.

In the most recent accident, both engines of a turboprop airplane lost power during descent after eight seconds of operation with the propellers in beta range. The propellers subsequently drove the engines into overspeed, which resulted in internal engine failure.

In light of this service history, the FAA is issuing this notice of public meeting to provide an opportunity for the general public to participate in deciding what type of action would be appropriate to prevent future occurrences of in-flight beta operation on all turboprop airplanes certified in the transport category under part 25 and certified in the commuter category under parts 23, SFAR 23 and SFAR 41. Interested persons are encouraged to provide information that describes what they consider the best action (if any) to be taken to correct the problem. In addition, the FAA is especially interested in comments and viewpoints on the following items:

Item 1. Most turboprop propeller control designs allow the pilot to intentionally move the power levers aft of the flight idle stop in flight into the beta range while the airplane is in flight.

a. Do you know of any occurrence of in-flight unintentional movement of the power levers aft of the flight idle regime? If so, please provide all the incident history details.

b. Do you consider the intentional selection of in-flight beta a design issue or an aircrew training issue? Why is it a design issue or a training issue?

c. What training methods or systems/design concepts would best deny the pilot the capability to access beta inflight? Why?

Based on the FAA's past experience with airworthiness directives that have required increased flightcrew training and intensified AFM warnings concerning the use of beta during flight, these actions alone may not provide an adequate level of safety for turbopropeller airplanes certificated in the commuter category under SFAR 23 and SFAR 41 and airplanes certified in the transport category.)

Item 2. The FAA is considering requiring ''beta lockout system'' retrofits on all turboprop airplanes certified in the transport category and certified in the commuter category under part 23, SFAR 23 and SFAR 41. (A beta lockout system is an electro-mechanical system that typically uses air-ground sensor logic, wheel spin-up, air-ground (squat) switch activation, gear-up switch activation, or combinations of these to activate (or deactivate) a solenoid that physically blocks the power levers from being retracted beyond the flight idle stop and prevents obtaining beta in flight.)

Until recently, the collective operational history of these airplanes did not indicate that a problem existed beyond a few models. Recent experience, however, indicates that the flight idle stop will not prevent beta operation during flight, and that beta operation during flight could occur on

any airplane equipped with a turboprop engine(s) unless the airplane design is such that it will actually prevent a beta-related event from occurring. Service experience has not been an adequate predictor of beta lockout problems and does not justify exemption from any retrofit requirement.

If the FAA was to consider a system that would deny the pilot the capability of accessing beta inflight (i.e., a beta lockout system):

a. Should airworthiness directive(s) be issued requiring the installation of a beta lockout system that would prevent the pilot from obtaining the beta model during flight, unless the airplane has been certified for in-flight beta operation? Why or why not?

b. Should rulemaking require installation of a beta lockout system under parts 91, 121, and 135 of the FAR (14 CFR parts 91, 121, and 135)? Why or why not?

Item 3. Of the existing systems that will deny the pilot the capability to access beta in flight?

a. What airplanes are these systems used on?

b. What are the costs of these systems?

Design Objectives

The FAA also invites comments from the public regarding the design objectives that could be used to prevent intentional and inadvertent selection of beta operation during flight. The following design objectives, or design objectives altered as a result of the public meeting, would be used to evaluate systems that would prevent obtaining the beta range in flight if required by FAA rulemaking actions in the future:

*Beta Lockout General Design Objectives*

Objective 1. Provide a means (''beta lockout'') in the beta control system to prevent or deter the flightcrew from either intentionally or inadvertently selecting the propeller beta range during flight. The FAA would consider a ground override feature for use in the event failure of the beta lockout system inhibits the selection of beta for landing or rejected takeoff.

Basis for Objective 1: Data from the fifteen reports involving inadvertent or deliberate selection of beta operation during flight indicate that the flight idle stop does not prevent beta operation during flight; beta operation can occur on any airplane unless the airplane design prevent such an occurrence.

Objective 2. Automatic arming of the beta lockout system.

Basis for Objective 2: The pilot may inadvertently put the propellers into the beta range during flight after forgetting to manually arm the beta lockout system.

Objective 3. Installation of beta lockout system circuit breakers (separate breakers for the indication systems) in such a manner as to deter the flightcrew from using the circuit breakers as a lockout override.

Basis for Objective 3: Service history has indicated that pilots have pulled circuit breakers to disarm beta lockout systems that use wheel spin-up signals or air/ground logic. Typically, these beta lockout system designs did not allow beta operation in a timely manner when landing on contaminated runways.

Objective 4. Inclusion of an indication system in the beta lockout system design that shows when the beta lockout system's lock:

a. Fails to engage or does not remain engaged while airborne.

Basis for Objective 4a: The flightcrew should be advised when the beta lockout system fails to engage at liftoff or when it fails to remain engaged during flight, even though the failure condition may be relatively remote. An amber caution light is recommended. Without a caution light to indicate that the beta lockout system has failed to engage or has not remained engaged, the possibility exists that the pilot will inadvertently select beta during flight. Further, the flightcrews may become dependent on the beta lockout system functioning properly, thereby increasing the potential that the flightcrew will inadvertently select beta during flight, following a failure of the beta lockout system.

b. Fails to disengage or does not remain disengaged while on the ground. The indication should remain ''on'' or ''latched'' after landing so that maintenance action is initiated prior to the next flight.

Basis for Objective 4b: An amber caution light is recommended. If during the landing, the beta lockout system fails to disengage upon landing or does not remain disengaged during the landing or takeoff roll, beta will not be available on the ground. The landing performance of airplanes equipped with turboprop engines is predicated on the availability of ground idle, which is part of the beta range. This condition is a potential hazard if the landing is field-length limited. Overruns are more likely to occur if operating under part 91 (unfactored field lengths); however, the risks are also present if operating under parts 121 or 135 (factored field lengths). For this reason, the flightcrew should be advised if the beta lockout system fails to disengage on the ground.

Objective 5. Include a method to ensure that the beta indication system does not flash messages from the time of the takeoff power setting speed until the airplane reaches a minimum of 400 feet above ground level (AGL), unless immediate crew action is required to prevent an unsafe condition.

Basis for Objective 5: The concern is that the pilot not be distracted during the critical takeoff phase by a failure that in itself is not catastrophic.

*Beta Lockout System and Indication System Reliability Design Objectives*

Objective 6. Demonstration that beta lockout systems designed for commuter (SFAR 23/41) and transport category airplanes comply with all applicable subparagraphs of parts 23 and 25, respectively.

Basis for Objective 6: This is a reminder that the proposed objectives are in addition to the FAR requirements, which must also be complied with.

Objective 7. Design the beta lockout system to ensure that inadvertent access to beta during flight is improbable (a failure rate of $1 \times 10$ E–5 or less per operating hour).

Basis for Objective 7: The flightcrews may become dependent on the beta lockout system functioning properly, potentially increasing the possibility that the flightcrew will inadvertently select beta during flight following a beta lockout system failure. The beta lockout design should provide failure protection in that it would make inadvertent access by the flightcrew to in-flight beta operation improbable.

Objective 8. Design of a system that will ensure that a single failure does not disable both the lockout system and the indication system.

Basis for Objective 8: Certain beta lockout system designs prevent accessibility to beta operation on the ground if electrical power to the beta lockout systems is lost during flight. However, the pilot still needs to be informed, upon landing, that beta may not be available; therefore, the warning system source of power should be independent of the beta lockout system source of power.

Objective 9. Demonstration that the probability of the failure of both the beta lockout system and the beta lockout indication is extremely remote (a failure rate of $1 \times 10$ E–7 or less per operating hour).

Basis for Objective 9: If flightcrews become dependent on the beta lockout system functioning properly, the potential exists for the flightcrew to inadvertently select beta during flight. Therefore, the beta lockout and indication systems should be reliable.

Objective 10. For systems that do not have a beta override (mechanism or

switch), demonstration that any failure or combination of failures that will lock out the flightcrew's capability to obtain the propeller beta range during landing (provided it is not detectable prior to landing) is improbable (a failure rate of $1 \times 10$ E–5 or less per operating hour).

Basis for Objective 10: For turbopropeller-powered airplanes,landing with beta locked out on field length-limited runways may be hazardous. Overruns are more likely to occur if operating under part 91 (unfactored field lengths); however, the risks are also present if operating under parts 121 and 135 (factored field lengths) on wet and contaminated runways.

Objective 11. Design of a system that will ensure that the probability of failure of the beta lockout system (with independent locks), which prevents one engine from obtaining reverse pitch while allowing the other engine(s) to go into reverse pitch (beta), is $1 \times 10^{-7}$ or less.

Basis for Objective 11: Certain failures may cause asymmetric thrust in certain beta lockout system designs if the lockouts for each lever are independent.

Objective 12. Coordination with the cognizant FAA Aircraft Evaluation Group of any required system maintenance, inspections, or functional checks that are required to achieve the reliability of beta lockout systems as iterated in the objectives described above.

Basis of Objective 12: This is to ensure that the inspections or functional checks are contained in the appropriate maintenance documents.

*Airplane Flight Manual (AFM) Information*

Objective 13. Inclusion of an AFM limitation that prohibits use of beta during flight.

Basis for Objective 13: The flightcrews should continue to be advised not to use beta during flight. The remote possibility still exists that the beta lockout system may fail to provide protection during flight; this does not constitute a hazard if the pilot does not select beta during flight.

Objective 14. Inclusion in the AFM of approved abnormal/emergency procedures for failure indications if the system's lock has failed to engage or does not remain engaged while in flight or on the ground (as specified in the previous paragraphs).

Basis for Objective 14: The flightcrew should be advised of what or what not to do if they receive a warning.

Objective 15. Inclusion of information in the AFM that prohibits initiating flight with the beta lockout system inoperative unless the beta lockout system is capable of being permanently engaged in the locked position. For this scenario, the information should provide FAA-approved takeoff and landing field lengths (based on tests) for landings with the propellers set at the flight idle power setting.

Basis for Objective 15: Dispatch without beta lockout system in-flight protection is considered unsafe unless the airplane has been approved for in-flight beta operation. Dispatch with a failed or deactivated beta lockout system would be acceptable if access to beta is physically prevented and the FAA-approved takeoff and landing field lengths, based on tests, have been provided in the AFM for the flight idle power setting.

*Beta Override Design Objectives (The Override System Could Be Optional)*

Objective 16. Inclusion of an indication to the flightcrew that the override (mechanism or switch) has been used. The indication system should include an independent annunciation, or should be connected to the master caution system.

Objective 17. A design that will ensure that the flightcrew is not able to reset the override mechanism or switch once override has been used.

Objective 18. A design that will ensure that the activation of the override system is enunciated to prevent subsequent takeoffs until the override mechanism or switch has been reset by maintenance action. As an example, include the override activation in the takeoff configuration warning system (or similar warning system).

Basis for Objectives 16, 17, and 18: Typical beta lockout systems currently use wheel spin-up, squat switch activation, gear-up switch activation, or combinations of these. Certain airplanes, especially those with low wings and without ground spoilers, have a tendency to float during landing. In the case of these airplanes, the application of beta may be delayed on a wet runway because, while the airplane is floating, the ground logic or the wheel spin-up may not activate immediately.

Landing performance of turbopropeller-powered airplanes is based on ground idle availability, which is part of the beta range. Turbopropeller-powered airplanes landing on field length-limited runways with delayed beta application, or without beta after the beta lockout system fails to disengage, presents a potential hazard. Overruns are more likely to occur if operating under part 91 (unfactored field lengths); however, the risks are also present if operating under part 121 or 135 (factored field lengths) on a wet runway. There are several acceptable methods that may be used to overcome the deficiencies of the squat switch or wheel spin-up logic, such as the use of an override switch or the use of a radar altimeter.

Because of the safety concerns discussed above and the concerns expressed by airplane manufacturers, the FAA is considering allowing a beta override in the design objectives if the beta override is used for emergency use only and has the design constraints specified in the paragraphs presented above. The FAA is concerned that the flightcrew may reset the annunciation without reporting that they had utilized the beta override feature of the beta lockout system either in the air or after failure of the beta lockout system on the ground. Therefore, it appears that the design of the override system should provide enunciation that would prevent subsequent takeoffs after override activation, as recommended above.

If the manufacturer's airplane design already has a beta lockout system installed, the FAA may request a review of that system using the design criteria that evolve from this public meeting. If the existing beta lockout system design does not fully comply with the design criteria, the FAA may request that the airplane manufacturer develop a method to comply with these criteria, or to provide justification as to why its design provides an equivalent level of safety.

Public Meeting Procedures

Persons who plan to attend the public meeting should be aware of the following procedures which are established to facilitate the workings of the meeting.

1. The meeting will be open on a space available basis to all persons registered. If practicable, the meeting will be accelerated to enable adjournment in less than the time scheduled.

2. There will be no admission fee or other charge to attend or participate in the meeting. The opportunity to speak will be available to all persons, subject to availability of time.

3. Representatives of the FAA will preside over the meeting. A panel of FAA personnel involved in this issue will be present.

4. The FAA will try to accommodate all questions, time permitting. However, the FAA reserves the right to exclude some questions, if necessary, to present a balance of viewpoints and issues.

5. The meeting will be recorded by a court reporter. Anyone interested in

purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be docketed.

6. The FAA will consider all materials presented at the meeting by participants. Position papers and other handout material may be accepted at the discretion of the chairperson. Participants are requested to provide 10 copies of all materials to be presented, for distribution to the panel members. Enough copies should be provided for distribution to all conference participants.

7. Statements made by FAA participants at the meeting will not be taken as expressing final FAA positions.

Issued in Renton, Washington, on April 5, 1996.

Ronald T. Wojnar,

*Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.*

[FR Doc. 96–9250 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

## Situational Awareness for Safety Systems Requirements Team Meeting

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

**ACTION:** Notice of meeting.

**SUMMARY:** Situational Awareness for Safety (SAS) focuses on: increasing pilot situational awareness of self, others, and environment; establishing enabling standards, specifications, and technologies for Free Flight; and facilitating means and opportunities for *affordable* avionics. The SAS concept increases the pilot awareness of position, terrain, weather, and other information, through next-generation avionics. SAS promotes more efficient, safe, and free use of airspace. As a project, SAS teams the FAA critical players with industry to implement the SAS concept through certification of *affordable* avionics in all aircraft.

**DATES:** The meeting will be held May 7–8, from 8:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn, Annapolis.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Cato, Crown Communications, Inc., 1133 21st Street NW Suite 300, Washington, DC 20036; telephone (202) 785–2600, extension 3020.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting to solicit information from the aviation community concerning the standards and technical guidelines necessary to certify affordable avionics for Free Flight applications. The information is requested to assist the SAS Systems Requirement Team (SAS–SRT) in its deliberations with regard to a task assigned to SAS–SRT by the Federal Aviation Administration. Specifically the task is as follows:

Develop guidance, standards, and procedures that will: foster implementation of Situational Awareness for Safety (SAS) Systems; develop standards for the manufacture of equipment, hardware, software, and operational procedures; and coordinate validation of the SAS concept. This information exchange will contribute to an environment that will promote an efficient and safe National Airspace System.

Attendance is open to the interested public, but may be limited to the space available. An agenda and background material will be provided to all interested parties before the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the meeting coordinator listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on April 8, 1996.

James I. McDaniel,

*Program Manager, Situational Awareness for Safety.*

[FR Doc. 96–9248 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

## Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

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

**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In March 1996, there were eight applications approved. Additionally, seven approved amendments to previously approved applications are listed.

**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272) and Part 158 of the Federal Aviation Regulations (14 CFR 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Appications Approved

*Public Agency:* Manchester Airport Authority, Manchester, New Hampshire.

*Application Number:* 96–02–U–00–MHT.

*Application type:* Use PFC revenue.

*PFC Level:* $3.00.

*Total Net PFC Revenue:* $5,461,000.

*Charge Effective Date:* January 1, 1993.

*Estimated Charge Expiration Date:* March 1, 1997.

*Class of Air Carriers Not Required to Collect PFC's:* No change from previous approval.

*Brief Description of Project Approved for Use:* Part 150 noise mitigation.

*Decision Date:* March 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Priscilla A. Scott, New England Region Airports Division, (617) 238–7614.

*Public Agency:* City of Bismark, North Dakota.

*Application Number:* 96–01–C–00–BIS.

*Application Type:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved in This Application:* $336,388.

*Estimated Charge Effective Date:* July 1, 1996.

*Estimated Charge Expiration Date:* July 1, 1997.

*Class of Air Carriers Not Required to Collect PFC's:* Air Taxis filing FAA Form 1800–31.

*Determination:* Disapproved. The FAA has determined that the class of air carriers defined as air taxis filing FAA Form 1800–31 enplanes in excess of 1 percent of the total annual enplanements at Bismarck Municipal Airport. The FAA notes that the public agency consulted with all air carriers during the consultation process; therefore, the disapproval of this class will not adversely affect the adequacy of the consultation.

*Brief Description of Projects Approved for Concurrent Authority To Impose and Use:* Reconstruct general aviation and regional airline ramps, Airfield signage and replacement of rotating beacon, Part 107 security access control, Airfield signing and marking, Construct service roads, Runway rejuvenation and construct blast erosion protection, Airfield lighting and electrical improvements, and improve airport access control system, Snow removal equiment storage addition, Update airport layout plan and prepare utility maps, Environmental assessment for runway 3/21 improvements, Snow removal equipment acquisition, Apron reconstruction, and expansion and reconfigure Part 107.14 security system, Drainage improvements, Installation of security fencing and apron lighting, Electronic decelerometer, Acquisition of snow removal equipment, Master plan update, Plans and specifications for extension and widening of runway 3/21, PFC application preparation costs.

*Decision Date:* March 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** Irene R. Porter, Bismarck Airports District Office, (701) 250–4358.

*Public Agency:* City of Rhinelander and County of Oneida, Rhinelander, Wisconsin.

*Application Number:* 96–03–C–00–RHI.

*Application Type:* Impose and use of a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved in This Application:* $332,000.

*Estimated Charge Effective Date:* June 1, 1996.

*Estimated Charge Expiration Date:* October 1, 2000.

*Class of Air Carriers Not Required To Collect PFC's:* Air Taxi/commercial operators operating under Part 135 using aircraft with less than 10 seats.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Rhinelander-Oneida County Airport.

*Brief Description of Projects Approved for Concurrent Authority To Impose and Use:* Airport snow removal vehicle (III), Airport master plan update, Interactive training equipment, PFC administration, Groove and mark runway 9/27.

*Brief Description of Project Partially Approved for Only Collection Authority:* Terminal building improvements.

*Determination:* Partially approved. This project contains administrative offices that are not eligible under the Airport Improvement Program; and therefore, not PFC eligible. The approved amount does not include any costs associated with the administration offices.

*Decision Date:* March 11, 1996.

**FOR FURTHER INFORMATION CONTACT:** Franklin D. Benson, Minneapolis Airports Districts Office, (612) 725–4221.

*Public Agency:* Greater Orlando Aviation Authority, Orlando, Florida.

*Application Number:* 96–04–C–00–MCO.

*Application Type:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved in This Application:* $89,092,000.

*Estimated Charge Effective Date:* June 1, 1996.

*Estimated Charge Expiration Date:* December 1, 1998.

*Class of Air Carriers Not Required To Collect PFC's:* None.

*Brief Description of Projects Approved for Collection and Use:* Rehabilitation of automated guideway transit vehicles, Terminal and roadway signage, Modifications for Americans with Disabilities Act (ADA) compliance, West ramp high mast lighting, Rehabilitation of northwest terminal support area ramp, Design of mid-crossfield taxiway bridge expansion, Expansion of existing international facilities.

*Brief Description of Project Approved for Only Collection:* Design of airport road interchange and expansion—east and west.

*Brief Description of Project Approved in Part for Only Collection:* Construction of airport road interchange and expansion—east and west.

*Determination:* Partially approved. The total amount approved for PFC collection has been reduced to match the amount approved as alternative uses for PFC revenue.

*Decision Date:* March 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pablo G. Affant, Orlando Airports District Office, (407) 648–6586.

*Public Agency:* City of Albuquerque Aviation Department, Albuquerque, New Mexico.

*Application Number:* 96–01–C–00–ABQ.

*Application Types:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved in this Application:* $49,638,000.

*Estimated Charge Effective Date:* July 1, 1996.

*Estimated Charge Expiration Date:* July 1, 2001.

*Class of Air Carriers Not Required to Collect PFC'S:* Air taxi/commercial operators exclusively filing FAA Form 1800–31.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Albuquerque International Support.

*Brief Description of Project Approved for Collection and Use:* Reconstruction of runway 8/26.

*Decision Date:* March 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

*Public Agency:* Columbus Municipal Airport Authority, Columbus, Ohio.

*Application Number:* 95–04–C–00–CMH.

*Application Type:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved:* $29,459,337.

*Charge Effective Date:* October 1, 1992.

*Estimated Charge Expiration Date:* November 1, 1996.

*Class of Air Carriers Not Required To Collect PFC'S:* No change from previous approvals.

*Brief Description of Projects Approved for Use at Port Columbus International Airport (CMH):* Wonderland acquisition/relocation, Relocate taxiway B from taxiway A to C–3 (engineering), Southeast cargo apron, taxiway to runway 13/31, and tug road, Runway 5 easements, Relocate taxiway B from taxiway A to C–3 (construction), Maintenance runup pad, Southeast cargo apron (construction), Relocate taxiway B (phase II) (engineering), Relocate taxiway B (phase II) (construction), Stabilized shoulders runway 28L/10R, Stabilized shoulder—runway 28L/10R and runway 10R blast pad (construction), Relocate lights taxiway G, Replace runway 5/23 lighting cable, Communication and closed circuit television system, Electronic monitoring/airfield lighting (construction), Sawyer Road rehabilitation (engineering/construction—east), Airfield guidance signs, Relocate taxiway D, construction runway 28L runup apron (engineering and construction), Master plan/Part 150 amendments, Ramp sweeper, Airfield fencing phase II, Relocate control room, Land acquisition/relocation—west side properties, Land acquisition/relocation—Englewood Heights, Residential soundproofing—phase I, Terminal building modification, Gate 17 ramp expansion.

*Brief Description of Project Approved for Use at Bolton Field:* T-hanger apron and taxiway.

*Brief Description of Partially Approved Projects for Use at Port Columbus International Airport (CMH):* North concourse apron.

*Determination:* The apron overlay and expansion portion of this project is approved. Per paragraph 595(a) of FAA Order 5100.38A, Airport Improvement Program (AIP) Handbook, buildings owned by the public agency may be either relocated or demolished. The costs associated with the demolition of the building and the removal are eligible, minus any salvage value. For public agency-owned buildings which are to be relocated, the Federal share would be limited to the estimated costs to demolish and remove the building approved in the impose only application for the existing apron overlay. Therefore, the relocation of the triturator building and the FAA employee parking lot are only partially eligible.

Emergency preparedness equipment/communications.

*Determination:* Partially approved. The rehabilitation of the airport command post vehicle and the purchase of an automated emergency notification system, information transaction equipment, portable light stands, and emergency radio equipment portions of this project are approved. The safety self-inspection vehicle, aircraft rescue and firefighting proximity suits, and the installation of security equipment including a turnstile at a security checkpoint and a lock and key system are not approved. No evidence of consultation with the air carriers on the purchase of additional equipment or construction of this project was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b) (11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

North concourse expansion.

*Determination:* Partially approved. There are several elements included in the revised project description that are not approved for the imposition or use of PFC revenue. Per paragraph 595(a) of FAA Order 5100.38A, buildings owned by the public agency may be either relocated or demolished. The costs associated with the demolition of the building and the removal are eligible, minus any salvage value. For public agency-owned buildings which are to be relocated, the Federal share would be limited to the estimated costs to demolish and remove the building approved in the impose only application for the existing apron overlay. Therefore, the relocation of the triturator building and the FAA employee parking lot are only partially eligible. Also, the airline operations areas and office/support areas are ineligible areas whose costs must be removed from the project and paid for with local funds.

Terminal curb front improvements—planning study.

*Determination:* Partially approved. The curbside improvement study is approved. However, the south ramp settlement study and the skycap and parking toll booth planning studies are not approved. No evidence of consultation with the air carriers on the two additional planning studies contained in this project was provided in this application in accordance with sections 158.23(b), the requirement for a consultation meeting, and 158.25(b) (11) and (13), which requires a summary of consultation with air carriers and foreign air carriers operating at the airport and revised funding plan be included in an application for which the imposition of PFC funds for a project is requested.

*Brief Description of Disapproved Project:* Ramp sweeper.

*Determination:* Disapproved. For equipment to be eligible under AIP and therefore PFC, it must be suitable for snow and ice control. The equipment purchased is not suitable for snow and ice control on airports and therefore not eligible.

*Decision Date:* March 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary W. Jagiello, Detroit Airports District Office, (313) 487–7296.

*Public Agency:* City of Morgantown, West Virginia.

*Application Number:* 96–03–C–00–MGW.

*Application Type:* Impose and use a PFC.

*PFC Level:* $2.00.

*Total Approved Net PFC Revenue in This Application:* $18,450.

*Estimated Charge Effective Date:* July 1, 2000.

*Estimated Charge Expiration Date:* January 1, 2001.

*Class of Air Carriers Not Required to Collect PFC'S:* None.

*Brief Description of Projects Approved for use:* Construct facilities within the north terminal (phase III), Snow removal equipment.

*Brief Description of Projects Approved for Collection and use:* Construct stairwell within the north terminal, rehabilitate access road, ADA chairlift.

*Decision Date:* March 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** Elonza Turner, Beckley Airports Field Office, (304) 252–6216.

*Public Agency:* Houghton County Airport Committee, Hancock, Michigan.

*Application Number:* 96–04–C–00–CMX.

*Application Type:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total Net PFC Revenue Approved in This Application:* $73,895.

*Estimated Charge Effective Date:* July 1, 1996.

*Estimated Charge Expiration Date:* January 1, 1998.

*Class of Air Carriers Not Required to Collect PFC's:* None.

*Brief Description of Projects Approved for Collection and use:* Rehabilitate airport rescue and firefighting track vehicle, Reimbursement of charges for PFC application preparation, Rehabilitate airport electrical vault, Airport boundary survey and monumentation and update existing Exhibit A property map.

*Decision Date:* March 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jon B. Gilbert, Detroit Airports District Office, (313) 487–7281.

**AMENDMENTS TO PFC APPROVALS:**

| Amendment No. City, State | Amendment approved date | Amended approved net PFC revenue | Previous approved net PFC revenue | Previous estimated charge exp. date | Amended estimated charge exp. date |
|---|---|---|---|---|---|
| 94–01–C–01–DFW, Dallas, TX | 1/30/96 | $132,000,000 | $115,000,000 | 3/1/96 | 6/1/96 |
| 93–01–C–01–EGE | 3/1/96 | 342,555 | 572,609 | 4/1/98 | 10/1/97 |
| 92–01–C–01–MHT Manchester, NH | 3/5/96 | 5,702,523 | 5,461,000 | 3/1/97 | 9/1/97 |
| 94–01–C–01–RIC Richmond, VA | 3/5/96 | 17,956,220 | 30,976,072 | 8/1/05 | 8/1/05 |
| 94–01–C–01–APF Naples, FL | 3/12/96 | 735,000 | 470,000 | 2/1/98 | 10/1/99 |
| 93–01–C–05–ORD Chicago, IL | 3/19/96 | 517,324,470 | 481,806,170 | 9/1/98 | 5/1/99 |
| 92–01–I–03–CMH Columbus, OH | 3/20/96 | 7,741,114 | 6,601,427 | 1/1/96 | 1/1/96 |

Issued in Washington, D.C. on April 8, 1996.

Donna P. Taylor,

*Manager, Passenger Facility Charge Branch.*

[FR Doc. 96–9249 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–13–M**

## Maritime Administration

### Voluntary Intermodal Sealift Agreement (VISA) (60 FR 54144, October 19, 1995)

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice of meeting of Joint Planning Advisory Group.

On March 26–29, 1996, the Maritime Administration and the United States Transportation Command, Co-Chairs of the Joint Planning Advisory Group (Group), hosted a meeting of the Group to present contingency scenarios involving sealift requirements. The meeting was closed pursuant to 44 CFR 332.5(c).

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** James E. Caponiti, Associate Administrator for National Security, (202) 366–2323.

By Order of the Maritime Administrator.

Dated: April 10, 1996.

Joel C. Richard,

*Secretary.*

[FR Doc. 96–9292 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–81–P**

## Research and Special Programs Administration

**[Docket PS–135; Notice 3]**

### Proposed Collection: Comment Request

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

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice requests public participation in the Office of Management and Budget (OMB) approval process regarding an RSPA new collection of information. RSPA has published a pipeline safety regulation that requires gas service line operators who do not maintain certain customer piping to notify the customers of the need to maintain the piping. RSPA intends to request OMB approval of this information collection under the Paperwork Reduction Act of 1995 and 5 CFR Part 1320.

**DATES:** Comments on this notice must be received on or before June 14, 1996 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to send comments in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St., S.W. Washington, D.C. 20590. Please identify the docket and notice numbers shown in the heading of this notice.

**FOR FURTHER INFORMATION CONTACT:** Marvin Fell, (202) 366–1640, to ask questions about this notice; or the Dockets Unit, (202) 366–4453, to request copies of information in the docket.

**SUPPLEMENTARY INFORMATION:**

*Title:* Customer-Owned Service Lines.

*Type of Request:* New information collection.

*Abstract:* An RSPA regulation (49 CFR 192.16) requires operators of gas service lines who do not maintain buried customer piping up to building walls or certain other locations to notify their customers of the need to maintain that piping. Congress directed DOT to take this action in view of service line accidents. By advising customers of the need to maintain their buried gas piping, the notices may reduce the risk of further accidents.

The regulation requires each operator to notify each customer not later than August 14, 1995, or 90 days after the customer first receives gas at a particular location, whichever is later. However, operators of master meter systems may continuously post a general notice in a prominent location frequented by customers. In addition, each operator must make the following records available for inspection by RSPA or a state agency participating under 49 U.S.C. 60105 or 60106: (1) a copy of the notice currently in use; and (2) evidence that notices have been sent to customers within the previous 3 years.

*Estimate of Burden:* Minimal.

*Respondents:* Gas transmission and distribution operators.

*Estimated Number of Respondents:* 1,590.

*Estimated Number of Responses per Respondent:* 3,460.

*Estimated Total Annual Burden on Respondents:* Minimal.

More information about this information collection can be found in the Final Rule document that established the collection (60 FR 41821; August 14, 1995) and the accompanying final regulatory evaluation. These documents can be reviewed at the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St., S.W. Washington, D.C.

Comments are invited on: (a) the need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

All timely written comments to this notice will be summarized and included in the request for OMB approval. All comments will also be available to the public in the docket.

Issued in Washington, DC on April 9, 1996.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

[FR Doc. 96–9262 Filed 4–12–96; 8:45 am]

**BILLING CODE 4910–60–P**

## Surface Transportation Board

**[STB Finance Docket No. 32798]**

### Economic Development Rail II Corporation—Acquisition Exemption—Lines of Consolidated Rail Corporation

**AGENCY:** Surface Transportation Board.[1]

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10502, exempts from the prior approval requirements of 49 U.S.C. 10902, the acquisition of a 5-mile line of railroad in Warren Township and Holland Township, Trumbull County, OH, by Economic Development Rail II Corporation, a Class III railroad.

**DATES:** The exemption will be effective May 15, 1996. Petitions to stay must be filed by April 25, 1996. Petitions to reopen must be filed by May 6, 1996.

**ADDRESSES:** Send pleadings, referring to STB Finance Docket No. 32798 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) petitioner's representative: Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street NW., Washington, DC 20036.

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Avenue NW., Washington, D.C. 20423. Telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: April 9, 1996.

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

Vernon A. Williams,

*Secretary.*

[FR Doc. 96–9271 Filed 4–12–96; 8:45 am]

**BILLING CODE 4915–00–P**

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**[Finance Docket No. 32760]**

## Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and the Denver and Rio Grande Western Railroad Company

The Surface Transportation Board (Board)[1] announces its release of an Environmental Assessment (EA) that addresses potential environmental impacts associated with the merger proposal filed by the Union Pacific Railroad Corporation and its subsidiaries (collectively, ''UP'') and the Southern Pacific Rail Corporation and its subsidiaries (collectively, ''SP'') in Finance Docket No. 32760.

The EA was prepared by the Board's Section of Environmental Analysis (SEA). In conducting its environmental review, SEA assessed the potential environmental impacts which could result from three types of merger-related actions:

- Traffic changes on rail line segments, at rail yards and at intermodal facilities.
- Rail line segment abandonments.
- Rail line construction on new rights-of-way.

Environmental impacts associated with these actions include safety, transportation, air quality, noise, historic resources, biological resources, water resources, and hazardous materials. Specifically, the EA examined 72 rail line segments in 19 states, 26 rail yards in 10 states, 16 intermodal facilities in 8 states, 17 rail abandonments in 8 states, and 25 new rail line construction projects in 8 states. Appropriate mitigation measures were developed to address particular areas of environmental concern.

Based on its independent analysis, available information, and the recommended mitigation, SEA concludes that the proposed merger and related abandonments and construction activities would not result in significant environmental impacts. Therefore, the environmental impact statement process is not necessary.

The public has until May 3, 1996 to submit comments on the EA to SEA. SEA invites the public to include in its comments specific and reasonable mitigation measures to address areas of environmental concern. These written comments (an original and 10 copies) should be addressed to: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Room 3219, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423–0001, Attn: FD–32760.

Copies of the EA have been served on all parties of record and appropriate federal, state, and local agencies. To obtain copies of the EA, please contact Harold McNulty at SEA's toll-free Environmental Hotline: 1–800–448–7246. Assistance for the hearing impaired is available through TDD services (202) 927–5721.

Date made available to the public: April 12, 1996.

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis, Office of Economic and Environmental Analysis.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96–9175 Filed 4–12–96; 8:45 am]

**BILLING CODE 4915–00–P**

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**[STB Docket No. AB–55 (Sub-No. 525X)]**

## CSX Transportation, Inc.—Abandonment Exemption—in Fayette County, WV

CSX Transportation, Inc. (CSXT)[1] filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 2.6 miles of its line of railroad between milepost CAW–2.0 at Siltex 1 (near Mount Hope) and milepost CAW–4.6 at the end of the track near Siltex 2, in Fayette County, WV.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 15, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 25, 1996. Petitions to reopen or requests for public use conditions under 49 CFR

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[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the Act), enacted December 29, 1995, and effective January 1, 1996 abolished the Interstate Commerce Commission and transferred certain rail proceedings to the Surface Transportation Board (Board) if they involve functions retained by the Act. This proceeding concerns a function, authorization of rail construction under 49 U.S.C. 10901, that has been transferred to the Board.

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

1152.28 must be filed by May 6, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 19, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 5, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

*Secretary.*

[FR Doc. 96–9128 Filed 4–12–96; 8:45 am]

BILLING CODE 4915–00–P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 13, 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.

Bureau of the Mint

*OMB Number:* 1525–0007.

*Project Number:* MKTG–01.

*Type of Review:* Revision.

*Title:* Customer Satisfaction Survey 1996 Catalogue Analysis.

*Description:* The Mint will utilize the data findings from this survey, along with actual sales data analysis, to guide in the development of new products and strategies for the 1996 Catalogue.

*Respondents:* Individuals or households, Business or other for-profit.

*Estimated Number of Respondents:* 300.

*Estimated Burden Hours Per Respondent:* 10 minutes.

*Frequency of Response:* Other.

*Estimated Total Reporting Burden:* 75 hours.

*Clearance Officer:* Mike Green (202) 634–8300, United States Mint, 1730 K. Street, N.W., Suite 800, Washington, DC 20212.

*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. 96–9217 Filed 4–12–96; 8:45 am]

BILLING CODE 4830–01–U

### Submission for OMB Review; Comment Request

March 11, 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.

U.S. Customs Service (CUS)

*OMB Number:* 1515–0076.

*Form Number:* CF 3124.

*Type of Review:* Extension.

*Title:* Application for Customhouse Broker's License.

*Description:* 19 CFR Part III, requires various types of information from Customs brokers to ensure statutory and regulatory compliance. The information is used for audit and investigations of interstate theft, narcotics smuggling, and prevents persons connected with organized crime syndicates from penetrating the industry.

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 1,000.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 2,000 hours.

*OMB Number:* 1515–0082.

*Form Number:* CF 226.

*Type of Review:* Extension.

*Title:* Record of vessel foreign repair or equipment purchase.

*Description:* A 50 percent duty exists on equipment purchases for and repairs made to U.S. flag vessel in foreign ports. Arriving at its first U.S. port, the master or owner of a vessel is required to declare and file entry on all equipment, parts, or materials purchased, and repairs made outside the United States.

*Respondents:* Business or other for-profit, Federal Government.

*Estimated Number of Respondents:* 200.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1,000 hours.

*OMB Number:* 1515–0193.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Report of Loss, Detention, or Accident by Bonded Carrier, Cartman, Lighterman, Foreign Trade Zone Operator or Centralized Examination Station Operator.

*Description:* Any loss or detention of bonded merchandise, or accident happening to a vehicle or lighter while carrying bonded merchandise shall be immediately reported by a cartman lighterman, qualified bonded carrier, foreign trade zone operator, bonded warehouse proprietor container station operator, or centralized examination station operator to the Customs Port Director.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 250.

*Estimated Burden Hours Per Respondent:* 10 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 84 hours.

*Clearance Officer:* Norman Waits (202) 927–1551, U.S. Customs Service, Printing and Records Management Branch, Room 6426, 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. 96–9218 Filed 4–12–96; 8:45 am]

**BILLING CODE 4820–02–P**

## Submission to OMB for Review; Comment Request

March 13, 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:* New.

*Form Number:* IRS Form 1078.

*Type of Review:* New collection.

*Title:* Certificate of alien claiming residence in the United States.

*Description:* Form 1078 is used by an alien to claim residence in the United States for income tax purposes.

*Respondents:* Individuals or households, business or other for-profit.

*Estimated Number of Respondents:* 10,000.

*Estimated Burden Hours Per Respondent:* 49 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Reporting Burden:* 8,200 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. 96–9218 Filed 4–12–96; 8:45 am]

**BILLING CODE 4830–01–P**

## Submission to OMB for Review; Comment Request

March 13, 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 in April 1996, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by March 13, 1996. To obtain a copy of this survey, please contact IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

*OMB Number:* 1545–1432.

*Project Number:* PC:V 96–003–G.

*Type of Review:* Revision.

*Title:* Point-of Contact Pilot (FY 1996).

*Description:* The Core Business System for Value Tracking has developed a data gathering instrument to be used by front-line employees immediately concluding their interaction with the taxpayer. In 1995, Value Tracking tested several versions of the checksheet and methodological approaches to collecting the data. As a result, Value Tracking developed one standardized checksheet, an a uniform collection methodology (structured interviewing, with questions on the checksheet. The objectives of the data collection is to determine what aspects of the products created problems for taxpayers; what aspects they liked about the product; their overall satisfaction rating of the product; and their suggestions for improvement. Value Tracking will use the checklist as a qualitative data gathering instrument.

*Respondents:* Individuals or households.

*Estimated Number of Respondents: 10,800.*

*Estimated Burden Hours Per Respondent:* 2 minutes.

*Frequency of Response:* Other.

*Estimated Total Reporting Burden:* 360 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. 96–9220 Filed 4–12–96; 8:45 am]

**BILLING CODE 4830–01–P**

## Submission for OMB Review; Comment Request

March 14, 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 in April 1996, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approve this information collection by March 29, 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 96–002–G.

*Type of Review:* Revision.

*Title:* 1996 IRS Small Business Customer Satisfaction Survey.

*Description:* The purpose of this survey is to collect information from small businesses (owners, partners, and corporate officers) in order to determine their opinions about the quality of service provided by the IRS and to understand the relative importance they place on the various aspects of quality service. This study is necessary to satisfy the requirements of Executive Order 12862, which requires federal agencies to survey their customers that these customer desire. It will provide crucial information needed by the IRS to develop and implement effective customer satisfaction measures that meet the IRS' mandate to improve quality service.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 2,000.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* Other.

*Estimated Total Reporting Burden:* 500 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. 96–9221 Filed 4–12–96; 8:45 am]

**BILLING CODE 4830–01–P**

## Bureau of Alcohol, Tobacco and Firearms

## Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Application For Federal Alcohol Administration Act Basic Permit To Wholesale or Import.

**DATES:** Written comments should be received on or before June 14, 1996 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–7768.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Robert Ruhf, Tax Compliance Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

**SUPPLEMENTARY INFORMATION:**

*Title:* Application For Federal Alcohol Administration Act Basic Permit To Wholesale Or Import.

*OMB Number:* 1512–0220.

*Form Number:* ATF F 5170.4.

*Abstract:* Persons intending to engage in the business of importing or wholesaling alcoholic beverages apply for a permit on ATF F 5170.4. The information provided allows ATF to identify the applicant and the location of the business and to determine the applicant's qualifications.

*Current Actions:* The revision proposed for ATF F 5170.4 eliminates a number of information collection items and simplifies the instructions. As a result, we expect that it will take about one-third less time for applicants to complete.

*Type of Review:* Revision.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1300.

*Estimated Time Per Respondent:* 2 Hours.

*Estimated Total Annual Burden Hours:* 2600.

**REQUEST FOR COMMENTS:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: April 8, 1996.

John W. Magaw,

*Director.*

[FR Doc. 96–9179 Filed 4–12–96; 8:45 am]

**BILLING CODE 4810–31–P**

Federal Register

Monday
April 15, 1996

Part II

# Department of Health and Human Services

## Administration for Children and Families

**Runaway and Homeless Youth Program (RHYP): Fiscal Year (FY) 1996 Final Program Priorities, Availability of Financial Assistance for Fiscal Year 1996, and Request for Applications for FY 1996 and FY 1997; Notice**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[Program Announcement No. ACF/ACYF/RHYP 96–2]**

### Runaway and Homeless Youth Program (RHYP): Fiscal Year (FY) 1996 Final Program Priorities, Availability of Financial Assistance for Fiscal Year 1996, and Request for Applications for FY 1996 and FY 1997

**AGENCY:** Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Notice of Fiscal Year 1996 Final Runaway and Homeless Youth (RHY) Program Priorities, announcement of availability of financial assistance, and request for applications for the FY 1996 Basic Center Program for Runaway and Homeless Youth (BCP) and the Transitional Living Program for Homeless Youth (TLP) for FY 1997.

**SUMMARY:** The Family and Youth Services Bureau of the Administration on Children, Youth and Families is publishing final program priorities and announcing the availability of funds for:

1. The Basic Center Program for Runaway and Homeless Youth (BCP). The purpose of the BCP is to provide financial assistance to establish or strengthen locally-controlled centers that address the immediate needs (outreach, temporary shelter, food, clothing, counseling, aftercare, and related services) of runaway and homeless youth and their families.

2. Transitional Living Program for Homeless Youth. The overall purpose of the Transitional Living Program for Homeless Youth is to support programs which assist older homeless youth in making a successful transition to self-sufficient living and to prevent long-term dependency on social services.

This single announcement for the two programs has been developed in order to save the field and the Federal government significant resources. Also, the single announcement provides the field with the application due dates for both programs, providing interested agencies the means to forecast the workload and resources needed to apply for these grants. Potential applicants should note that separate applications must be submitted for each program applied for.

This announcement contains all the necessary information and application materials to apply for funds under these grant programs. The estimated funds available for new starts and the approximate number of new grants that have been or are to be awarded under this program announcement are as follows:

| Program | Fiscal year | New start funds available | Number of new grants |
|---|---|---|---|
| BCP ..... | FY 1996 | 8.0 million ..... | 65 |
| TLP ..... | FY 1997 | 6.3 million ..... | 36 |

In addition to the competitive, new start grants, the Administration on Children, Youth and Families anticipates providing FY 1996 non-competitive, continuation funds to current grantees as follows:

| Program | Continuation funds available | Number of continuation grants |
|---|---|---|
| BCP ..... | $27.7 million ..... | 227 |
| TLP ..... | 12.6 million ..... | 69 |
| DD ..... | 450 thousand ... | 3 |

Grantees eligible for these continuation grants will receive letters to that effect from the appropriate Regional grants management offices and should not submit their continuation applications in response to this announcement. Only applications for new grants are solicited through this announcement.

**DATES:** The deadlines or closing dates for RECEIPT by HHS of applications for new grants under this announcement are as follows:

| Programs | Closing dates |
|---|---|
| BCP ..... | June 1, 1996. |
| TLP ..... | June 14, 1996. |

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the receipt date at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447. Attention: Basic Center Program for Runaway and Homeless Youth or Transitional Living Program for Homeless Youth.

*Please note that this is a departure from the traditional approach of using postmarks instead of receipt dates to determine eligibility of applications for review.* Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the receipt time and date. Applications received after 4:30 p.m. on the closing date will be classified as late. Postmarks and other similar documents do not establish receipt of an application.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the receipt date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday (excluding Federal Holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.) ACF cannot accommodate transmission of applications by fax. Therefore, applications faxed to ACF will not be accepted regardless of date or time of submission and time of receipt. Envelopes containing applications must clearly indicate the specific program that the application is addressing: Basic Center Program (BCP) or Transitional Living Program for Homeless Youth (TLP).

**FOR FURTHER INFORMATION CONTACT:** Administration on Children, Youth and Families, Family and Youth Services Bureau, P.O. Box 1182, Washington, D.C. 20013; Telephone: 1–800–351–2293.

**SUPPLEMENTARY INFORMATION:** This program announcement consists of six parts. Part I provides general information for potential applicants who wish to apply to operate programs serving runaway and homeless youth. Part II contains the evaluation criteria against which all applications will be competitively reviewed, evaluated and rated. Part III contains specific information necessary to apply for funds under each of the two programs. Part IV describes the application process. Part V provides instructions on the assembly and submission of applications. Part VI contains appendices to be consulted in preparation of applications. All forms needed to prepare applications for the two programs are found in Part VI, Appendix I, of this announcement.

The following outline is provided to assist in the review of this Federal Register announcement:

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## Part I. General Information

### *A. Background on Runaway and Homeless Youth*

The Family and Youth Services Bureau (FYSB), within the Administration on Children, Youth and Families (ACYF), administers programs that support services to an adolescent population of approximately 500,000 runaway and homeless youth. Many of these youth have left home to escape abusive situations, or because their parents could not meet their basic needs for food, shelter and a safe supportive environment. Many live on the streets.

While living on the streets or away from home without parental supervision, these youth are highly vulnerable. They may become victims of street violence, may be exploited by dealers of illegal drugs, or may become members of gangs who provide protection and a sense of extended family. Usually lacking marketable skills, they may be drawn into shoplifting, prostitution, or dealing drugs in order to earn money for food, clothing, and other daily expenses. Without a fixed address or regular place to sleep, they often drop out of school, forfeiting their opportunities to learn and to become independent, self-sufficient, contributing members of society. As street people, they may try to survive with little or no contact with medical professionals, the result being that health problems may go untreated and may worsen. Without the support of family, schools, and other community institutions, they may not acquire the personal values and work skills that will enable them to enter or advance in the world of work at other than the most minimal levels. Finally, as street people, they may create substantial law enforcement problems, endangering both themselves and the communities in which they are located. All these problems, real and potential, call for a comprehensive, nationwide, community-based program to address the needs of runaway and homeless youth.

### *B. Legislative Authority*

Grants for the Basic Center Program for Runaway and Homeless Youth are authorized by Part A of the Runaway and Homeless Youth Act (RHY Act), 42 U.S.C. 5701 *et seq.* Grants for the Transitional Living Program for Homeless Youth are authorized under Part B of the Runaway and Homeless Youth Act. Part B was established in 1988 as part of Public Law 100–690. The RHY Act was enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), and amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95–115), the Juvenile Justice Amendments of 1980 (Pub. L. 96–509), the Juvenile Justice Amendments of 1984 (Pub. L. 98–473), the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690), and the Juvenile Justice and Delinquency Prevention Act Amendments of 1992 (Pub. L. 102–586). Grants for coordinating, training and technical assistance, research, demonstration, evaluation and service projects are authorized under Part D of the RHY Act.

### *C. Purpose, Goals and Objectives of the Federal Runaway and Homeless Youth Grant Programs*

#### 1. Basic Center Program for Runaway and Homeless Youth

The overall purpose of the BCP is to provide financial assistance to establish or strengthen community-based centers that address the immediate needs (outreach, temporary shelter, food, clothing, counseling, aftercare, and related services) of runaway and homeless youth and their families. Services supported by this program are to be outside the law enforcement, the child welfare, the mental health, and the juvenile justice systems. The program goals and objectives of Part A of the RHY Act are to:

a. Alleviate problems of runaway and homeless youth,

b. Reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services,

c. Strengthen family relationships and encourage stable living conditions for youth, and

d. Help youth decide upon constructive courses of action.

#### 2. Transitional Living Program for Homeless Youth

Part B, Section 321 of the Runaway and Homeless Youth Act, as amended, authorizes grants to establish and operate transitional living projects for homeless youth. This program is structured to help older, homeless youth achieve self-sufficiency and avoid long-term dependency on social services. Transitional living projects provide shelter, skills training, and support services to homeless youth ages 16 through 21 for a continuous period not exceeding 18 months.

In FY 1996, approximately $12.6 million has been used to fund TLP

continuation grants. In FY 1997, total funding for TLP is expected to be between $12.6 million and $15 million. Approximately $6.3 million will be awarded in new grants and $6.6 million will be awarded as continuation grants.

Program funds available under Part B of the Runaway and Homeless Youth Act are to be used for the purpose of enhancing the capacities of youth-serving agencies in local communities to effectively address the service needs of homeless older adolescents and young adults. Goals, objectives and activities that may be maintained, improved and/or expanded through a TLP grant must include, but are not necessarily limited to:

- Providing stable, safe living accommodations while a homeless youth is a program participant;
- Providing the services necessary to assist homeless youth in developing both the skills and personal characteristics needed to enable them to live independently;
- Providing education, information and counseling aimed at preventing, treating and reducing substance abuse among homeless youth;
- Providing homeless youth with appropriate referrals and access to medical and mental health treatment; and
- Providing the services and referrals necessary to assist youth in preparing for and obtaining employment.

Specifics regarding grant awards in each of these two programs are found in Part III, Sections A and B, of this announcement.

*D. Definitions*

1. The term ''homeless youth'' is defined differently for different programs.

Under Part A of the RHY Act, which authorizes the BCP, the term ''homeless youth'' means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care. This definition applies to all Basic Center projects and can be found in 45 CFR 1351.1(f).

Under Part B of the RHY Act, which authorizes the TLP, ''homeless youth'' means an individual who is not less than 16 years of age and not more than 21 years of age; for whom it is not possible to live in a safe environment with a relative; and who has no other safe alternative living arrangement. This definition applies to all Transitional Living programs and can be found in Section 321(b)(1) of the RHY Act.

2. The term ''public agency'' means any State, unit of local government, combination of such States or units, or any agency, department, or instrumentality of any of the foregoing. This definition applies to all runaway and homeless youth programs and can be found in Section 3601(8) of the Anti-Drug Abuse Act, incorporating by reference Section 103(11) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

3. The term ''runaway youth'' means a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian. This definition applies to all Basic Center programs and can be found in 45 CFR 1351.1(k).

4. The term ''shelter'' includes host homes, group homes and supervised apartments. This definition applies to all BCP programs and is referenced in Section 322(1) of the RHY Act. As currently understood in the field:

''Host homes'' are facilities providing shelter, usually in the home of a family, under contract to accept runaway and/or homeless youth assigned by the BCP service provider, and are licensed according to State or local laws.

''Group homes'' are single-site residential facilities designed to house BCP clients who may be new to the program or may require a higher level of supervision. These dwellings operate in accordance with State or local housing codes and licensure.

A supervised apartment is a single unit dwelling or multiple unit apartment house operated under the auspices of the TLP service provider for the purpose of housing program participants.

5. The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas. This definition applies to all runaway and homeless youth programs and can be found in Section 3601(10) of the Anti-Drug Abuse Act, incorporating by reference Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

6. The term ''temporary shelter'' means the provision of short-term (maximum of 15 days) room and board and core crisis intervention services on a 24 hour basis. This definition applies to all Basic Center Program grantees and can be found in 45 CFR 1351.1(o).

7. The term ''transitional living youth project'' means a project that provides shelter and services designed to promote transition to self-sufficient living and to prevent long-term dependency on social services. This definition applies to all TLP program grantees and is found in Section 321(b)(2) of the RHY Act.

*E. Final Priorities*

Section 364 of the Runaway and Homeless Youth Act (RHY Act) requires the Department to publish annually for public comment a proposed plan specifying priorities the Department will follow in awarding grants and contracts under the RHY Act. The proposed plan for FY 1996 was published in the Federal Register on Wednesday, February 14, 1996, (61 FR 5777) and requested comments and recommendations from the field.

1. Public Comments

The Family and Youth Services Bureau (FYSB) usually receives approximately 20 written responses from a number of sources, principally Runaway and Homeless Youth Program grantees. The responses are generally supportive.

To the extent feasible, ACYF takes these and all other public comments into account when preparing the final priorities.

2. Final Program Priorities for Fiscal Year 1996

The final priorities are similar to those of earlier years in that the Department will award 90 percent or more of the funds appropriated under the BCP and approximately 90 percent of the funds appropriated under the TLP to grantees providing direct services to runaway and homeless youth.

The final priorities are further similar to those of earlier years in that the Department will award continuation funding to the National Communications System, to the ten Regional Training and Technical Assistance providers, and to a number of related program support activities.

The Final Program Priorities continue to support and emphasize a comprehensive youth development approach to services to youth and their families.

a. Basic Center Program Grants

Approximately 300 Basic Center grants, of which about one-quarter will be competitive new starts and three-quarters will be non-competitive continuations, will be funded in FY 1996.

Section 385(a)(2) of the Act requires that 90 percent of the funds appropriated under Part A (The Runaway and Homeless Youth Grant Program) be used to establish and strengthen runaway and homeless youth Basic Centers. Total funding under Part A of the Act for FY 1996 is expected to

be approximately $40.5 million. This sum triggers the provision in the Act calling for a minimum award of $100,000 to each State, the District of Columbia, and Puerto Rico, and a minimum award of $45,000 to each of the four insular areas: the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas.

b. Transitional Living Program Grants

In FY 1996, approximately $12.6 million has been used to fund 77 TLP continuation grants. In FY 1997, total funding for TLP is expected to be between $12.6 million and $15 million. Approximately $6.3 million will be awarded for 36 new grants and $6.6 million will be awarded as continuation grants.

c. National Communications System

Part C, Section 331 of the Runaway and Homeless Youth Act, as amended, mandates support for a National Communications System to assist runaway and homeless youth in communicating with their families and with service providers. In FY 1994, a five-year grant was awarded to the National Runaway Switchboard, Inc., in Chicago, Illinois, to operate the system. Non-competitive continuation funding will be awarded to the grantee in FY 1996.

d. Support Services for Runaway and Homeless Youth Programs

(1) Training and Technical Assistance

Part D, Section 342 of the Act authorizes the Department to make grants to statewide and regional nonprofit organizations to provide training and technical assistance (T&TA) to organizations that are eligible to receive service grants under the Act. Eligible organizations include the Basic Centers authorized under Part A of the Act (The Runaway and Homeless Youth Grant Program) and the service grantees authorized under Part B of the Act (The Transitional Living Grant Program). Section 3511 of the Anti-Drug Abuse Act of 1988, which authorizes the Drug Abuse Prevention Program for Runaway and Homeless Youth (DAPP), also authorizes support for T&TA to runaway and homeless youth service providers. The purpose of this T&TA is to strengthen the programs and to enhance the knowledge and skills of youth service workers.

In FY 1994, the Family and Youth Services Bureau made ten Cooperative Agreement Awards, one in each of the ten Federal Regions, to provide T&TA to agencies funded under the three Federal programs for runaway and homeless youth (the BCP, the TLP, and the DAPP). Each Cooperative Agreement is unique, being based on the characteristics and different T&TA needs in the respective Regions. Each has a five-year project period that will expire in FY 1999.

Subject to availability of funds, non-competitive continuation funding will be awarded to the ten T&TA grantees in FY 1996.

(2) National Clearinghouse on Families and Youth

In June 1992, a five-year contract was awarded by the Department to establish and operate the National Clearinghouse on Families and Youth. The purpose of the Clearinghouse is to serve as a central information point for professionals and agencies involved in the development and implementation of services to runaway and homeless youth. To this end, the Clearinghouse:

- Collects, evaluates and maintains reports, materials and other products regarding service provision to runaway and homeless youth;
- Develops and disseminates reports and bibliographies useful to the field;
- Identifies areas in which new or additional reports, materials and products are needed; and
- Carries out other activities designed to provide the field with the information needed to improve services to runaway and homeless youth.

Subject to availability of funds, non-competitive continuation funding will be awarded to sustain the Clearinghouse in FY 1996.

(3) Runaway and Homeless Youth Management Information System (RHYMIS)

In FY 1992, a three-year contract was awarded to implement the Runaway and Homeless Youth Management Information System (RHYMIS) across three FYSB programs: the BCP, the TLP, and the Drug Abuse Prevention Program for Runaway and Homeless Youth (DAPP). In FY 1993, using an existing computer-based, information gathering protocol, the contractor began providing training and technical assistance to these grantees in the use of the RHYMIS. The data generated by the system are used to produce reports and information regarding the programs, including information for the required reports to Congress on each of the three programs. The RHYMIS also serves as a management tool for FYSB and for individual programs.

Subject to availability of funds, non-competitive continuation funding for the RHYMIS will be an option in FY 1996.

(4) Monitoring Support for FYSB Programs

In FY 1992, FYSB began developing a comprehensive monitoring instrument and set of site visit protocols, including a peer-review component for the BCP, the TLP, and the DAPP. Pilot implementation of the instrument and related protocols began in FY 1993. Also in FY 1993 a new contract to provide logistical support for the peer review monitoring process was awarded, including nationwide distribution of the new materials. Use of the new instrument and peer review process during the first full year of operation has resulted in identification of a number of strengths and weaknesses among individual grantees. These findings have been used by the Regional T&TA providers as a basis for their activities.

Activities under this contract will continue during FY 1996.

e. Research and Demonstration Initiatives

Section 315 of the Act authorizes the Department to make grants to States, localities, and private entities to carry out research, demonstration, and service projects designed to increase knowledge concerning and to improve services for runaway and homeless youth. These activities are important in order to identify emerging issues and to develop and test models which address such issues.

(1) Improved Access to Services and Supports for Youth With Developmental Disabilities

The Administration on Developmental Disabilities (ADD) and the Family and Youth Services Bureau (FYSB) of the Administration on Children, Youth and Families (ACYF) jointly awarded demonstration grant funds to foster collaboration between their grantee programs. The purpose of these grants is to provide improved access to services and supports for youth with developmental disabilities who are at risk of running away or becoming involved in gang activities or delinquent behavior.

These projects, to be conducted jointly by ADD and FYSB funded grantees, will strengthen the ability of at-risk youth with developmental disabilities (12–21 years of age) to achieve their full potential and grow to be successful, independent adults.

In FY 1995, ADD and FYSB funded three demonstration grants to explore methods for ensuring access to appropriate services and supports by youth with developmental disabilities who participate in their programs.

Subject to availability of funds, non-competitive continuation funding will be awarded to the three grantees.

(2) Analysis, Synthesis, and Interpretation of New Information Concerning Runaway and Homeless Youth Programs

Over the past few years, considerable new knowledge and information has been developed concerning the runaway and homeless youth programs administered by FYSB, and concerning the youth and families served. The main sources of this new information are the Runaway and Homeless Youth Management Information System (RHYMIS), the results of RHY monitoring visits, and a number of evaluation studies underway or recently completed. The RHYMIS, monitoring reports, and the evaluation studies contain descriptions of FYSB's grantee agencies, along with detailed data on the youth and families served, such as demographic profiles, presenting problems, services provided, and service outcomes. Acknowledging a need for analysis, synthesis, and interpretation of this new information useful in development of RHY plans and policies for the Family and Youth Services Bureau, a contract for this purpose was awarded in FY 1995. Results will be available in FY 1997.

f. Priority for a Comprehensive Youth Development Approach

Over the past several decades, the Federal government has established many programs designed to alleviate discrete problems identified among American youth. Examples are programs for school dropout prevention, juvenile delinquency prevention, abuse and neglect prevention, adolescent pregnancy prevention, youth gang prevention, drug abuse prevention, and compensatory programs to improve the performance of minority and non-English-speaking youth in the public schools. Among these many programs are the BCP and the TLP.

A shared feature of these programs is their emphasis on undesirable behavior, with a number of negative consequences. Youth ''problems'' are commonly used to define and blame, even to punish, the youth. Further, the labeling of a youth as a drug abuser or a delinquent may lead to interventions too narrow to take into account or serve to ameliorate the full array of causes leading to the abuse or delinquency, such as parental neglect, school failure, or poverty. Practicing youth workers are well aware that ''single-problem'' youth are rare, and that interventions from many different perspectives, and supports, including funding, from many different sources, are required to effectively help troubled youth.

The disjointed services that often follow from this Federal pattern of categorical funding to correct undesirable behavior may be avoided if interventions are viewed from a ''developmental'' perspective. A developmental perspective views adolescence and youth as the passage from the almost total dependence of the child into the independence and self-sufficiency of the young adult. The various changes, stages, and growth spurts of the passage may be considered as the youth's natural, healthy responses to the challenges and opportunities provided by functional families, peers, neighborhoods, schools and other community supports and organizations. The tasks of youth service providers are seen, thus, not as correcting the ''pathologies'' of troubled youth, but rather as providing for the developmental needs of maturing individuals: the psychological need to develop a clear self-identity; the sociological need to resolve disagreements through talking and not through flight or fighting; the economic need to prepare for and enter into a career; and the familial needs for sharing, for trusting, for giving and receiving love, for commitment, and for all that establishing a productive life entails.

This developmental approach has become central to all FYSB activities and programs since 1995.

g. Priorities for Administrative Changes

To support the increased emphasis on youth development, a number of management or administrative changes will be implemented over the coming years:

- Regional Offices have and will continue to play a significant role in the assessment of grant applications. This role includes Regional staff involvement (1) as chairpersons for peer review panels and (2) in conduct of administrative reviews of new start applications that take into account knowledge about the applicants' experience, effectiveness, and potential and of the geographic distribution of the grantees in their respective States and Regions. Final funding decisions will remain the responsibility of the Commissioner of the Administration on Children, Youth and Families.
- The Administration on Children and Families (ACF) will change the deadline for receipt of a Runaway and Homeless Youth grant application from the postal date of the application to the actual receipt date of the application by ACF. Applicants should carefully examine receipt dates in this announcement to assure that they meet deadlines in the manner prescribed.
- Efforts will be continued to avoid the problems of gaps in financial support between the expiration of one grant and the beginning of a new grant for current grantees that are successful in competition.

*F. Eligible Applicants*

The various legislative Acts authorizing the runaway and homeless youth programs addressed in this Federal Register announcement identifies ''eligible applicants'' differently. Accordingly, the definition appropriate to each individual program is found in Part III of this announcement as a part of each program area description.

Basic Center Program grantees with one or two years remaining on their current awards and the expectation of continuation funding in FY 1996 and FY 1997 may not apply for new Basic Center grants. TLP grantees with one or two years remaining on their current awards and the expectation of continuation funding in FY 1996 and FY 1997 may not apply for new TLP grants. TLP grantees with an existing grant with a project period that ends by September 30, 1996 are eligible to apply for funds under this announcement. All remaining eligible applicants may apply for new grants for either or both of these two programs.

Applicants may refer to Part VI, Appendix D, for a listing of current grantees that are ineligible to apply under the respective grant programs.

Any non-profit organization submitting an application must submit proof of its non-profit status with its application. Proof can include a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* a copy of the currently valid IRS tax-exemption certificate, *or* a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

*G. Availability of Competitive New-Start Funds*

1. Basic Center Program for Runaway and Homeless Youth

The Administration on Children, Youth and Families expects to award approximately $27.7 million in the form of non-competitive continuations to current grantees. Approximately $8.0 million will be available for competitive, new-start awards. In

accordance with the RHY Act, the funds will be divided among the States in proportion to their respective populations under the age of 18, with a minimum award of $100,000 to each State, the District of Columbia, and Puerto Rico, and a minimum award of $45,000 to each of the four insular areas: Guam, American Samoa, the Commonwealth of the Northern Marianas and the Virgin Islands.

The funds available for both continuations and new starts in each of the States and insular areas is listed in the Table of Allocations by State (Part VI, Appendix H). In this Table, the amounts shown in the column labeled ''New Starts'' are the amounts available for competition in the respective States.

Current Basic Center Program grantees having one or two years remaining in their project periods will receive instructions from their respective ACF Regional Offices on the procedures for applying for these continuation grants and should not respond to this announcement. These grantees are listed in Part VI, Appendix D.1, have project expiration dates in FY 1996 or 1997, and are not eligible to apply for new Basic Center grants.

Current Basic Center Program grantees with project periods ending by September 30, 1996, and all other eligible applicants not currently receiving Basic Center funds may apply for the new competitive grants under this announcement.

The number of new awards made within each State will depend upon the funds available (i.e., the State's total allotment less the amount required for non-competing continuations), as well as on the number of acceptable applications. Therefore, where the amount required for non-competing continuations in any State equals the State's total allotment, no new awards will be made.

All applicants under this announcement will compete with other applicants in the State in which their services would be provided. In the event that an insufficient number of acceptable applications is approved for funding from any State or jurisdiction, the Commissioner, ACYF, will reallocate the unused funds.

Further information on the BCP application requirements is presented in Part III, Section A, and in Part IV.

2. Transitional Living Program for Homeless Youth

In FY 1997, the Administration on Children, Youth and Families expects to award approximately $6.3 million in new competitive Transitional Living Program grants and $6.6 million in non-competing continuation TLP awards.

Current TLP grantees having one or two years remaining in their project periods are listed in Part VI, Appendix D.2 and are not eligible to apply for a new TLP grant. Grantees which have a current grant that expires by September 30, 1996 are eligible applicants under this announcement. Current TLP programs with project periods ending by September 30, 1996, and all other eligible applicants not currently receiving TLP funds may apply for the new grants under his announcement.

Further information on the TLP application requirements is presented in Part III, Section B, and in Part IV.

*H. Duration of Projects*

This announcement solicits applications for projects of up to three years duration (36-month project periods) for the BCP and the TLP. Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantees, and determination that continued funding would be in the best interest of the government.

*I. Maximum Federal Award and Grantee Share of the Project*

The maximum amount of Federal funds for which an applicant can apply is specified in the program descriptions found in Part III of this announcement.

The Act authorizing runaway and homeless youth programs requires that grantees provide a non-Federal match for Federal funds. Specific non-Federal share requirements for each Priority Area are found in Part III of this announcement.

The non-Federal share may be met by cash or in-kind contributions. Federal funds provided to States and services or other resources purchased with Federal funds may not be used to match project grants. Applicants which do not provide the required percentage of non-Federal share *will not be funded.* For-profit applicants for Basic Center Program grants are reminded that no grant funds may be paid as profit to any recipient of a grant or sub-grant (45 CFR 74.705).

Part II. Evaluation Criteria

The five criteria that follow will be used to review and evaluate each application under the BCP and the TLP and should be used in developing the program narratives. The point values following each criterion heading indicate the numerical weight each criterion will be accorded in the review process. Note that the highest possible value BCP and TLP applications can receive is 105 points. See Criterion 4 for more specific information.

Criterion 1. Objectives and Need for Assistance (15 Points)

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the goals or service objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Give a precise location of the project site(s) and area(s) to be served by the proposed project. Maps or other graphic aids may be attached. (The applicant should refer to Part I, Section C, of this announcement for a description of each program's purpose.)

Criterion 2. Results or Benefits Expected (20 Points)

Identify the results and benefits to be derived from the project. State the numbers of runaway and homeless youth and their families to be served, and describe the types and quantities of services to be provided. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project.

Criterion 3. Approach (35 Points)

Outline a plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished. Describe any unusual features of the project, such as extraordinary social and community involvements, and how the project will be maintained after termination of Federal support. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

Criterion 4. Staff Background and Organizational Experience (20–25 Points)

List the organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution. Summarize the background and experience of the project director and key project staff and the history of the organization. Demonstrate the ability to effectively manage the project and to coordinate

activities with other agencies. Applicants are encouraged to discuss staff and organizational experience in working with runaway and homeless youth populations and may include information regarding their past performance under RHYP grants. Applicants may refer to the staff resumes and to the Organizational Capability Statement included in the submission.

Legislation authorizing each of the Federal Runaway and Homeless Youth Programs requires that priority for funding be given to agencies with experience in providing direct services to runaway and homeless youth. In line with this requirement, BCP and TLP applicants having three (3) or more years of continuous effort serving runaway and homeless youth in one or more areas set forth in Section 312 of the Act are eligible to receive an additional five (5) points on this criterion.

Criterion 5. Budget Appropriateness (10 Points)

Demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants may refer (1) to the budget information presented in Standard Forms 424 and 424A and in the associated budget justification, and (2) to the results or benefits expected as identified under Criterion 2.)

The Program Narrative information provided by the applicant in response to the priority area description identified in Part III of this announcement should be organized and presented according to these five evaluation criteria.

Part III. Program Areas

*A. Basic Center Program for Runaway and Homeless Youth*

*Eligible Applicants:* Any State, unit of local government, combination of units of local government, public or private agency, organization, institution, or other non-profit entity is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for Basic Center grants. Non-Federally recognized Indian Tribes and urban Indian organizations are also eligible to apply for grants as private, non-profit agencies.

Grantees (including subgrantees) with current Basic Center grants who are eligible to apply for non-competitive continuation funding in FY 1996 may not apply for competitive new Basic Center grants under this announcement. Applicants may refer to Part VI, Appendix D.1 for a listing of current grantees which are ineligible for grants under this priority area.

As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience establishing and operating centers that provide direct services to runaway and homeless youth in a manner that is outside the law enforcement system, the child welfare system, the mental health system and the juvenile justice system. Demonstrated experience providing direct services means three (3) or more years of continuous effort serving runaway and homeless youth in one or more areas set forth in Section 312 of the Act. Applications claiming credit for this preference must include a statement of no more than one page documenting the relevant experience.

*Program Purpose, Goals, and Objectives:* The Administration on Children, Youth and Families will award approximately 65 new service grants to establish or strengthen existing or proposed runaway and homeless youth Basic Centers. These programs must be locally controlled efforts that provide temporary shelter, counseling and related services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

Applications are solicited under this program area to provide direct services that fulfill the program purposes, goals and objectives set forth in the legislation and as specified in Part I, section C.1 of this announcement.

*Background:* The Runaway Youth and Homeless Youth Act of 1974 was a response to widespread concern regarding the alarming number of youth who were leaving home without parental permission, crossing State lines, and who, while away from home, were exposed to exploitation and other dangers of street life.

Each Basic Center funded under the authorizing legislation is required to provide outreach to runaway and homeless youth; temporary shelter for up to fifteen days; food; clothing; individual, group, and family counseling; and related services. Many Basic Centers provide their services in residential settings with a capacity for no more than 20 youth. Some centers also provide some or all of their shelter services through host homes (usually private homes under contract to the centers), with counseling and referrals being provided from a central location.

Currently, approximately 60,000 youth annually receive shelter for an average of 12 nights and other ongoing services through ACYF-funded Basic Centers. The primary presenting problems of these youth include conflict with parents or other adults, including physical and sexual abuse; other family crises such as divorce, death, or sudden loss of income; and personal problems such as drug use, or problems with peers, school attendance and truancy, bad grades, inability to get along with teachers, and learning disabilities.

Low self-esteem is a major problem among this population. Half have a poor self image; somewhat less than half are depressed; and 10 percent are possibly suicidal.

After receiving ongoing services from shelter programs, approximately one half of the youth return to their families. One-third are provided alternative, but safe, long-term living arrangements. Five percent return to the streets, and 10 percent leave the centers with no known destination.

*Minimum Requirements for Project Design:* As part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the program narrative section of the proposal.

Objectives and Need for Assistance

1. Applicant must specify the goals and objectives of the project and how implementation will fulfill the purposes of the legislation identified in Part I, section C.1. of this announcement.

2. Applicant must describe the conditions of youth and families in the area to be served, with an emphasis on the incidence and characteristics of runaway and homeless youth and their families. The discussion must consider matters of family functioning, along with the health, education, employment, and social conditions of the youth, including at-risk conditions or behaviors such as drug use, school failure, and delinquency.

3. Applicant must discuss the existing support systems for at-risk youth and families in the area, with specific references to law enforcement, health and mental health care, social services, school systems, and child welfare. In addition, other agencies providing shelter and services to runaway and homeless youth in the area must be identified.

4. Within the context of the existing support systems, applicant must demonstrate the need for the center and indicate the objectives that the program would work toward fulfilling.

5. Applicant must describe the area to be served by the proposed center, and must demonstrate that the center is or will be located in an area which is

frequented by and/or easily accessible by runaway and homeless youth.

Results and Benefits Expected

1. Applicant must specify the numbers of runaway and homeless youth and their families to be served, the number of beds available for runaway and homeless youth and the types and quantities of services to be provided.

2. Applicant must describe the anticipated changes in attitudes, values and behavior, and improvements in individual and family functioning that will occur as a consequence of the services provided by the center.

3. Applicant must discuss the expected impact of the project on the availability of services to runaway and homeless youth in the local community and indicate how the project will enhance the organization's capacity to provide services that address the needs of runaway and homeless youth in the community.

Approach

1. Applicant must describe the center's youth development approach or philosophy and indicate how it underlies and integrates all proposed activities, including provision of services to runaway and homeless youth and involvement of the youth's parents or legal guardians.

2. Applicant must describe how runaway and homeless youth and their families will be reached, and how services will be provided in compliance with the Program Performance Standards listed in Part VI, Appendix A.

3. Applicant must include detailed plans for implementing direct services based upon a youth development approach and upon identified goals and objectives. Applicant must identify the strategies that will be employed and the activities that will be implemented, including innovative approaches to securing appropriate center services for the runaway and homeless youth to be served, for involving family members as an integral part of the services provided, for periodic review and assessment of individual cases, and for encouraging awareness of and sensitivity to the diverse needs of runaway and homeless youth who represent particular ethnic and racial backgrounds, sexual orientations, or who are street youth.

4. Applicant must describe the center's plans for conducting an outreach program that, where applicable, will attract members of ethnic and racial minorities and/or persons with limited ability to speak English.

5. Applicant must describe the center's plans and procedures for intake and assessment of the youth upon arrival at the center.

6. Applicant must describe the center's plans for contacting the parents or other relatives of the youth they serve, for ensuring the safe return of the youth to their parents, relatives or legal guardians if it is in their best interests, for contacting local governments pursuant to formal or informal arrangements established with such officials, and for providing alternative living arrangements when it is not safe or appropriate for the youth to return home.

7. Applicant must describe the type of shelter that will be available, the shelter capacity of the center and the system of staff supervision to be implemented in the shelter.

8. Applicant must describe the center's plans for ensuring proper coordination with law enforcement personnel, health and mental health care personnel, social service personnel, and welfare personnel.

9. Applicant must describe the center's plans for ensuring coordination with the schools to which runaway and homeless youth will return, and for assisting the youth to stay current with the curricula of these schools.

10. Applicant must describe the center's procedures for dealing with youth who have run from foster care placements.

11. Applicant must describe procedures for dealing with youth who have run from correctional institutions, and must show that procedures are in accordance with Federal, State and local laws.

12. Applicant must describe the center's plans and procedures for providing aftercare services and for ensuring, whenever possible, that aftercare services will also be provided to those youth who are returned beyond the State in which the center is located.

13. Applicant must agree to gather and submit program and client data required by FYSB through the Runaway and Homeless Youth Management Information System (RHYMIS). If applicant is a current recipient of a BCP or TLP grant, applicant must describe the extent to which it now gathers and submits required data to the RHYMIS. Current recipients of a FYSB grant who are not submitting the required data are at risk of not being considered for a new grant award.

While the computer software and training for the implementation of the RHYMIS will be provided by FYSB to grantees, applicant should include a request for funds in its budget (within the maximum Federal funds allowed) for any computer equipment needed for implementation of the RHYMIS.

14. Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

15. Applicant must describe how the activities implemented under this project will be continued by the agency once Federal funding for the project has ended. The applicant must describe specific plans for accomplishing program phase-out for the last two quarters of the 36-month project period in the event the applicant does not receive a new award.

Staff Background and Organizational Experience

1. As priority for funding will be given to agencies and organizations that have documented experience in establishing and operating centers that provide direct services to runaway and homeless youth, applicant must include a brief description of the organization and its experience in providing services to this client population.

2. Applicant must include a description of current and proposed staff skills and knowledge regarding runaway and homeless youth and indicate how staff will be utilized in achieving the goals and objectives of the program. Information on proposed staff training and brief resumes or job descriptions may be included.

3. Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must insure that no information on the youth and families is disclosed without the consent of the individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against an individual runaway or homeless youth.

4. Applicant must describe how the project has established or will establish formal service linkages with other social service, law enforcement, educational, housing, vocational, welfare, legal service, drug treatment and health care agencies in order to ensure appropriate referrals for the project clients when needed.

5. Applicant must describe how community and other support will be secured to continue the project at the conclusion of the Federal grant period.

Budget Appropriateness

1. Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth and families to be served, types and quantities of services to be provided, and the anticipated outcomes for the youth and families.

2. The applicant must describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement, and accurate accounting of funds received under this program announcement.

*Duration of Project*: This announcement solicits applications for Basic Center projects of up to three years duration (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and determination that continued funding would be in the best interest of the government.

*Federal Share of Project Costs:* Priority will be given to applicants which apply for less than $200,000 per year. The maximum Federal share for a 3-year project period is $600,000.

*Applicant Share of Project Costs:* Basic Center grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a three-year project costing $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period) must include a match of at least $30,000 ($10,000 per budget period).

*B. Transitional Living Program for Homeless Youth (TLP)*

Eligible applicants for a TLP grant under this announcement include States, units of local government (or a combination of units of local government), public or non-profit, private agency organizations, institutions or other non-profit entities. Federally recognized Indian Tribes are eligible to apply for TLP grants. Non-Federally recognized Indian Tribes and urban Indian organizations are also eligible to apply for grants as private, non-profit agencies.

Grantees (including subgrantees) with current TLP grants which are eligible to receive continuation funding in FY 1996 and FY 1997 may not apply for a new TLP grant under this announcement. TLP grantees with an existing grant with a project period that ends by September 30, 1996 are eligible to apply for funds under this announcement. Applicants may refer to Part VI, Appendix D.2 for a listing of current grantees which are ineligible for grants under this priority area.

As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience in providing direct services to runaway and homeless youth. In line with this requirement, applicants which have three (3) or more years of continuous effort serving runaway and homeless youth in one or more areas set forth in Section 312 of the Act are eligible to receive an additional five (5) points in this criterion.

*Program Purpose, Goals and Objectives:* The Administration on Children, Youth and Families will award approximately 25 new service grants to provide shelter, skill training and support services to assist homeless youth in making a smooth transition to self-sufficiency and to prevent long-term dependency on social services.

Applications are solicited under this priority area to carry out direct service projects designed to carry out the program purpose, goals and objectives set forth in the legislation and as specified in Part I, section C.2 of this announcement.

*Background:* It is estimated that about one-fourth of the youth served by all runaway and homeless youth programs are homeless. This means that the youth cannot return home or to another safe living arrangement with a relative. Other homeless youth have ''aged out'' of the child welfare system and are no longer eligible for foster care.

These young people are often homeless through no fault of their own. The families they can no longer live with are often physically and sexually abusive and involved in drug and alcohol abuse. They cannot meet the youth's basic human needs (shelter, food, clothing), let alone provide the supportive and safe environment needed for the healthy development of self-image and the skills and personal characteristics which would enable them to mature into a self-sufficient adult.

Homeless youth, lacking a stable family environment and without social and economic supports, are at high risk of being involved in dangerous lifestyles and problematic or delinquent behaviors. More than two-thirds of homeless youth served by ACYF-funded programs report using drugs or alcohol and many participate in survival sex and prostitution to meet their basic needs.

Homeless youth are in need of a support system that will assist them in making the transition to adulthood and independent living. While all adolescents are faced with adjustment issues as they approach adulthood, homeless youth experience more severe problems and are at greater risk in terms of their ability to successfully make the transition to independent living.

Homeless youth have been a population eligible to receive services under the Runaway and Homeless Youth Act since 1978, but the service goals for homeless youth are different from those of runaways. For example, family reunification, though desirable, is typically not feasible for homeless youth. In many instances, programs serving the homeless populations are able to provide only limited assistance to homeless youth, whose needs are more complex and longer-term than those of runaway youth.

The Transitional Living Program for Homeless Youth specifically targets services to homeless youth and affords youth service agencies with an opportunity to serve homeless youth in a manner which is comprehensive and geared towards ensuring a successful transition to self-sufficiency. The TLP also improves the availability of comprehensive, integrated services for homeless youth, which reduces the risks of exploitation and danger to which these youth are exposed while living on the streets without positive economic or social supports.

*Minimum Requirements for Project Design:* As a part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the program narrative section of their application.

Objectives and Need for Assistance

1. Applicant must specify the goals and objectives of the program and how the implementation of the objectives will fulfill the requirements of the legislation identified in Part I, section C.3. of this announcement.

2. Applicant must discuss the issue of youth homelessness in the community to be served, the present availability of services for homeless youth and provide documentation of the incidence of homeless youth.

3. Applicant must describe the system that will be used to ensure that individual clients will meet the eligibility criteria of need for service as

established by the Act. This may include a discussion of the intake and assessment activities which will be conducted with a client prior to acceptance into the TLP project. The applicant is encouraged to include samples of any forms to be used to determine eligibility and appropriate services.

Results and Benefits Expected

1. Applicant must describe how homeless youth will be reached and identify the number who will be served annually on both a residential and non-residential basis.

2. Applicant must provide information on the expected results and benefits of the program in terms of the number of youth who will successfully complete the program as well as potential problems or barriers to program implementation that might be possible reason(s) for non-success. Applicant must also discuss the organization's policy on termination and re-entry of youth out of and into the program.

3. Applicant must discuss the expected impact of the project on the availability of services to homeless youth in the local community and indicate how the project will enhance the organization's capacity to provide services to address youth homelessness in the community.

Approach

Applicant must discuss how they will implement the statutory requirements of the Act. Specifically, the applicant must describe plans for the provision of shelter and services and for program administration. In addition, the applicant must describe the program's youth development approach or philosophy and indicate how it underlies and integrates all proposed activities.

1. *Shelter:* Applicant must:

- Assure that shelter is provided through one or a combination of the following:

(a) a group home facility;
(b) family host homes; or
(c) supervised apartments.

Applicant must indicate if the shelter will be provided directly or indirectly. When shelter will be provided indirectly, applicant must submit copies of formal written agreements with service providers regarding the terms under which shelter is provided.

- Assure that the facility used for housing, whether a shelter, host family home and/or supervised apartment, shall accommodate no more than 20 youth at any given time; shall have a sufficient number of staff to ensure on-site supervision at each shelter option that is not a family home including periodic, unannounced visits from project staff; and is in compliance with State and local licensing requirements;
- Assure, if applicable, that the applicant meets the requirements of the RHY Act for the lease of surplus Federal facilities for use as transitional living shelter facilities. Each surplus Federal facility used for this purpose must be made available for a period not less than two years, and no rent or fee shall be charged to the applicant in connection with use of such a facility. Any structural modifications or additions to surplus Federal facilities become the property of the government of the United States. All such modifications or additions may be made only after receiving prior written consent from the appropriate Department of Health and Human Services official.

2. *Services:*

Applicant must include a description of the core services to be provided. The description must include the purpose and concept of the service, its role in both the overall program design and the individual client TLP plan. The services to be provided must include, but are not necessarily limited to, the following:

- Basic life skills information and counseling, including budgeting, money management, use of credit, housekeeping, menu planning and food preparation, consumer education, leisure-time activities, transportation, and obtaining vital documents (Social Security card, birth certificate).
- Interpersonal skill building, such as developing positive relationships with peers and adults, effective communication, decision making, and stress management.
- Educational advancement, such as GED preparation and attainment, post-secondary training (college, technical school, military, etc.), and vocational education.
- Job preparation and attainment, such as career counseling, job preparation training, dress and grooming, job placement and job maintenance.
- Mental health care, such as counseling (individual and group), drug abuse education, prevention and referral services, and mental health counseling.
- Physical health care, such as routine physicals, health assessments, family planning/parenting skills, and emergency treatment.
- The substantive participation of youth in the assessment and implementation of their needs, including the development and implementation of the individual transitional living plan and in decisions about the services to be received.

The applicant must specifically describe programmatic efforts planned and/or implemented to encourage awareness of and sensitivity to the particular needs of homeless youth who are members of ethnic, racial and sexual minority groups and/or who are street youth.

3. *Administration:* Applicant must:

- Describe the procedures to be employed in the development, implementation and monitoring of an individualized, written transitional living plan for each program client which addresses the provision of services, and is appropriate to the individual developmental needs of the client.
- Assure that the clients will substantively participate in the assessment of their needs and in decisions about the services to be received.
- Assure that the outreach programs to be established are designed to attract individuals who are eligible to participate in the project.
- Provide an assurance that housing and services will be available to a client for a continuous period not to exceed 540 days (18 months).
- Describe the methods to be employed in collecting statistical records and evaluative data and for submitting annual reports on such information to the Department of Health and Human Services.
- Describe how the applicant will ensure the confidentiality of client records.
- Applicant must describe how the activities implemented under this project will be continued by the agency once Federal funding for the project has ended. The applicant must describe specific plans for accomplishing program phase-out for the last two quarters of program project period in the event that the applicant would not receive a new award.
- Applicant must agree to gather and submit program and client data required by FYSB through the Runaway and Homeless Youth System (RHYMIS). If applicant is a current recipient of a BCP or TLP grant, applicant must describe the extent to which it now gathers and submits required data to the RHYMIS. Current recipients of a FYSB grant which are not submitting the required data are at risk of not being considered for a new grant award.

While the computer software and training for the implementation of the RHYMIS will be provided by FYSB to grantees, applicant should include a request for funds in its budget for any

computer equipment needed for implementation of the RHYMIS. To determine whether an agency's current computer equipment is adequate, or whether purchase of an upgrade or of new equipment is necessary, potential applicants are invited to contact the RHYMIS Technical Support Group at Information Technology Incorporated, Bethesda, MD, telephone: 1–800–392–2395.

- Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

Staff Background and Organizational Experience

1. As priority for funding will be given to agencies and organizations that have documented experience in providing direct services to homeless youth, applicant must include a brief description of the organization and its experience in providing services to this specific client population.

2. Applicant must include a description of current and proposed staff skills and knowledge regarding homeless youth and indicate how staff will be utilized in achieving the goals and objectives of the program. Information on proposed staff training and brief resumes or job descriptions may be included.

3. Applicant must describe how the project has established or will establish formal service linkages with other social service, law enforcement, educational, housing, vocational, welfare, legal service, drug treatment and health care agencies in order to ensure appropriate referrals for the project clients where and when needed.

4. Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must insure that no information on the youth and families is disclosed without the consent of the individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against an individual runaway or homeless youth.

Budget Appropriateness

1. Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth to be served, the types and quantities of services to be provided, and the anticipated outcomes for the youth.

2. Applicant must describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement, and accurate accounting of funds received under this program announcement.

3. Applicant must describe how cost-effective use of TLP funds will be ensured by taking maximum advantage of existing resources within the State which would help in the operation or coordination of a TLP, including those resources which are supported by Federal Independent Living Initiatives funds. Also, applicant must describe efforts to be undertaken over the length of the project which may increase non-Federal resources available to support the TLP.

*Duration of Project:* Because successful applicants will receive grants with funds appropriated by Congress for FY 1997, project periods for these new awards will begin when FY 1997 funds are appropriated and made available to ACYF, but in no case will they begin prior to October 1, 1996.

This announcement solicits TLP applications for projects of up to three years (36 month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

*Federal Share of Project Costs:* Applicants may apply for up to $200,000 per year, which equals a maximum of $600,000 for a 3-year project period.

*Applicant Share of the Project:* The Runaway and Homeless Youth Act requires a non-Federal matching requirement of ten percent of the total Federal funds. For example, a project requesting $600,000 in Federal funds over a three year project period (based on an award of $200,000 per twelve month budget period) must include a match of at least $60,000 (10% of the Federal share).

Part IV. Application Process

*A. Assistance to Prospective Grantees*

Potential grantees can receive informational assistance in developing applications from the appropriate ACF Regional Youth Contacts listed in Part VI, Appendix E, or from the Administration on Children, Youth and Families in Washington, D.C. (see address at the beginning of this announcement). Organizations may also receive information and technical assistance in preparing applications from the appropriate Training and Technical Assistance Provider grantee listed in Part VI, Appendix F.

*B. Application Requirements*

To be considered for a grant, each application must be submitted on the forms provided at the end of this announcement (Part VI, Section I) and in accordance with the guidance provided below. The application must be signed by an individual authorized both to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

If more than one agency is involved in submitting a single application, one entity must be identified as the applicant organization which will have legal responsibility for the grant.

*C. Paperwork Reduction Act of 1980*

Under the Paperwork Reduction Act of 1980, Pub.L. 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record-keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for grant applications under OMB Control Number:

| Required form | OMB No. |
|---|---|
| SF 424 | 0348–0043 |
| SF 424A | 0348–0044 |
| SF 424B | 0348–0040 |

*D. Notification Under Executive Order 12372*

This program is covered under Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these 20

jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants must contact their SPOCs as soon as possible to alert them to the prospective application and receive any necessary instructions. Applicants must submit any required material to the SPOCs as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they must be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

A list of the Single Points of Contact for each State and Territory is included as Part VI, Appendix G, of this announcement.

*E. Availability of Forms and Other Materials*

A copy of the forms that must be submitted as part of each application for a runaway and homeless youth grant, and instructions for completing the application, are provided in Part VI, Appendix I. The Basic Center Program Performance Standards as well as descriptions of the National Runaway Switchboard and the National Clearinghouse on Families and Youth are presented in Part VI, Appendices A, B and C. Addresses of the State Single Points of Contact (SPOCs) to which applicants must submit review copies of their proposals are listed in Part VI, Appendix G.

Legislation referenced in Part I, section B, of this announcement may be found in major public libraries and at the ACF Regional Offices listed in Part VI, Appendix E, at the end of this announcement.

Additional copies of this announcement may be obtained by calling the telephone number listed at the beginning of this announcement. Further general information may be obtained from the Training and Technical Assistance Providers listed in Part VI, Appendix F.

*F. Application Consideration*

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process against the specific criteria outlined in Part II of this announcement and the specific Minimum Requirements for Project Design contained in Part III of this announcement. This review will be conducted in Washington, D.C., by teams of non-Federal experts knowledgeable in the areas of youth development and human service programs. Applications for Basic Center Program grants will be reviewed competitively only with other applications from the same State. Applications for Transitional Living Program grants will be reviewed as part of a national competition.

Non-Federal experts will review the applications based on the Evaluation Criteria listed in Part II of this announcement and the specific Minimum Requirements for Project Design contained in Part III of this announcement, and will assign a score to each application. Both Central and Regional office staff will conduct administrative reviews of the applications and the results of the competitive reviews and will select those applications to be recommended for funding to the Commissioner, ACYF.

The Commissioner will make the final selection of the applicants to be funded. As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience in providing direct services to runaway and homeless youth. However, current grantees ending three-year funding periods, and applying as new applicants for funds under this program announcement, are reminded that, when the current project period ends, so does the funding agency's obligation for future awards. Criterion 3, Approach, requires applicants to specifically discuss how their projects will be maintained after termination of Federal support.

In addition to scores assigned by non-Federal reviewers and Regional Office Reviewers, consideration will be given to adequate geographic distribution of services, and the Commissioner may show preference for applications proposing services in areas that would not otherwise be served. The Commissioner also may elect to consider applicants' past performance in providing services to runaway and homeless youth and also may elect not to fund any applicants having known management, fiscal, reporting (as under the RHYMIS), or other problems which make it unlikely that they would be able to provide effective services.

Awards for Basic Center Program Grants will be made by September 30, 1996. Awards for Transitional Living Programs will be made after October 1, 1996 when FY 1997 funds are appropriated by Congress. Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. Organizations whose applications will not be funded will be notified of that decision in writing by the Commissioner of the Administration on Children, Youth and Families. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made.

Applicants applying for more than one runaway and homeless youth grant (Basic Center Program (BCP), Transitional Living Program (TLP)) must submit separate and complete applications for each program. BCP and TLP applications that combine the two programs in a single proposal will not be reviewed.

Part V. Application Content, Instructions, Assembly, and Submission

*A. Content, Instructions, and Assembly of Applications*

Each application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424, REV 4–88) (page i). Follow the instructions in Part VI, Appendix I. In Item 8 of Form 424, check ''New.'' In Item 10 of the 424, clearly identify the *Catalog of Federal Domestic Assistance* Program Number and Title for the program for which funds are being requested (93.623, Basic Center Program for Runaway and Homeless Youth; 93.550, Transitional Living Program for Homeless Youth). In Item 11 of the 424, identify the Program Area (IIIA or IIIB) and the program name [(Basic Center Program (BCP) or Transitional Living Program (TLP)] which the application is addressing.

2. Budget Information (Standard Form 424A, REV 4–88) (pages ii–iii). Follow the instructions in Part VI, Appendix I.

3. Budget Justification (Type on standard size plain white paper) (pages iv–v). Provide breakdowns for major budget categories and justify significant costs. List amounts and sources of all funds, both Federal and non-Federal, that will be used for this project.

4. Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88) (pages vi–vii). Certification Regarding Drug-Free and Smoke-Free Workplace, Certification Regarding Debarment, Certification Regarding Lobbying, and Certification Regarding Environmental Tobacco Smoke. Of these forms, only the Standard Form 424B and the Certification Regarding Lobbying need to be signed and returned with the application. By signing and submitting its application each applicant is certifying its compliance with the Drug-Free and Smoke-Free Workplace and Debarment certification requirements included in this announcement.

5. Program Narrative Statement (pages 1 and following; 40 pages maximum, double-spaced). Use the Evaluation Criteria in Part II as a way to organize the Narrative. Be sure to address all the specifics contained in the appropriate Program Area Description in Part III, especially the information described under Minimum Requirements for Project Design.

The pages of the narrative statement must be numbered and are limited to 40 typed pages, double spaced, printed on only one side, with at least ½ inch margins. Applications which contain a program narrative statement longer than 40 double-spaced pages will not be reviewed or considered for funding. In addition, please note that previous attempts by applicants to circumvent space limitations or to exceed page limits by using small print have resulted in negative responses from reviewers because of the difficulty in reviewing the application. It is in the best interest of the applicants to ensure that the narrative statements are easy to read, logically developed in accordance with evaluation criteria, and adhere to page limitations.

6. Organizational Capability Statement (pages OCS–1 and following; 3 pages maximum). Applicants must provide a description (no more than three pages, double-spaced) of how the applicant agency is organized and the types, quantities and costs of services it provides, including services to clients other than runaway and homeless youth. For the prior year, list all contracts with or funds received from juvenile justice, probation and/or welfare agencies. Provide an organizational chart showing any superordinate, parallel, or subordinate agencies to the specific agency that will provide direct services to runaway and homeless youth, and summarize the purposes, clients and overall budgets of these other agencies. If the agency has multiple sites, list these sites, *including addresses, phone numbers and staff contact names, if different than those on the SF 424.* If the agency is a recipient of funds from the Administration on Children, Youth and Families for services to runaway and homeless youth for programs other than that applied for in this application, show how the services supported by these funds are or will be integrated with the existing services.

7. Supporting Documents (pages SD–1 and following). The maximum for supporting documentation is 10 pages, double spaced, exclusive of letters of support or agreement. These documents might include resumes, photocopies of newsclippings, evidence of the program's efforts to coordinate youth services at the local level, etc. Documentation over the ten page limit will not be reviewed. Applicants may include as many letters of support or agreement as are appropriate.

*B. Application Submission*

To be considered for funding, each applicant must submit one signed original and two additional copies of the application, including all attachments, to the application receipt point specified below. The original copy of the application must have original signatures, signed in *black ink*. Each copy must be stapled (back and front) in the upper left corner. All copies of a single application must be submitted in a single package.

Because each application will be duplicated by the government, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation.

The closing dates for receipt of applications for the grant programs contained in this announcement are:

| Program | Closing date |
|---|---|
| BCP | June 1, 1996. |
| TLP | June 14, 1996. |

*Deadlines:* Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447, Attention: Basic Center Program for Runaway and Homeless Youth or Transitional Living Program for Homeless Youth.

Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024 between Monday and Friday (excluding Federal Holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.) ACF cannot accommodate transmission of applications by fax. Therefore, applications faxed to ACF will not be accepted regardless of date or time of submission and time of receipt. Envelopes containing applications must clearly indicate the specific program that the application is addressing: Basic Center Program (BCP); Transitional Living Program (TLP).

*Late Applications.* Applications which do not meet the criteria stated above and are not received by the RECEIPT date are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

*Extension of Deadline.* The ACF may extend the deadline for all applicants because of acts of God such as earthquakes, floods or hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

(*Catalog of Federal Domestic Assistance.* Number 93.623, Basic Center Program for Runaway and Homeless Youth; Number 93.550, Transitional Living Program for and Homeless Youth)

Dated: March 29, 1996.

Olivia A. Golden,

*Commissioner, Administration on Children, Youth and Families.*

## PART VI—APPENDICES

### Appendix A. Basic Center Program Performance Standards

Program Performance Standards

I. Purpose

The Program Performance Standards established by the Bureau for its funded centers relate to the basic program components enumerated in Section 317 of the Runaway and Homeless Youth Act and as further detailed in the Regulations and Program Guidance governing the implementation of the Act. They address the methods and processes by which the needs of runaway and homeless youth and their families are being met, as opposed to the outcome of the services provided on the clients served.

The terms ''program performance standard,'' ''criterion,'' and ''indicators'' are used throughout both the instrument and the instructions. These terms are defined as follows:

*Program Performance Standard:* The general principle against which a judgment can be made to determine whether a service or an administrative component has achieved a particular level of attainment.

*Criterion:* A specific dimension or aspect of a program performance standard which helps to define that standard and which is amenable to direct observation or measurement.

*Indicator:* The specific documentation which demonstrates whether a criterion (or any aspect of a criterion) is being met and thereby the extent to which a specific aspect of a standard is being met.

Fourteen program performance standards, with related criteria, are established by the Bureau for the projects funded under the Runaway and Homeless Youth Act. Nine of these standards relate to service components (outreach, individual intake process, temporary shelter, individual and group counseling, family counseling, service linkages, aftercare services, recreational programs, and case disposition), and five to administrative functions or activities (staffing and staff development, youth participation, individual client files, ongoing project planning, and board of directors/advisory body).

Although fiscal management is not included as a program performance standard, it is viewed by FYSB as being an essential element in the operation of its funded projects. Therefore, as validation visits are made, the Regional ACF specialist and/or staff from the Office of Fiscal Operations will also review the project's financial management activities.

FYSB views these program performance standards as constituting the minimum standards to which its funded projects should conform. The primary assumption underlying the program performance standards is that the service and administrative components which are encompassed within these standards are integral (but not sufficient in themselves) to a program of services which effectively addresses the crisis and long-term needs of runaway and homeless youth and their families.

The program performance standards are designed to serve as a developmental tool, and are to be employed by both the project staff and the Regional ACF staff specialists in identifying those service and administrative components and activities of individual projects which require strengthening and/or development either through internal action on the part of staff or through the provision of external technical assistance.

II. Program Performance Standards and Criteria

The following constitute the program performance standards and criteria established by the Bureau for its funded centers. Each standard is numbered, and each criterion is listed after a lower case letter.

1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth and parents.

2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project. The individual intake process shall provide for:

a. Direct access to project services on a 24-hour basis.

b. The identification of the emergency service needs of each youth and the provision of the appropriate services either directly or through referrals to community agencies and individuals.

c. An explanation of the services which are available and the requirements for participation, and the securing of a voluntary commitment from each youth to participate in project services prior to admitting the youth into the project.

d. The recording of basic background information on each youth admitted into the project.

e. The assignment of primary responsibility to one staff member for coordinating the services provided to each youth.

f. The contact of the parent(s) or legal guardian of each youth provided temporary shelter within the timeframe established by State law or, in the absence of State requirements, preferably within 24 but within no more than 72 hours following the youth's admission into the project.

3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

a. Each facility in which temporary shelter is provided shall be in compliance with State and local licensing requirements.

b. Each facility in which temporary shelter is provided shall accommodate no more than 20 youth at any given time.

c. Temporary shelter shall normally not be provided for a period exceeding two weeks during a given stay at the project.

d. Each facility in which temporary shelter is provided shall make at least two meals per day available to youth served on a temporary shelter basis.

e. At least one adult shall be on the premises whenever youth are using the temporary shelter facility.

4. Individual and Group Counseling

The project shall provide individual and/or group counseling to each youth admitted into the project.

a. Individual and/or group counseling shall be available daily to each youth admitted into the project on a temporary shelter basis and requesting such counseling.

b. Individual and/or group counseling shall be available to each youth admitted into the project on a non-residential basis and requesting such counseling.

c. The individual and/or group counseling shall be provided by qualified staff.

5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

a. Family counseling shall be provided to each parent or legal guardian and youth admitted into the project and requesting such services.

b. The family counseling shall be provided by qualified staff.

6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are required by youth and/or their families but which are not provided directly by the centers.

a. Arrangements shall be made with community agencies and individuals for the provision of alternative living arrangements, medical services, psychological and/or psychiatric services, and the other assistance required by youth admitted into the project and/or by their families which are not provided directly by the project.

b. Specific efforts shall be conducted by the project directed toward establishing working relationships with law enforcement and other juvenile justice system personnel.

7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

8. Recreational Program

The project shall provide a recreational-leisure time schedule of activities for youth admitted to the project for residential care.

9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

a. To the extent feasible, the project shall provide for the active involvement of the youth, the parent(s) or legal guardian, and the staff in determining what living arrangement constitutes the best interest of each youth.

b. The project shall assure the safe arrival of each youth home or to an alternative living

arrangement, following the termination of the crisis services provided by the project, by arranging for the transportation of the youth if he/she will be residing within the area served by the project; or by arranging for the meeting and local transportation of the youth at his/her destination if he/she will be residing beyond the area served by the project.

c. The project shall verify the arrival of each youth who is not accompanied home or to an alternative living arrangement by the parent(s) or legal guardian, project staff or other agency staff within 12 hours after his/her scheduled arrival at his/her destination.

10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

a. The project shall operate under an affirmative action plan.

b. The project shall maintain a written staffing plan which indicates the number of paid and volunteer staff in each job category.

c. The project shall maintain a written job description for each paid and volunteer staff function which describes both the major tasks to be performed and the qualifications required.

d. The project shall provide training to all paid and volunteer staff (including youth) in both the procedures employed by the project and in specific skill areas as determined by the project.

e. The project shall evaluate the performance of each paid and volunteer staff member on a regular basis.

f. Case supervision sessions, involving relevant project staff, shall be conducted at least weekly to review current cases and the types of counseling and other services which are being provided.

11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

a. Youth shall be involved in the ongoing planning efforts conducted by the project.

b. Youth shall be involved in the delivery of the services provided by the project.

12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project.

a. The client file maintained on each youth should, at a minimum, include an intake form which minimally contains the basic background information needed by FYSB; counseling notations; information on the services provided both directly and through referrals to community agencies and individuals; disposition data; and, as applicable, any follow-up and evaluation data which are compiled by the center.

b. The file on each client shall be maintained by the project in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian except to project staff, to the funding agency(ies) and its (their) contractor(s), and to a court involved in the disposition of criminal charges against the youth.

13. Ongoing Center Planning

The center shall develop a written plan at least annually.

a. At least annually, the project shall review the crisis counseling, temporary shelter, and aftercare needs of the youth in the area served by the center and the existing services which are available to meet these needs.

b. The project shall conduct an ongoing evaluation of the impact of its services on the youth and families it serves.

c. At least annually, the project shall review and revise, as appropriate, its goals, objectives, and activities based upon the data generated through both the review of youth needs and existing services (13a) and the follow-up evaluations (13b).

d. The project's planning process shall be open to all paid and volunteer staff, youth, and members of the Board of Directors and/or Advisory Body.

14. Board of Directors/Advisory Body Optional

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

a. The membership of the project's Board of Directors or Advisory Body shall be composed of a representative cross-section of the community, including youth, parents, and agency representatives.

b. Training shall be provided to the Board of Directors or Advisory Body designed to orient the members to the goals, objectives, and activities of the project.

c. The Board of Directors or Advisory Body shall review and approve the overall goals, objectives, and activities of the project, including the written plan developed under standard 13.

## Appendix B. National Runaway Switchboard

The National Runaway Switchboard—Toll-free: 1–800–621–4000

- Facilitates communication among youth, their families and youth and community-based resources through conference calling services.
- Provides crisis intervention counseling and message delivery services to at-risk youth and their families.
- Provides information and referral services to at-risk youth and their families on youth serving agencies using a computerized national resource directory.
- Conducts an annual conference for local switchboard service providers.

The Switchboard distributes information brochures, posters, a newsletter, and public service announcements. For more information, contact the National Runaway Switchboard, 3080 North Lincoln, Chicago, IL 60657, (312) 880–9860.

## Appendix C. National Clearinghouse on Families and Youth

The National Clearinghouse on Families and Youth (NCFY) is a resource for communities interested in developing new and effective strategies for supporting young people and their families. The Family and Youth Services Bureau (FYSB) within the U.S. Department of Health and Human Services, established NCFY to serve as a central information source on family and youth issues. As a national resource for youth service professionals, policymakers and the general public, NCFY offers the following services:

### Information Sharing

Through a professionally staffed information line, databases, and special mailings, NCFY actively distributes information about effective program approaches, available resources, and current activities relevant to the family and youth services fields.

### Issue Forums

NCFY facilitates FYSB-sponsored forums, bringing together experts in the field to discuss critical issues and emerging trends and develop strategies for improving services to families and youth. NCFY shares forum outcomes with the field.

### Materials Development

NCFY produces information on FYSB and its programs, as well as reports on critical issues, best practices, and promising approaches in family and youth services.

### Networking

NCFY supports FYSB's efforts to collaborate with other Federal agencies, State and local governments, national organizations, and communities to address the full range of issues facing young people and their families today.

To find out more about the National Clearinghouse on Families and Youth, please call or write: National Clearinghouse on Families and Youth, P.O. Box 13505, Silver Spring, Maryland 20911–3505, (301) 608–8098, Fax: (301) 608–8721.

## Appendix D. Runaway and Homeless Youth Continuation Grantees

The following grantees are expected to receive continuation grants in FY 1996, and are NOT eligible to apply for funds under this announcement.

### D.1: Basic Center Programs for Runaway and Homeless Youth Grantees Ineligible for New FY 1996 Funding

*Region I*

Connecticut

The Youth Shelter, One Salem Street, Cos Cob, CT 06830, Shari Shapiro, (203) 661–2599

Youth Continuum (Douglas House Shelter), P.O. Box 2033, New Haven, CT 06521, David Sorensen, (203) 562–3396
Waterbury Youth Services, 95 North Main Street, Waterbury, CT 06702, Kelly Cronin, (203) 573–0264
Council of Churches of Greater Bridgeport, 126 Washington Avenue, Bridgeport, CT 06604, John Cottrell, (203) 334–1121
Quinebaug Valley Youth Service Bureau, P.O. Box 812, N. Grosvenordale, CT 06255, David Johnson, (203) 521–8035

Maine

New Beginnings, 436 Main Street, Lewiston, ME 04240, Robert Rowe, (207) 795–4077
Youth Alternatives of Southern Maine, 175 Lancaster Street, Portland, Maine 04101, Mike Tarpinian, (207) 874–1175
Youth & Family Services, P.O. Box 502, Skowhegan, ME 04976, Ronald Herbert, (207) 474–8311

Massachusetts

The Bridge Over Troubled Waters, 47 West Street, Boston, MA 02111, Sister Barbara Whelan, (617) 423–9575
Brookline Community Mental Health Center, 43 Garrison Road, Brookline, MA 02146, Cynthia Price, (617) 277–8107
ServiceNet, Inc., 17 New South Street, Northampton, MA 01060, James Reis, (413) 586–8680
Center for Human Development, Inc., 332 Birnie Avenue, Springfield, MA 01107, James Williams, (413) 733–6624
Riverside Community Health & Retardation, 450 Washington Street, Dedham, MA 02026, Susan Sawyer, (617) 244–4802

New Hampshire

Child & Family Services, 99 Hanover Street, Manchester, NH 03105, Gail Starr, (603) 558–1920

Rhode Island

Stopover Services of Newport County, 2538 East Main Road, Portsmouth, RI 02871, Peter Marshall, (401) 683–1824

Vermont

Washington County Youth Service Bureau, P.O. Box 627, Montpelier, VT 05753, Tom Howard, (802) 229–9151

*Region II*

New Jersey

Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fetzko, (201) 526–6605
Together, 7 State Street, Glassboro, NJ 08028, Susan Sasser, (609) 881–6100
Tri-County Youth Services (Project Youth Haven), 435 Main Street, Paterson, NJ 07501, Gail Manning, (201) 881–0280
Ocean's Harbor House, 2445 Windsor Avenue, Toms River, NJ 08754, Lynn Hahm, (201) 929–0660
Youth Coordinating Council, Kennedy Memorial Hospital, 2201 Chapel Avenue West, Cherry Hill, NJ 08002, Ruth Hoskins, (609) 667–6525
Anchor House, 482 Centre Street, Trenton, NJ 08611, Judith Hutton, (609) 396–8329
Group Homes of Camden County, 35 South 29th Street, Camden, NJ 08105, Sandra Mengestu, (609) 541–9283
Crossroads, 770 Woodlane Road, Mt. Holly, NJ 08060, Stefanie Schwartz, (609) 261–5400

New York

YMCA of Dutchess County, Eastman Park, Poughkeepsie, NY 12601, Karen Pietrasanta, (914) 485–1001
Center for Youth Services, 258 Alexander Street, Rochester, NY 14607, Frank Petrus, (716) 473–2464
Hillside Children's Center, 1183 Monroe Avenue, Rochester, NY 14620, James Cotter, (716) 473–5150
Catholic Charities of Ogdensburg, 380 Arlington Street, Watertown, NY 13601, Ann Boulter-Davis, (315) 788–4330
Society for Seamen's Children (Center for Youth and Families), 25 Hyatt Street, Staten Island, NY 10301, Ann Deinhardt, (718) 447–7740
Putnam County Youth Bureau, 110 Old Route Six Center, Carmel, NY 10512, Robert Bondi, (914) 225–6316
Family and Children's Service of Niagara, 826 Chilton Avenue, Niagara Falls, NY 14301, Gerald Kozak, (716) 693–9961
Equinox, 214 Lark Street, Albany, NY 12210, Judith Watson, (518) 465–9524
St. Agatha Home, 135 Convent Road, Nanuet, NY 10954, Rosemarie Cristello, (914) 623–3461
Compass House, 370 Linwood Avenue, Buffalo, NY 14209, Janell Wilson, (716) 886–1351
Family of Woodstock, U.P.O. Box 3516, Kingston, NY 12401, Joan Mayer, (914) 679–9240
Huntington Youth Bureau, 423 Park Avenue, Huntington, NY 11743, Paul Lowery, (516) 351–3061
Children's House, Inc., 100 E. Old Country Road, Mineola, NY 11501, Gerard McCaffery, (516) 746–0350
YWCA of Binghamton/Broome County, 80 Hawley Street, Binghamton, NY 13901, Saraann Delafield, (607) 772–0340
Emergency Housing Group, 141 Monhagen Avenue, Middletown, NY 10940, John Harper, (914) 343–7115
Oswego County Opportunities, Inc., 223 Oneida Street, Fulton, NY 13069, Janette Reshick, (315) 598–4717

Puerto Rico

Centro De Servicios A La Juventud, Box 9368 Cotto Station, Arecibo, PR 00613, Nidna Torres-Martinez, (809) 878–6776
The Salvation Army, 1327 Americo Miranda Avenue, Caparra Terrace, Rio Piedras, PR 00921, Nestor Nuesch, (809) 781–6883
Cruzalina Home, Box 18681, Gurabo, PR 00778, Carlos Carrasquillo, (809) 737–4611

*Region III*

Delaware

Aid in Dover, 838 Walker Rd., Suite 2B–1, Dover, DE 19901, Beverly Williams, (302) 734–7610
Child, Inc., 507 Philadelphia Avenue, Wilmington, DE 19809, Linda Weinman, (302) 762–8989

District of Columbia

Sasha Bruce Youthwork, 1022 Maryland Avenue, N.E., Washington, DC 20002, Deborah Shore, (202) 675–9340
Latin American Youth Center, 3045–15th Street, N.W., Washington, D.C. 20009, Lori Kaplan, (202) 483–1140

Maryland

Southern Area Youth Services, 4305 St. Barnabas Road, Temple Hills, MD 20748, Robert Jones, (301) 702–9731
Youth Resources Center (Second Mile House), 4307 Jefferson Street, Hyattsville, MD 20781, Holger Kjeldsen, (301) 864–9735
Fellowship of Lights, Inc., 1300 North Calvert Street, Baltimore, MD 21202, Ross Pologe, (301) 837–8155.
Boys and Girls Home of Maryland, Inc., 9601 Colesville Road, Silver Spring, MD 20901, Quanah Parker, (301) 589–8444

Pennsylvania

Centre County Youth Service, 410 South Fraser Street, State College, PA 16801, Norma Keller, (814) 237–5731
Valley Youth House Committee, 827–829 Linden Street, Allentown, PA 18101, David Gilgoff, (215) 691–1200
Whale's Tale, 250 Shady Avenue, Pittsburgh, PA 15206, Christopher Smith, (412) 661–1800
Family and Children's Services, 2022 Broad Avenue, Altoona, PA 16601, Jackie Sutton, (814) 944–3583
Youth Services, Inc., 410 N. 34th Street, Philadelphia, PA 19104, Laurien D. Ward, (215) 222–3262
Three Rivers Youth, 2039 Termon Avenue, Pittsburgh, PA 15212, David Droppa, (412) 766–2215
Catholic Social Services, 33 E. Northampton St., Wilkes-Barre, PA 18701, Thomas Cherry, (717) 824–5766
Baptist Children's Services, 373 East Main Street, Collegeville, PA 19426, Deborah Furst, (610) 489–0395
Voyage House, 1431 Lombard Street, Philadelphia, PA 19146, Susan Pursch, (215) 545–2910
Boys Club and Girls Club of Lancaster, P.O. Box 104, Lancaster, PA 17608, George Custer, (717) 392–6343

Virginia

Loudoun County Youth Shelter, 16450 Meadowview Court, Leesburg, VA 22075, Jerry Tracy, (703) 771–5300
Alternative House, 2136–G Gallows Road, Dunn Loring, VA 22027, Jim Warwick, (703) 698–7062
The Campagna Center (This Way House), 418 South Washington Street, Alexandria, VA 22314, Katherine L. Morrison, (703) 549–0111
Volunteer Emergency Families for Children, 9840–D Midlothian Tpk., Richmond, VA 23235, Anne Earle, (804) 560–9618
Project Safe Place of Hampton Roads, Inc., P.O. Box 3531, Virginia Beach, VA 23454, Benjamin Fuller, (804) 431–2327
City of Roanoke, 4350 Coyner Spring Road, Roanoke, VA 24012, James O'Hare, (703) 977–3330

West Virginia

Southwestern Community Action Council, Inc. (Time Out Youth Srvcs.), 540—5th Avenue, Huntington, WV 25701, Pamela Dickens-Rush, (304) 525–7161

Daymark (Patchwork), 1598–C Washington St., E., Charleston, WV 25311, Vicki Pleasant, (304) 340–3670

*Region IV*

Alabama

Family Connection, Inc., P.O. Box 1261, Alabaster, AL 35007, Susan Johnston, (205) 663–6301
Marshall County Attention Home, P.O. Box 952, Guntersville, AL 35976, Ramona Collins, (205) 582–0377
Thirteenth Place, Inc., 405 South 12th Street, Gadsden, AL 35901, Alan Bates, (205) 547–8971

Florida

Switchboard of Miami (Family P.A.C.T.), 75 S.W. 8th Street, Miami, FL 33130, Shirley Aron, (305) 358–1640
Corner Drugstore (Interface), 1300 Northwest 6th Street, Gainesville, FL 32601, Karen Crapo, (904) 334–3800
Miami Bridge, Inc., 2810 N.W. South River Drive, Miami, FL 33125, Chilton Harper, (305) 635–8953
Lutheran Ministries (Lippman Family Center), 221 Northwest 43rd Court, Oakland Park, FL 33309, Donald Carey, (305) 568–2801
Sarasota Family YMCA, 1075 S. Euclid Avenue, Sarasota, FL 34237, Carl Weinrich, (813) 955–8194
Anchorage Children's Home (Hidle House), 707 MLK, Jr. Blvd., Panama City, FL 32401, Barbara Cloud, (904) 763–7102
Orange County Department of Human Services, 1718 East Michigan Avenue, Orlando, FL 32806, Mike Robenson, (407) 836–7675
Lutheran Ministries (Gulf Coast/Currie House), 3507 Frontage Road, Tampa, FL 33607–1776, Richard Eissfeldt, (813) 288–9550
Capital City Youth Services, 2407 Roberts Avenue, Tallahassee, FL 32310, Stacy Gromatski, (904) 576–6000
Youth & Family Alternatives, 7524 Plathe Road, New Port Richey, FL 34653, Richard Hess, (813) 841–4184
Child/Family Counseling Program, 207 Each Place, Tampa, FL 33606, Barry Drew, (813) 272–6606
Arnett House, P.O. Box 70212, Ocala, FL 34470, Patricia Pogue, (904) 622–4432
Family Resources, Inc. (Youth and Family, Connection), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 893–1150
Florida Keys Children's Shelter, 2221 Patterson Avenue, Key West, FL 33040, William Woolf, (305) 294–4202
Youth Crisis Center, 7007 Beach Boulevard, Jacksonville, FL 32216, Tom Patania, (904) 720–0002
The Village South, Inc., 3180 Biscayne Boulevard, Miami, FL 33137, Valera Jackson, (305) 573–3784
Act Corporation, 1220 Willis Avenue, Daytona Beach, FL 32114, Becky Anderson, (904) 947–3291

Georgia

Open Arms (The Bridge), P.O. Box 71562, Albany, GA, 31708, April Lott, (912) 432–3378
Children's Emergency Shelter, 127 West Church Street, Cartersville, GA 30120, Teresa Ramey, (404) 387–1143
Greenbriar Children's Center, 3709 Hopkins Street, Savannah, GA 31405, Yvette Johnson-Hagins, (912) 234–3431
Alternate Life Paths Program, 827 Pryor Street, Atlanta, GA 30315, Camellia Moore, (404) 688–1002
Attention Home, 490 Pulaski Street, Athens, GA 30601, Sharon Smith, (404) 548–5893
Marshlands Foundation, P.O. Box 13866, Savannah, GA 31416, Kathy Fabozzi, (912) 234–4048
Cobb County Children's Center, 2221 Austell Road, Marietta, GA 30060, Ellen McCarty, (404) 333–0887

Kentucky

YMCA Center for Youth Alternatives, 1410 South First Street, Louisiana, KY 40208, Kevin Connelly, (502) 635–5233
Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507, Pam Miller, (606) 252–3126
Brighton Center, Inc., P.O. Box 325, Newport, KY 41072, Ginger Ward, (606) 581–1111

Mississippi

Mississippi Children's Home Society, (Warren County Children's Shelter, P.O. Box 820174, Jackson, MS 39182, Susan Chatham, (601) 634–0640

North Carolina

Haven House, 401 E. Whitaker Mill Road, Raleigh, NC 27608, Michael Rieder, (919) 856–6368
Catholic Social Services, P.O. Box 10962, Winston Salem, NC 27108, David Harold, (910) 727–0705
Buncombe Shelter, Inc. (Trinity Place), 12 Ravenscroft Drive, Asheville, NC 28801, Dean Vick, (704) 253–7233
The Relatives, 1100 East Boulevard, Charlotte, NC 28203, Jo Ann Greyer, (704) 335–0203
Mountain Youth Resources, 8 Ridgeway Street, Sylva, NC 28779, Elizabeth Chambers, (704) 586–8958
Coastal Horizons Center, 721 Market Street, Wilmington, NC 28401, Margaret Weller-Stargell, (910) 343–0145
Tuscarora Tribe, P.O. Box 8, Pembroke, NC 28372, Robert Locklear, (919) 521–1861

Tennessee

Oasis Center, 1221—16th Ave., South, Nashville, TN 37212, Liz Fey, (615) 327–4455

*Region V*

Illinois

Teen Living Programs, (Foundation House), 3179 N. Broadway, Chicago, IL 60657, Deborah Hinde, (312) 883–0025
The Harbour, 1480 Renaissance Drive, Park Ridge, IL 60068, Mary Eichling, (708) 297–8540
LaSalle County Youth, Service Bureau, 424 West Madison Street, Ottowa, IL 61350, Dave McClure, (815) 433–3953
Project OZ, 502 South Morris Avenue, Bloomington, IL 61701, Peter Rankaitis, (309) 827–0377
Aunt Martha's, 4343 Lincoln Highway, Matteson, IL 60443, Daniel Strick, (708) 747–2701
Travelers and Immigrants Aid, 208 S. LaSalle, Suite 1818, Chicago, IL 60604, Sid Mohn, (312) 528–7767
The Night Ministry, 1218 West Addison Street, Chicago, IL 60613, Steven Wakefield, (312) 935–8300
Youth Attention Center, P.O. Box 606, Jacksonville, IL 62651, Jerome Noble, (217) 245–6000
Hoyleton Youth and Family Services, 8787 State Street, E. St. Louis, IL 62203, Shelly Byndom, (618) 398–0900
Youth Service Bureau, 2901 Normandy Road, Springfield, IL 62703, Kaywin Davis, (217) 529–8300
Children's Home and Aid Society, 1819 South Neil Street, Champaign, IL 61820, Ronald Stuyvesant, (217) 359–8815
McHenry County Youth Service, 101 S. Jefferson Street, Woodstock, IL 60098, Susan Krause, (815) 338–7360
Franklin-Williamson Human Services, 902 West Main Street, W. Frankfort, IL 62896, Peggy Falcone, (618) 937–6483
Youth Service Network, 2130 N. Knoxville Avenue, Peoria, IL 61603, Tony Frank, (309) 685–1047
Omni Youth Services, 1111 West Lake Cook Road, Buffalo Grove, IL 60089, Dennis Depcik, (708) 537–6878

Indiana

Monroe County Youth Service Bureau, 1310 East Atwater Avenue, Bloomington, IN 47401, Tim Tilton, (812) 333–3506
Crisis Center Inc. (Alternative House), 101 N. Montgomery Street, Gary, IN 46403, Shirley Caylor, (219) 938–7070
Indiana Juvenile Justice Task Force, 1800 N. Meridian, Indianapolis, IN 46202, Laurel Elliott, (317) 926–6100
Children's Bureau, 615 North Alabama, Indianapolis, IN 46204, Ron Carpenter, (317) 634–5050

Michigan

Catholic Family Services, 1819 Gull Road, Kalamazoo, MI 49001, Frances Denny, (616) 381–9800
The Sanctuary, 132 Franklin Boulevard, Pontiac, MI 48341, Meri Pohutsky, (313) 547–2260
Genesee County Youth Corporation, 914 Church Street, Flint, MI 48502, Jo Davis, (313) 233–8700
Gateway Community Services (Higher Ground), 910 Abbott Road, Suite 100, East Lansing, MI 48823, Donna Spence, (517) 351–4000
Third Level Crisis Intervention Center, 1022 East Front Street, Traverse City, MI 49685, Gail Heath, (616) 922–4802
Comprehensive Youth Services (Macomb Co. Youth Interim Care Facility), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Smyth, (313) 463–7079
Youth Living Centers, 30000 Hively, Inkster, MI 48141, Linda Connolly, (313) 563–5005
Crisis Center (Listening Ear), 107 E. Illinois, Mt. Pleasant, MI 48804, Donald Schuster, (517) 772–2918
Lutheran Social Services of WI and Upper MI, 135 West Washington St., Marquette, MI 49855, Nancy Gauchey, (906) 225–5437

Link Crisis Intervention Center, 2002 South State Street, St. Joseph, MI 49085, Richard Pahl, (616) 983–5465

Minnesota

Minneapolis Youth Diversion Program (Project Offstreets), 1905 Third Avenue South, Minneapolis, MN 55404, Jeremy Lane, (614) 871–3613

Mountain Plains Youth Services (Youthworks), 715—11th Street North, Moorhead, MN 56560, Doug Herzog, (218) 233–7990

The Bridge, 2200 Emerson Avenue S., Minneapolis, MN 55405, Thomas Sawyer, (612) 377–8800

Lutheran Social Services (Crossroads), 565 Dunnell Drive, Owatonna, MN 55060, Mike Ducharme, (507) 455–3863

St. Paul Youth Service Bureau, Inc., 1147 Arcade Street, St. Paul, MN 55106, Nancy LeTourneau, (612) 771–1301

Ohio

Daybreak, Inc., 50 Theobald Court, Dayton, OH 45410, Kipra Heermann, (513) 461–1000

Free Medical Clinic of Greater Cleveland (Safe Space Station), 12201 Euclid Avenue, Cleveland, OH 44106, W. Martin Hiller, (216) 721–4010

Lighthouse Youth Services, 1527 Madison Road, Cincinnati, OH 45206, Robert Mecum, (513) 221–3350

Lutheran Metropolitan Ministries, Inc., 1468 West 25th Street, Cleveland, OH 44113, Thomas Sutton, (216) 241–4791

Specialized Alternatives for Families and Youth, 10100 Elida Road, Delphos, OH 45833, Bruce Maag, (419) 695–8010

Connecting Point, 525 Hamil Road, #302B, Toledo, OH 43602, Juania Price, (419) 243–6326

Huckleberry House, 1421 Hamlet Street, Columbus, OH 43201, Douglas McCoard, (614) 294–8097

Southern Consortium for Behavioral Healthcare, 7990 Dairy Lane, Athens, OH 45701, Steven Trout, (614) 593–8293

Shelter Care, Inc. (Safe Landing Youth Shelter), 680 East Market Street, Akron, OH 44304, Kathleen Stevenson (216) 376–4200

Wisconsin

Innovative Youth Services, 1030 Washington Avenue, Racine, WI 53403, Burt Kintzler, (414) 632–0424

Wisconsin Association for Runaway Services, 2318 E. Dayton Street, Madison, Wisconsin 53704, Patricia Balke, (608) 241–2649

Walker's Point Youth and Family Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672–5300

The Counseling Center of Milwaukee (Pathfinders), 2038 N. Bartlett Avenue, Milwaukee, WI 53202, Linda Austin, (414) 271–2565

Briarpatch, 512 E. Washington Avenue, Madison, WI 53703, Beth Hovind, (608) 251–6211

Lutheran Social Services, 1337 North Taylor Drive, Sheboygan, WI 53081, Merry Klemme, (414) 458–8381

*Region VI*

Arkansas

Centers for Youth and Families (Stepping Stone), 6501 W. 12th Street, Little Rock, AR 72204, Richard Hill/Janie Isom, (501) 666–9066

Consolidated Youth Services, 4220 Stadium Boulevard, Jonesboro, AR 72401, Cecil Province, Jr./ Bonnie Smith, (501) 972–1110

Comprehensive Juvenile Services, 1606 South ''J'' Street, Fort Smith, AR 72901, Jerry Robertson, (501) 785–4031

Youth Bridge, P.O. Box 668, Fayettsville, AR 72702, Scott Linebaugh, (501) 521–1532

Louisiana

Father Flanagan's Boys' Home, New Orleans, LA 68010, Fr. Val J. Peter, (402) 498–1000

Our House, Inc., P.O. Box 7496, Monroe, LA 71211, Carol Christopher, (318) 387–2186

Johnny Gray Jones Regional Youth Shelter, 4815 Shed Road, Bossier City, LA 71111, Dennis Woodward, (318) 965–2328

New Mexico

Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Vic Vandergriff/Cynthia Gozales, (505) 983–0586

A New Day, 2720–A Carlisle, N.E., Albuquerque, NM 87110, Jeffrey Burrows, (505) 881–5228

Oklahoma

Northwest Family Services, Inc., 628 Flynn, Alva, OK 73717, John R. Jones, (405) 327–2900

Youth Services for Stephens County, P.O. Box 1603, Duncan, OK 73534, John Herdt, (405) 255–8800

Youth Services of Tulsa, 302 South Cheyenne, Tulsa, OK 74103, Sharon Terry, (918) 582–0061

Cherokee Nation Youth Shelter, P.O. Box 948, Tahlequah, OK 74465, Linda Vann, (918) 456–0671

Texas

Promise House, 236 W. Page Street, Dallas, TX 75208, Lynn Stallings, (214) 941–8578

Grayson County Juvenile Alternatives, P.O. Box 1625, Sherman, TX 75091, Pam Johnson, (903) 893–4717

Father Flanagan's Boys' Home, San Antonio, TX 78204, Marcel Lue, (210) 271–3131

Middle Earth Youth Options, 3816 S. First Street, Austin, TX 78704, Mitch Weynand, (512) 447–5639

The Bridge Association, 115 West Broadway, Fort Worth, TX 76104, Cindy Honey, (817) 332–8317

Sand Dollar, 527 Spring Drive, Pasadena, TX 77504, Happy Spillar, (713) 946–3030

Montgomery County Youth Services, P.O. Box 1316, Conroe, TX 77305, Gretchen Faulkner, (409) 756–8682

Collin Intervention to Youth, 902–16th Street, Plano, TX 75074, Julianne Bulau, (214) 423–7057

Sabine Valley MHMR Center, P.O. Box 6800, Longview, TX 75608, Mark Blackwell, (903) 753–9744

Catholic Family Services, P.O. Box 15127, Amarillo, TX 79105, Al Bednorz, (806) 376–7731

Roy Maas' Youth Alternatives (The Bridge), 3103 West Avenue, San Antonio, TX 78213, Lori Ratcliff, (210) 340–8077

Catholic Family Services, 102 Avenue J, Lubbock, TX 79401, Stephen Hay, (806) 765–8475

Comal County Juvenile Residential Supervision, 1414 W. San Antonio St., New Braunfels, TX 78130, Kyle Barrington, (210) 629–6571

Stop Child Abuse and Neglect, 1208 Laredo Street, Laredo, TX 78040, Isela Dabdoub, (210) 724–3177

Children's Aid Society, 1101–30th Street, Wichita Falls, TX 76302, Patricia King, (817) 322–3141

DePelchin Children's Center, 100 Sandman, Houston, TX 77007, Jane Harding, (713) 802–7733

East Texas Open Door, 415 West Burleson Street, Marshall, TX 75670, Therrel Brown, (903) 935–2099

Youth and Family Counseling Services, P.O. Box 1611, Angelton, TX 77516, Diana Fleming (409) 849–5711

*Region VII*

Iowa

Youth Emergency Services, 921 Pleasant Street, Des Moines, IA 50309, Susan Gehring-Liker, (515) 243–7825

Christian Home Association, North 6th Street & Avenue E, P.O. Box 8–C, Council Bluffs, IA 51502, Richard Christie, (712) 322–3700

Youth and Shelter Services, 232–½ Maine Street, Ames, IA 50010, George Belitsos, (515) 233–3141

Kansas

Wichita Children's Home, 810 N. Holyoke , Wichita, KS 67208, Sarah Robinson, (316) 684–6581

Kaw Valley Center, 4300 Brenner Drive, Kansas City, KS (66104, Wayne Sims, (913) 334–0294

Missouri

Youth in Need, 516 Jefferson, St. Charles, MO 63301, Leo Tigue, (314) 946–0101

Youth Emergency Service, P.O. Box 24260, St. Louis, MO 63130, Edith Tate, (314) 862–1334

reStart, Inc., 918 East 9th Street, Kansas City, MO 64106, Olivia Dorsey, (314) 874–8686

Manager's of Roman Catholic Asylums of St. Louis, (Marian Hall), 325 North Newstead Ave., St. Louis, MO 63108, Patricia Johnson, (314) 726–3339

Nebraska

Father Flanagan's Boys' Home, 14100 Crawford Street, Boys Town, NE 68010, Father Val J. Peter, (402) 498–3323

Youth Service System, 770 North Cotner Blvd., Lincoln, NE 68505, James Blue, (402) 466–6181

*Region VIII*

Colorado

Attention, Inc., P.O. Box 907, Boulder, CO 80306, Part Whirl-Lasarte, (303) 447–1206

Family Tree, Inc. (Gemini House), 3805 Marshall Street, Wheatridge, CO 80033, Tracy Kraft-Tharp, (303) 235–0630

Garfield Youth Services, 902 Taughenbaugh Blvd., Rifle, CO 81650, Dennis Steffan, (303) 625–3141

Comitis Crisis Center, P.O. Box 913, Aurora, CO 80010, Richard Barnhill, (303) 341–9160

Ute Mountain Ute Nation (Sunrise Youth Shelter), P.O. Box 56, Towaoc, CO 81334, James Dorsey, (303) 565–9634

Larimer County Youth, S.A.F.E., 303 W. Skyway Drive, Fort Collins, CO 80525, Robert Gaines, (907) 498–6492
Human Services, Inc., 899 Logan Street, Denver, CO 80203, Christine Gerhard, (303) 429–4440

Montana

Mountain Plains Youth Services, 709 East Third, Anaconda, MT 59711, Linda Wood, (701) 255–7229

North Dakota

Youthworks, 221 West Rosser Avenue, Bismarck, ND 58501, Douglas Herzog, (701) 255–7229

South Dakota

Crow Creek Sioux Tribe (Red Horse Lodge), P.O. Box 49, Ft. Thompson, SD 57339, Durine Chase, (605) 245–2410
Turning Point, 1401 W. 51st, Sioux Falls, SD 57105, Pamela Bollinger, (605) 334–1414

Wyoming

Mountain Plains Youth Services, 11 Minter Lane, Riverton, WY 82501, Linda Wood, (701) 255–7229
Attention Homes, Inc., P.O. Box 687, Cheyenne, WY 82003, Terry Clarke, (307) 778–7832

*Region IX*

Arizona

Center for Youth Resources (Tumbleweed), 915 N. Fifth Street, Phoenix, AZ 85004, Janet Garcia, (602) 271–9904
Colorado River Region Youth Service, P.O. Box 7176, Mohave Valley, AZ 86440, Richard Steinberg, (602) 768–1500
Open-Inn, 4810 E. Broadway, Tucson, AZ 85711, Darlene Dankowski, (602) 323–0200
Our Town Family Center, P.O. Box 26665, Tucson, AZ 85726, Susan Krahe-Eggleston, (520) 323–1708

California

Youth Advocates (Huckleberry House), 3310 Geary Boulevard, San Francisco, CA 94118, Bruce Fisher, (415) 668–2622
Los Angeles Youth Network, 1550 Gower Street, Los Angeles, CA 90028, Elizabeth Gomez, (213) 957–7340
The Salvation Army, 900 West 9th Street, Los Angeles, CA 90015, George Church, (213) 627–0725
Catholic Charities/Angel's Flight, 1400 W. 9th Street, P.O. Box 15095, Los Angeles, CA 90015, Rev. Gregory Cox, (213) 413–2311
Santa Clara Social Advocates for Youth, 1072 Saratoga-Sunnyvale Rd., San Jose, CA 95129, Kathleen Lynch, (408) 253–3540
Klein Bottle, 412 East Tunnel Street, Santa Maria, CA 93454, David Edelman, (805) 922–0468
Social Advocates for Youth (Individuals Now), 1303 College Avenue, Santa Rosa, CA 95404, Ed Patterson, (707) 544–3299
San Diego Youth and Community Services, 3255 Wing Street, Ste. 550, San Diego, CA 92110, Liz Shear, (619) 221–8600
Yolo Community Care Continuum (Runaway Alternatives Program), 523 G Street, Davis, CA 95616, Henry Kloczkowski, (916) 758–2160
Operation Safehouse, Inc., 9685 Hayes Street, Riverside, CA 92503, Kathy McAdara, (909) 242–1518
Fresno County Economic Opportunities Commission, 1920 Mariposa Mall, Fresno, CA 93721, Roger Palomino, (209) 263–1012
Center for Human Rights and Constitutional Law, 256 S. Occidental Boulevard, Los Angeles, CA 90057, Peter Schey, (213) 388–8693
Options House of Hollywood, 1754 Taft Avenue, Hollywood, CA 90028, Leslie Forbes, (213) 467–1932
Redwood Community Action Agency, 904 G Street, Eureka, CA 95501, Lloyd Throne, (707) 443–8322
Community Service Programs, 16842 Von Karman Avenue, Irvine, CA 92714, Margot Carlson, (714) 250–0488
Interface Community, 1305 Del Norte Road, Camarillo, CA 93010, Martha Bolton, (805) 371–5707
Bill Wilson Marriage and Family Counseling Ctr., 3490 The Alameda, Santa Clara, CA 95050, Sparky Harlan, (408) 243–0222
Youth Advocates, Inc., 3310 Geary Boulevard, San Francisco, CA 94118, Michelle Magee, (415) 668–2622
Larkin Street Services, 1044 Larkin Street, San Francisco, CA 94109, Cassandra Benjamin, (415) 749–3840
Tahoe Youth and Family Services, 1021 Fremont Avenue, S. Lake Tahoe, CA 96150, Teri Mundt, (916) 541–2445
Diogenes Youth Services, 8912 Volunteer Lane, Sacramento, CA 95826, James Bueto, (916) 368–3350
San Diego Youth Involvement, P.O. Box 95, Lemon Grove, CA 91946, Hura Murphy, (619) 463–7800
Central City Hospitality House, 290 Turk Street, San Francisco, CA 94102, Robert Foley, (415) 749–2117
South Bay Community Services, 315 Fourth Avenue, Chula Vista, CA 91910, Kathryn Lembo, (619) 420–3620
Casa Youth Shelter, 10911 Reagan Street, Los Alamitos, CA 90720, Luciann Maulhardt, (310) 594–6825
YMCA of San Diego County, 4715 Viewridge Avenue, San Diego, CA 92123, Laura Mustari, (619) 292–4034
Emergency Housing Consortium, P.O. Box 2346, San Jose, CA 95109, Barry Del Buono, (408) 291–5445
Change Thru Xanthos, 1335 Park Avenue, Alameda, CA 94501, Jon Schiller, (510) 522–8363
Youth and Family Assistance, 609 Price Avenue, Redwood City, CA 94063, Richard Gordon, (415) 366–8401
Mendocino County Youth Project, 202 South State Street, Ukiah, CA 94582, Arlene Rose, (707) 463–4915
Father Flanagan's Boys Town of Southern California, 23832 Rockfield Blvd., Lake Forest, CA 92630, Michael Riley, (714) 581–2281
Center for Positive Prevention Alternatives, 729 N. California Street, Stockton, CA 95202, Linda Mascarenas, (209) 948–4357
Northern California Family Center, 2244 Pacheco Boulevard, Martinez, CA 94553, Thomas Fulton, (510) 370–1990
Life Steps Foundation, 1107 Johnson Avenue, San Luis Obispo, CA 93401, Sharon Fredrick, (805) 549–0150
Santa Cruz Community Counseling Center, 195–A Harvey West Blvd., Santa Cruz, CA 95060, Walter Guzman, (408) 425–0771

Hawaii

Hawaii Youth Services Network, 2146 Damon Street, Honolulu, HI 96822, Sam Cox, (808) 946–3635

Nevada

WestCare, 401 S. Martin Luther King, Las Vegas, NV 89106, Richard Steinberg, (702) 385–2020
The Children's Cabinet, 1090 South Rock Blvd., Reno, NV 89502, Sarah Longaker, (702) 856–6200,

*Region X*

Alaska

Juneau Youth Services, P.O. Box 32839, Juneau, AK 99803, Betty Jo Engelman, (907) 789–7610
Fairbanks Native Association, 201 First Avenue, Fairbanks, AK 99701, Florence Loucks, (907) 455–4725
Alaska Youth and Parent Foundation, 3745 Community Park Loop, Anchorage, AK 99508, Sheila Gaddis, (907) 274–0334

Idaho

Hays Shelter Home, 1602 West Franklin St., Boise, ID 83702, Tracy Everson, (208) 336–1066
Bannock Youth Foundation, P.O. Box 2072, Pocatello, ID 83206, Stephen Mead, (208) 234–1122

Oregon

Janus Youth Programs, 738 N.E. Davis Street, Portland, OR 97232, Dennis Morrow, (503) 233–6090
Looking Glass, 72–B Centennial Loop, Eugene, OR 97401, James Forbes, (503) 689–2688
The Boys and Girls Aid Society, 018 S.W. Boundary Court, Portland, OR 97201, Theresa Thorson, (503) 222–9661
Youthworks, Inc., 1032 West Main Street, Medford, OR 97501, Steven Groveman, (503) 779–2393

Washington

Friends of Youth, 16225 N.E. 87th Street, Redmond, WA 98052, Howard Finck, (206) 869–6490
Northwest Youth Services, P.O. Box 5447, Bellingham, WA 98227, Michael Tyers, (206) 734–9862
Washington State Migrant Council, 301 North 1st Street, Sunnyside, WA 98944, Carlos Diaz, (509) 839–9762
United Indians of All Tribes, P.O. Box 99100, Seattle, WA 98199, Bernie Whitebear, (206) 285–4425
The Housing Authority of Vancouver, 500 Omaha Way, Vancouver, WA 98661, Richard Sample, (360) 694–2501
YouthCare, 190 Queen Anne Avenue N., Seattle, WA 98109, Victoria Wagner, (206) 282–1288

D.2: Transitional Living Program for Homeless Youth Grantees Ineligible for New FY 1996 Funding

*Region I*

Connecticut

Hall Neighborhood House, 52 Green Street, Bridgeport, CT 06608, Pearl Dowell, (203) 334–3900

Massachusetts

The Bridge Over Troubled Waters, 47 West Street, Boston, MA 02111, Sister Barbara Whelan, (617) 277–8107
Franklin County DIAL/SELF, Inc., 196 Federal Street, Greenfield, MA 01301, Ryan Murphy, (413) 774–7054

Maine

New Beginnings, 436 Main Street, Lewiston, ME 04240, Robert Rowe, (207) 795–4077

New Hampshire

Child and Family Services, 99 Hanover Street, Manchester, NH 03105, Manchester, NH 03105, Gail Starr, (603) 558–1920

Rhode Island

Urban League of Rhode Island, 246 Prairie Avenue, Providence, RI 02905, Mrs. B. Jae Clanton, (401) 351–5000

Vermont

Washington County Youth Service Bureau, P.O. Box 627, Montpelier, VT 05753, Tom Howard, (802) 229–9151
Spectrum Youth and Family Services, 31 Elmwood Avenue, Burlington, VT 05401, William Rowe, (802) 864–7423

*Region II*

New Jersey

Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fetzko, (201) 526–6605
Covenant House, 14 William Street, Newark, NJ 07102, Catherine Ashman, (201) 621–8705

New York

Oneida County Community Action Agency, 303 West Liberty Street, Rome, NY 13440, Treva Wood, (315) 339–5640
The Salvation Army, 749 S. Warren Street, Syracuse, NY 13202, Roberta Schofield, (315) 479–1323
Equinox, 214 Lark Street, Albany, NY 12210, Judith Watson, (518) 465–9524
Family of Woodstock, U.P.O. Box 3516, Kingston, NY 12401, Joan Mayer, (914) 679–9240
Oswego County Opportunities, Inc., 223 Oneida Street, Fulton, NY 13069, Janette Reshick, (315) 598–4717

*Region III*

District of Columbia

Sasha Bruce Youthwork, 1022 Maryland Avenue, N.E., Washington, DC 20002, Deborah Shore, (202) 675–9340

Pennsylvania

Youth Services of Bucks County, Neshaminy Manor Center, Almshouse Building, Doylestown, PA 18901, Roger Dawson, (215) 752–7050
Centre County Youth Service, 410 South Fraser Street, State College, PA 16801, Norma Keller, (814) 237–5731
Valley Youth House Committee, 539 Eighth Avenue, Bethlehem, PA 18018, David Gilgoff (215) 691–1200
Three Rivers Youth, 2039 Termon Avenue, Pittsburgh, PA 15212, David Droppa, (412) 766–2215

Virginia

Family and Children's Services, 1518 Willow Lawn Drive, Richmond, VA 23230, Richard J. Lung, (804) 282–4255

West Virginia

Southwestern Community Action Council, Inc. (Time Out Youth Srvcs.), 540—5th Avenue, Huntington, WV 25701, Pamela Dickens-Rush, (304) 525–7161

*Region IV*

Florida

Miami Bridge, Inc., 2810 N.W. So. River Dr., Miami, FL 33125, Ernesto Cuesta, (305) 635–8953
Sarasota Family YMCA, 1075 S. Euclid Avenue, Sarasota, FL 34237, Carl Weinrich, (813) 955–8194
Family Resources, Inc. (Youth and Family Connection), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 893–1150
Daniel Memorial, Inc., 134 E. Church Street, Jacksonville, FL 32202, James Clark, (904) 353–5077

Georgia

Young Adult Guidance Center, 1230 Hightower Road, NW, Atlanta, GA 30318, Marion Simpson, (404) 792–7616

Mississippi

Mississippi Children's Home, P.O. Box 1078, Jackson, MS 39215, Christopher Cherney, (601) 352–7784

Tennessee

Child & Family Services, 114 Dameron Avenue, Knoxville, TN 37917, Charlie Gentry, (615) 524–7483
The Family Link, P.O. Box 40437, Memphis, TN 38174–0437, Marian Carruth, (901) 725–7270

*Region V*

Illinois

Teen Living Programs (Foundaiton House), 3179 N. Broadway, Chicago, IL 60657, Deborah Hinde, (312) 883–0025
Jackson County Community Mental Health Center, 604 E. College, Carbondale, IL 62901, Art Zaitz, (618) 457–6703

Michigan

Every Woman's Place, 425 W. Western Avenue, Muskegon, MI 49440, Mary MacDonald, (616) 726–4493
The Sanctuary, 132 Franklin Boulevard, Pontiac, MI 48341, Meri Pohutsky, (313) 547–2260
Alternatives for Girls, 1950 Trumbull, Detroit, MI 48216, Amanda Good, (313) 496–0938

Minnesota

Evergreen House, 622 Mississippi Avenue, Bemidji, MN 56601, Cheryl Byers, (218) 751–4332
Freeport West, 2433 Park Avenue South, Minneapolis, MN 55404, Janet Berry, (612) 824–3040

Ohio

Lighthouse Youth Services, 1527 Madison Road, Cincinnati, OH 45206, Robert Mecum, (513) 221–3350

Wisconsin

Walker's Point Youth and Family Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672–5300.
Kenosha Youth Development Services, 5407—8th Avenue, Kenosha, WI 53140, George Schwartz, (414) 657–7188

*Region VI*

New Mexico

Youth Development, 1710 Centro Familiar, SW, Albuquerque, NM 87105, Augustine C. Baca, (505) 873–1604
Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Cynthia Gonzales, (505) 983–0586

Texas

El Paso Center for Children, 3700 Altura, El Paso, TX 79930, Sandy Rioux, (915) 565–8361
Promise House, 236 W. Page Street, Dallas, TX 75208, Lynn Stallings, (214) 941–8578
Middle Earth Youth Options, 3816 S. First Street, Austin, TX 78704, Mitch Weynand, (512) 447–5639
Sand Dollar, 527 Spring Drive, Pasadena, TX 77504, Happy Spillar, (713) 946–3030

*Region VII*

Iowa

Youth and Shelter Services, 232½ Main Street, Ames, IA 50010, George Belitsos, (515) 233–3141
Youth Homes, Inc., P.O. Box 324, Iowa City, IA 52244, William McCarty, (319) 337–4523

Kansas

Wichita Children's Home, 810 N. Holyoke, Wichita, KS 67208, Sarah Robinson, (316) 684–6581
Kaw Valley Center, 4300 Brenner Drive, Kansas City, KS 66104, Wayne Sims, (913) 334–0294

*Region VIII*

Colorado

Volunteers of America, 1865 Larimer Street, Denver, CO 80202, Dianna Kunz, (303) 297–0408
Family Tree, Inc. (Gemini House), 3805 Marshall Street, Wheatridge, CO 80033, Michael Ehrman, (303) 235–0630
Mesa County Department of Social Services, P.O. Box 20000–5035, Grand Junction, CO 81502, Anthony Silva (303) 241–8480

North Dakota

Youthworks, 221 West Rosser Avenue, Bismarck, ND 58501, Douglas Herzog, (701) 255–7229

*Region IX*

Arizona

Center for Youth Resources (Tumbleweed), 915 N. Fifth Street, Phoenix, AZ 85004, Janet Garcia, (602) 271–9904

Our Town Family Center, P.O. Box 26665, Tucson, AZ 85726, Susan Krahe-Eggleston, (520) 323–1708

California

Youth and Family Assistance, 609 Price Avenue, #205, Redwood City, CA 94063, Richard Gordon, (415) 366–8401

Center for Human Rights and Constitutional Law, 256 S. Occidental Blvd., Los Angeles, CA 90057, Peter Schey, (213) 388–8693

San Diego Youth Involvement, P.O. Box 95, Lemon Grove, CA 91946, Hura Murphy, (619) 463–7800

Catholic Charities of San Francisco, 1049 Market Street, San Francisco, CA 94103, Rebecca Robertson, (415) 558–7072

Los Angeles Gay and Lesbian, 1213 North Highland Ave., Los Angeles, CA 90038, Jackie Gelfand, (213) 464–7400

Guam

Sanctuary, P.O. Box 21030, Guam Main Facility, Guam, CM 96921, Tony Champaco, (671) 734–2661

*Region X*

Alaska

Alaska Youth and Parent Foundation, 3745 Community Park Loop, Anchorage, AK 99508, Shelia Gaddis, (907) 274–6541

Fairbanks Native Association, 310 First Avenue, Fairbanks, AK 99701, Banarsi Lal, (907) 452–6201

Oregon

Janus Youth Programs, 738 N.E. Davis, Portland, OR 97232, Dennis Morrow, (503) 233–6090

Looking Glass, 72–B Centennial Loop, Eugene, OR 97401, Galen Phipps, (503) 689–3111

Washington

Friends of Youth, 2500 Lake Wash. Blvd. N., Renton, WA 98056, J. Howard Finck, (206) 228–5775

Pierce County Alliance, 510 Tacoma Avenue South, Tacoma, WA 98402, Terree Schmidt-Whelan, (206) 502–5471

Volunteers of America, 525 W. Second Avenue, Spokane, WA 99204, Kenneth Trent, (509) 624–2378

## Appendix E.—Administration for Children and Families Regional Office Youth Contacts

*Region I*

Paul Kelley, Administration for Children and Families, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203, (CT, MA, ME, NH, RI, VT), (617) 565–1138

*Region II*

Estelle Haferling, Administration for Children and Families, 26 Federal Plaza, Room 4149, New York, NY 10278, (NJ, NY, PR, VI), (212) 264–1329

*Region III*

Dave Lyon, Administration for Children and Families, 3535 Market Street, P.O. Box 13714, Philadelphia, PA 19101, (DC, DE, MD, PA, VA, WV), (215) 596–4139

*Region IV*

Viola Brown, Administration for Children and Families, 101 Marietta Tower, Suite 903, Atlanta, GA 30323, (AL, FL, GA, KY, MS, NC, SC, TN), (404) 331–7210

*Region V*

Katie Williams, Administration for Children and Families, 105 West Adams, 23rd Floor, Chicago, IL 60603, (IL, IN, MI, MN, OH, WI), (312) 353–4241

*Region VI*

Ralph Rogers, Administration for Children and Families, 1200 Main Tower, 20th Floor, Dallas, TX 75202, (AR, LA, NM, OK, TX), (214) 767–8850

*Region VII*

Lynda Bitner, Administration for Children and Families, Federal Office Building, Room 384, 601 East 12th Street, Kansas City, MO 64106, (IA, KS, MO, NE), (816) 426–5401, Ext. 182

*Region VIII*

Vicki Wright, Administration for Children and Families, Federal Office Building, 1961 Stout Street, 9th Floor, Denver, CO 80294, (CO, MT, ND, SD, UT, WY), (303) 844–3100, Ext. 361

*Region IX*

Jan Len, Administration for Children and Families, 50 United Nations Plaza, San Francisco, CA 94102, (AZ, CA, HI, NV, American Samoa, Guam, Northern Mariana Islands, Marshall Islands, Federated States of Micronesia, Palau), (415) 437–8437

*Region X*

Steve Ice, Administration for Children and Families, 2201 Sixth Avenue, RX 32, Seattle, WA 98121, (AK, ID, OR, WA), (206) 615–2558, Ext. 3075

## Appendix F.—Training and Technical Assistance Providers

FYSB funds ten regionally based organizations to provide training and technical assistance to programs funded under the Basic Center, Transitional Living and Drug Abuse Prevention Programs, and to other agencies serving runaway and homeless youth.

Each of the training and technical assistance providers offers on-site consultations; regional, State and local conferences; information sharing and skill-based training.

For more information, contact the training and technical assistance provider in your region.

New England Consortium for Families and Youth, 25 Stow Road, Boxborough, MA 01719, (508) 266–1998, Contact: Nancy Jackson

Empire State Coalition, 121 Avenue of the Americas, New York, NY 10013, (212) 966–6477, Contact: Margo Hirsch

Mid-Atlantic Network of Youth and Family Services, Inc., 9400 McKnight Road, Pittsburgh, PA 15237, (412) 366–6562, Contact: Nancy Johnson

Southeastern Network of Youth and Family Services, 337 South Milledge Avenue, Athens, GA 30605, (706) 354–4568, Contact: Gail Kurtz

Youth Network Council, 506 S. Wabash, Chicago, IL 60605, (312) 427–2710, Contact: Denis Murstein

Southwest Network of Youth Services, 2525 Wallingwood Drive, Austin, TX 78746, (512) 328–6860, Contact: Theresa Andreas-Tod

M.I.N.K., A Network of Runaway and Youth Serving Agencies, c/o Youth in Need, 516 Jefferson Street, St. Charles, MO 63301–4152, (314) 946–0101, Contact: Yvette Thayer

Mountain Plains Youth Services, 221 West Rosser, Bismarck, ND 58501, (701) 255–7229, Contact: Linda Wood

Western States Youth Services Network, 1306 Ross Street, Suite B,, Petaluma, CA 94954, (707) 763–2213, Contact: Nancy Fastenau

Northwest Network of Runaway and Youth Services, 603 Steward Street, Seattle, WA 98101, (206) 628–3760, Contact: Andrew Estep

## Appendix G.—OMB State Single Point of Contact Listing

*Arizona*

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315, Fax: (602) 280–1305

*Arkansas*

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, Fax: (501) 682–5206

*Alabama*

Jon C. Strickland, Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, Montgomery, Alabama 36103–5690, Telephone: (205) 242–5483, Fax: (205) 242–5515

*California*

Grants Coordinator, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone: (916) 323–7480, Fax: (916) 323–3018

*Delaware*

Francine Booth, State Single Point of Contact Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone: (302) 739–3326, Fax: (302) 739–5661

*District of Columbia*

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone: (202) 727–6554, Fax: (202) 727–1617

*Florida*

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview

Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, Fax: (904) 487–2899

*Georgia*

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334, Telephone: (404) 656–3855 or (404) 656–3829, Fax: (404) 656–7938

*Illinois*

Barbara Beard, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone: (217) 782–1671, Fax: (217) 534–1627

*Indiana*

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, Fax: (317) 233–3323

*Iowa*

Steven R. McCann, Division of Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, Fax: (515) 242–4859

*Kentucky*

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, Fax: (502) 573–2512

*Maine*

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287–3261, Fax: (207) 287–6489

*Maryland*

William G. Carroll, Manager, State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 225–4490, Fax: (410) 225–4480

*Michigan*

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 961–4266

*Mississippi*

Cathy Malette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, Fax: (601) 359–6764

*Missouri*

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, Fax: (314) 751–7819

*Nevada*

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687–4065, Fax: (702) 687–3983

*New Hampshire*

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, Fax: (603) 271–1728

*New Jersey*

Gregory W. Adkins, Assistant Commissioner, New Jersey Department of Community Affairs.

Please direct all correspondence and questions about intergovernmental review to:

Andrew J. Jaskolka, State Review Process, Intergovernmental Review Unit CN 800, Room 813A, Trenton, New Jersey 08625–0800, Telephone: (609) 292–9025, Fax: (609) 633–2132

*New Mexico*

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640

*New York*

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605

*North Carolina*

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, Fax: (919) 733–9571

*North Dakota*

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, Fax: (701) 224–2308

*Ohio*

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411.

Please direct correspondence and questions about intergovernmental review to:

Linda Wise, Telephone: (614) 466–0698, Fax: (614) 466–5400

*Rhode Island*

Daniel W. Varin, Associate Director, Department of Administration/Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, Fax: (401) 277–2083.

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

*South Carolina*

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 477, Columbia, South Carolina 29201, Telephone: (803) 734–0494, Fax: (803) 734–0385

*Texas*

Tom Adams, Governor's Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, Fax: (512) 463–1880

*Utah*

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116, State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, Fax: (801) 538–1547

*Vermont*

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone: (802) 828–3326, Fax: (802) 828–3339

*West Virginia*

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, Fax: (304) 558–3248

*Wisconsin*

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–2125, Fax: (608) 267–6931

*Wyoming*

Sheryl Jeffries, State Single Point of Contact, Herschler Building 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone: (307) 777–7574, Fax: (307) 638–8967

Territories

*Guam*

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, Fax: 011–671–472–2825

*Puerto Rico*

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, Fax: (809) 724–3270, (809) 724–3103

*Northern Mariana Islands*

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

*Virgin Islands*

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802.

Please direct all questions and correspondence about intergovernmental review to:

Linda Clarke, Telephone: (809) 774–0750, Fax: (809) 776–0069

**BILLING CODE 4184–01–P**

APPENDIX H

BASIC CENTER PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

TABLE OF ALLOCATIONS BY STATE

Fiscal Year 1996

| Regions and States | Continuations Plus Gap Funding | New Starts | Totals |
|---|---|---|---|
| Region I | | | |
| Connecticut | $ 391,990 | $ 20,270 | $ 412,260 |
| Maine | 157,561 | 2,530 | 160,091 |
| Massachusetts | 466,195 | 278,803 | 744,998 |
| New Hampshire | 114,408 | 38,358 | 152,766 |
| Rhode Island | 112,123 | 13,438 | 125,561 |
| Vermont | 93,750 | 6,250 | 100,000 |
| Region II | | | |
| New Jersey | 909,768 | 100,478 | 1,010,246 |
| New York | 1,743,227 | 616,805 | 2,360,032 |
| Puerto Rico | 437,786 | 166,478 | 604,264 |
| Virgin Islands | 0 | 45,000 | 45,000 |

BASIC CENTER PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

TABLE OF ALLOCATIONS BY STATE

Fiscal Year 1996

| Regions and States | Continuations Plus Gap Funding | New Starts | Totals |
|---|---|---|---|
| Region III | | | |
| Delaware | $ 96,204 | $ 3,796 | $ 100,000 |
| District of Columbia | 96,200 | 3,800 | 100,000 |
| Maryland | 449,969 | 210,798 | 660,767 |
| Pennsylvania | 1,202,987 | 313,167 | 1,516,154 |
| Virginia | 601,104 | 237,542 | 838,646 |
| West Virginia | 209,606 | 14,835 | 224,441 |
| Region IV | | | |
| Alabama | 430,000 | 135,026 | 565,026 |
| Florida | 1,487,848 | 218,741 | 1,706,589 |
| Georgia | 825,842 | 164,524 | 990,366 |
| Kentucky | 497,904 | 9,573 | 507,477 |
| Mississippi | 70,436 | 325,083 | 395,519 |
| North Carolina | 682,132 | 236,559 | 918,691 |
| South Carolina | 0 | 498,060 | 498,060 |
| Tennessee | 185,000 | 493,555 | 678,555 |

BASIC CENTER PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

TABLE OF ALLOCATIONS BY STATE

Fiscal Year 1996

| Regions and States | Continuations Plus Gap Funding | New Starts | Totals |
|---|---|---|---|
| Region V | | | |
| Illinois | $ 1,677,417 | $ 0 | $ 1,677,417 |
| Indiana | 510,943 | 259,690 | 770,633 |
| Michigan | 833,482 | 487,529 | 1,321,011 |
| Minnesosta | 409,121 | 240,136 | 649,257 |
| Ohio | 1,093,392 | 399,743 | 1,493,135 |
| Wisconsin | 688,174 | 16,540 | 704,714 |
| Region VI | | | |
| Arkansas | 330,111 | 4,719 | 334,830 |
| Louisiana | 289,169 | 356,949 | 646,118 |
| New Mexico | 172,970 | 87,570 | 260,540 |
| Oklahoma | 414,529 | 45,863 | 460,392 |
| Texas | 2,118,899 | 654,439 | 2,773,338 |

BASIC CENTER PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

TABLE OF ALLOCATIONS BY STATE

Fiscal Year 1996

| Regions and States | Continuations Plus Gap Funding | New Starts | Totals |
|---|---|---|---|
| Region VII | | | |
| Iowa | $ 251,833 | $ 129,560 | $ 381,393 |
| Kansas | 240,863 | 120,126 | 360,989 |
| Missouri | 563,088 | 158,367 | 721,455 |
| Nebraska | 140,134 | 91,108 | 231,242 |
| Region VIII | | | |
| Colorado | 405,000 | 102,477 | 507,477 |
| Montana | 108,554 | 15,961 | 124,515 |
| North Dakota | 86,337 | 13,663 | 100,000 |
| South Dakota | 82,143 | 26,677 | 108,820 |
| Utah | 0 | 351,572 | 351,572 |
| Wyoming | 100,000 | 0 | 100,000 |

BASIC CENTER PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

TABLE OF ALLOCATIONS BY STATE

Fiscal Year 1996

| Regions and States | Continuations Plus Gap Funding | New Starts | Totals |
|---|---|---|---|
| Region IX | | | |
| America Samoa | $ 30,000 | $ 15,000 | $ 45,000 |
| Arizona | 458,206 | 111,529 | 569,735 |
| California | 4,054,007 | 443,708 | 4,497,715 |
| Guam | 0 | 45,000 | 45,000 |
| Hawaii | 140,885 | 18,159 | 159,044 |
| Northern Marianas | 0 | 45,000 | 45,000 |
| Nevada | 216,972 | 0 | 216,972 |
| Region X | | | |
| Alaska | 97,575 | 2,874 | 100,449 |
| Idaho | 175,939 | 1,417 | 177,356 |
| Oregon | 292,669 | 116,975 | 409,644 |
| Washington | 512,795 | 223,832 | 736,627 |
| TOTALS | $27,757,247 | $ 8,739,652 | $36,496,899 |

Appendix 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): ☐☐ – ☐☐☐☐☐☐☐☐☐

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: ☐☐ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

| 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 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**

BILLING CODE 4184–01–C

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 the process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

**BILLING CODE 4184–01–P**

## BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

**SECTION A – BUDGET SUMMARY**

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. | | $ | $ | $ | $ | $ |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTALS | | $ | $ | $ | $ | $ |

**SECTION B – BUDGET CATEGORIES**

| 6 Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total (5) |
|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges (sum of 6a - 6h) | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| 7. Program Income | $ | $ | $ | $ | $ |

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

BILLING CODE 4184-01-C

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. | $ | $ | $ | $ |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTALS (sum of lines 8 and 11) | $ | $ | $ | $ |

## SECTION D - FORECASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ | $ | $ | $ | $ |
| 14. NonFederal | | | | | |
| 15. TOTAL (sum of lines 13 and 14) | $ | $ | $ | $ | $ |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. | $ | $ | $ | $ |
| 17. | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 -19) | $ | $ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

| 21. Direct Charges: | 22. Indirect Charges: |
|---|---|
| 23. Remarks | |

SF 424A (4-88) Page 2
Prescribed by OMB Circular A-102

**Authorized for Local Reproduction**

Instructions for the SF–424A

*General Instructions*

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

*Section A. Budget Summary*

Lines 1–4, Columns (a) and (b)

For applicants pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Line 1–4, Columns (c) Through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

*Section B. Budget Categories*

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

*Section C. Non-Federal-Resources*

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

*Section D. Forecasted Cash Needs*

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

*Section E. Budget Estimates of Federal Funds Needed for Balance of the Project*

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

*Section F. Other Budget Information*

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

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 non-discrimination 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.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of authorized certifying official

_____

Title

_____

Applicant organization

_____

Date submitted

**BILLING CODE 4184–01–P**

# U.S. Department of Health and Human Services
# Certification Regarding Drug-Free Workplace Requirements
# Grantees Other Than Individuals

**By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.**

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"**Controlled substance**" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"**Conviction**" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"**Criminal drug statute**" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"**Employee**" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee 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 ongoing 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 ten 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 every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. 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).

**The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):**

**Place of Performance (Street address, City, County, State, ZIP Code)**_____

*Check ___ if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

**DGMO Form#2 Revised May 1990**

*Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions*

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief 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 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for 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 indicated 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 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participate shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

*Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''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 their covered transactions.

Certification Regarding Lobbying

*Certification for Contracts, Grants, Loans, and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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 contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

*State for Loan Guarantee and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

**BILLING CODE 4184–01–P**

# 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<br>b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | ☐ a. bid/offer/application<br>b. initial award<br>c. post-award | ☐ a. initial filing<br>b. material change<br>**For Material Change Only:**<br>year _____ quarter _____<br>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<br>Tier _____, *if known*: | |
| **Congressional District**, *if known*: | **Congressional District**, *if known*: |
| **6. Federal Department/Agency:** | **7. Federal Program Name/Description:**<br>CFDA Number, *if applicable*: _____ |
| **8. Federal Action Number**, *if known*: | **9. Award Amount**, *if known*:<br>$ |
| **10. a. Name and Address of Lobbying Entity**<br>*(if individual, last name, first name, MI)*: | **b. Individuals Performing Services** *(including address if different from No. 10a)*<br>*(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<br>☐ b. one-time fee<br>☐ c. commission<br>☐ d. contingent fee<br>☐ e. deferred<br>☐ f. other; specify: _____ |
| **12. Form of Payment** *(check all that apply)*:<br>☐ a. cash<br>☐ b. in-kind; specify: nature _____<br>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**

BILLING CODE 4184–01–C

*Certification Regarding Environmental Tobacco Smoke*

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

[FR Doc. 96–9116 Filed 4–12–96; 8:45 am]

BILLING CODE 4184–01–P

Federal Register

Monday
April 15, 1996

## Part III

# Department of Labor

**Office of the Assistant Secretary for Veterans' Employment and Training**

**Solicitation for Grant Application: Job Training Partnership Act, Title IV, Part C, Program Year 1996; Notice**

## DEPARTMENT OF LABOR

### Office of the Assistant Secretary for Veteran's Employment and Training

### Solicitation for Grant Application; Program Year 1996

**AGENCY:** Office of the Assistant Secretary for Veterans' Employment and Training.

**ACTION:** Solicitation For Grant Application: Job Training Partnership Act, Title IV, Part C, Program Year 1996.

**SUMMARY:** This notice sets forth the procedures for obtaining a solicitation package for funds for the operation of employment and training programs under the Title IV, Part C, of the Job Training Partnership Act (JTPA IVC). The solicitation is published herein as attached to this notice. The provisions which are set forth are in draft form and may change prior to final grant award.

**DATES:** An application package and instructions for completion will be made available on April 15, 1996. The closing date for receipt of a completed application in response to this SGA will be no later than May 15, 1996.

**ADDRESSES:** A copy of the application package and instructions will be mailed to all State Governors to be forwarded to the designated State entity as determined by the Governor. For further information contact Lisa Harvey U.S. Department of Labor, Office of Procurement Services, Rm. N5416, 200 Constitution Avenue NW., Washington, DC 20210, Telephone (202) 219–6445.

**SUPPLEMENTARY INFORMATION:** The State as defined by Section 4 of JTPA is the eligible applicant for grants to be funded under this SGA. An application for funds under this Solicitation will be accepted only if signed by the Governor of each State or his or her designee. A Governor's designee refers to the administrative head of the agency designated by the Governor to carry out the JTPA IV–C program in the State. Only one application will be accepted from each State. A transmittal letter signed by the Governor of the State or his or her designee must accompany the application. The letter must contain a statement that the designee is authorized to act on behalf of the Governor and administer the JTPA IV–C program.

Signed at Washington, D.C., this 3rd day of April 1996.

Lawrence J. Kuss,

*Grant Officer, Office of Procurement Services, Business Operations Center.*

April 3, 1996.

Ladies and Gentlemen: The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is requesting grant applications for programs that train and place veterans in unsubsidized employment in accordance with Title IV–C of the Job Training Partnership Act (JTPA). Attached is a Solicitation for Grant Application (SGA 96–01) package which consists of general program information, as well as specific application requirements and forms.

Awards made under the requirements of this SGA are subject to a competitive grants process.

Applications must include a Standard Form 424 with an original signature by the Governor of each State or his or her designee. A Governor's designee refers to the administrative head of the agency designated by the Governor to carry out the JTPA IV–C program in the State. Only one application will be accepted from each State's Governor. A transmittal letter signed by the Governor of the State or his or her designee must accompany the application. The letter must contain a statement that the applicant is authorized to act on behalf of the Governor and administer the JTPA IV–C program.

Applications are due no later than May 15, 1996, 4:45 p.m., Washington, D.C. time, at the U.S. Department of Labor, Office of Procurement Services, Division of Contract Administration and Grants, Room N–5416, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

It is anticipated that ten to sixteen awards will be made, each for a period of twelve months. During PY 1996, $6.0 million will be made available for this competition. Subject to the availability of sufficient funds for PY 1997, funding beyond one year may be available and may be requested through a Grant Modification Request, provided the applicant meets appropriate fiscal and performance goals of the program, as defined in the SGA.

This SGA does not commit the Government to pay any costs incurred in the preparation and submission of a grant application, nor to enter into a grant agreement. The Grant Officer is the only individual who can legally commit the Government to the obligation of public funds in connection with this solicitation.

Requests for information concerning this Solicitation are to be referred to Lisa Harvey, who may be reached at 202–219–6445.

Sincerely,

Lawrence J. Kuss,

*Chief, Division of Contract Administration and Grants Management, Office of Procurement Services, National Capital Service Center.*

## Solicitation for Grant Applications Veterans' Employment and Training Service

*Part I*

## General Program Information and Requirements for Application of Funds

### I. Purpose of the Solicitation for Grant Applications (SGA)

The U.S. Department of Labor (DOL), Office of the Assistant Secretary for Veterans' Employment and Training (OASVET), is soliciting grant applications for the provision of employment and training programs to begin July 1, 1996 (PY 1996) through June 30, 1997 in accordance with Title IV, Part C, of the Job Training Partnership Act (JTPA IV–C).

### II. Background

JTPA IV–C directs the Secretary of Labor to conduct programs directly or through grants or contracts to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam-era, and veterans who are recently separated from military service. The statute directs that programs supported under this Part be administered by the Office of the Assistant Secretary for Veterans' Employment and Training (OASVET) which is responsible for the distribution of funds, fiscal accountability, and program performance under JTPA IV–C.

The intent of JTPA IV–C is to provide funding to the States to enhance employment and training services to eligible veterans with barriers to employment. The employment and training services offered to each participant are to be individually designed to overcome the identified barriers and lead to an unsubsidized job placement that meets the participant's minimum economic needs.

The OASVET recognizes that the philosophy, program design, and general effectiveness of the JTPA IV–C programs vary widely among the grantees throughout the country. Grantee programs use varying approaches with respect to outreach and recruitment, intake and assessment, employment development plans (EDPs), training, placement, and follow-up. Outreach and recruitment efforts have included setting specific veteran targets, developing and using promotional materials, or establishing extensive community networks to complement outreach and recruitment efforts. Intake and assessment activities are essential to determining a veteran's ability to meet program eligibility requirements and his or her ''job readiness.'' Many different types of techniques and testing instruments have been used by grantees to assess the attitudinal, vocational and remedial skill needs of a participant. Based on intake and assessment approaches used to identify participant ''job readiness,'' employment barriers, skills, education, personal interests, and career goals, JTPA IV–C program staff develop employment development plans. Among the various items contained in the EDP's are: participants' needs, short- and long-range goals, education, employment history, training

history, skills summary, employment barriers, and personal interests. One state's plan includes a schedule of tasks and timelines for elimination of identified barriers and achievement of employment goals. The EDP ensures that competencies are mastered and appropriate training services are provided.

As with other aspects of the delivery of services, training interventions also vary across JTPA IV–C programs. In most cases, either On-the-Job Training (OJT), classroom training, or both, are available to veterans. Job search skills training is also included. Placement assistance involves various combinations of job development assistance by either the grantee program staff, Disabled Veterans' Outreach Program staff (DVOP) or Local Veterans' Employment Representatives (LVER) staff, educational institutions, and self-help methods; use of the Public Employment Service job listings is also included by some grantees to identify employment opportunities. Finally, some grantees use periodic follow-up after placement to track what happens to participants after they leave the program, and other grantees choose to provide ancillary services which can include career development, job search and post-placement counseling.

*National Trends Affecting the JTPA IV–C Program*

The JTPA IV–C program is the smallest of all JTPA programs. Through a complex funding formula, funding for IV–C programs amounts to slightly less than one half of one percent of the combined funding available for Title IIA and Title IV programs. In recent years, IV–C funding has been reduced due to shrinking JTPA allocations and Federal budget cuts. Fifty-two percent of all States had grants funded at less than $100,000 in Program Year (PY) 1992, and of that group, 74% were funded at the minimum level of $55,000. This resulted in fewer states electing to participate in the IV–C program.

III. Changes to JTPA IV–C

Beginning with the Solicitation for Grant Applications (SGA) issued in May 1994, the OASVET changed the grants process for JTPA IV–C programs from a formula-based process to a competitive process. The goal was to provide larger grants that maximized services to Veterans with programs that have a richer mix of training options and support services. In the aggregate, such a funding approach demonstrated greater performance and increased customer satisfaction. Forty-four applicants responded to the PY 94 SGA and a total of fourteen applicants received grant awards.

The OASVET has also eliminated the requirement that applicants pledge an amount of matching funds or in-kind services that is equal to or greater than the amount being requested. In the past, this requirement became increasingly difficult for applicants to meet and was a reason for some states electing not to submit an application for IV–C funding.

JTPA IV–C grants in PY 96 (July 1, 1996) will be funded on a two-year, competitive basis, and all awards will be made at the same time. Second-year funding will be contingent on satisfactory performance in the first year and on the availability of funds. This approach will enable the OASVET to select those grantees who are most responsive to the requirements in the legislation and the SGA; provide a greater monetary incentive for States by awarding larger grants than before; reduce the level of effort required by States to prepare applications and by the OASVET to award and administer the JTPA IV–C grants; standardize the funding cycle to provide more timely and comparable data for improved monitoring and evaluation, and allow the OASVET the option of not funding second-year operations by grantees that do not perform as required.

*Notice of Proposed Rulemaking*

A Notice of Proposed Rulemaking was published on March 8, 1994 in the Federal Register at 59 FR 10769, notifying the public of the intent to remove current regulations which provide for a non-competitive, formula driven process and in its place establish a new competitive grants process. Comments from the public were invited over a 30 day period. Grant awards under the provisions of the former SGA were made after the final announcement in the Federal Register and the JTPA–IV–C regulations were removed.

IV. Grant Awards

Highest consideration will be given to those applications which demonstrate the greatest commitment to serve eligible Veterans and are proposing a program(s) in a geographic area(s) in which there are few or no interventions available to Veterans with significant barriers to employment.

Applicants are encouraged to present the best possible narrative about their program. It is also extremely important that the narrative portion of the application make it clear what the problem is, the proposed solution, and how eligible Veterans will benefit from the proposal.

V. Review/Award Process

Proposals received will be evaluated by a Review Panel utilizing the criteria described in this Solicitation. The Panel's recommendations will be advisory. Final awards will be made based on the best interests of the Government as determined by the Grant Officer. Technical and/or budgetary negotiations with applicants may be conducted by the Grant Officer before final grant award. Although the Government reserves the right to award on the basis of the initial application submission, it is anticipated that negotiations will be conducted leading to submissions of a final negotiated application. Under this Solicitation, the number of awards will be anywhere from ten to sixteen (10–16) and are anticipated to be in the range of $400,000 to $850,000. THE DEADLINE FOR SUBMISSION OF APPLICATIONS WILL BE MAY 15, 1996. Awards are anticipated to be made in June 1996.

VI. Period of Performance

*A. First-Year Funding*

The anticipated period of performance will be for one year beginning July 1, 1996 through June 30, 1997. (All budget forms should reflect this period to cover four (4) fiscal quarters). No applicant shall begin program operations before the grant award. Due to the competitiveness of the IV–C Grant, the Grantee will be held to the performance and funding goals in the Grant Award and no modifications will be allowed during the first year of the grant.

*B. Second-Year Funding*

Subject to the availability of sufficient funds for PY 1997, funding beyond one Year may be available and may be requested through a Grant Modification Request, provided the applicant:

1. By the end of the third quarter, achieves at least 60% of the first year total goals for Federal expenditures, enrollments and core training (all training added together), or

2. 85% of total goals for the year if planned activity is *NOT* evenly distributed in each quarter.

All instructions for modifications and announcement of funding availability will be issued at a later date.

VII. Eligible Applicants

*Eligible Applicants*

The State as defined by Section 4 of JTPA is the eligible applicant for grants to be funded under this SGA. An application for funds under this Solicitation will be accepted only if signed by the Governor of each State or

his or her designee. A Governor's designee refers to the administrative head of the agency designated by the Governor to carry out the JTPA IV–C program in the State. Only one application will be accepted from each State. A transmittal letter signed by the Governor of the State or his or her designee must accompany the application. The letter must contain a statement that the designee is authorized to act on behalf of the Governor and administer the JTPA IV–C program.

The designated applicant may propose to operate programs through sub-applicants, such as JTPA entities, State Employment Service Agencies (SESAs), community based organizations, educational institutions, non-profit organizations, or other service providers. States should allow sufficient time for the procurement procedures required for selecting and consolidating State subapplications into a single proposal that is responsive to this SGA by the prescribed deadline.

VIII. Participant Eligibility

*A. Legislative Criteria*

For the purpose of this Solicitation, the term Veteran as defined in 29 U.S.C. 1503(27)(A)(JTPA Section 4(27)(A)), shall refer to an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

Participant eligibility criteria for Title IV–C participation is stated as follows:

1. ''Service-connected disabled veteran'' refers to (1) a veteran who is entitled to compensation under laws administered by the Department of Veterans' Affairs (DVA), or (2) an individual who was discharged or released from active duty because of a service-connected disability. See 29 U.S.C., Sec. 1503(27)(B).

2. ''Veteran of the Vietnam-era'' refers to an eligible veteran any part of whose active military service was during the Vietnam-era (i.e., any part occurred between August 5, 1964 and May 7, 1975). See 29 U.S.C., Sec. 1503(27)(D).

3. ''Veterans who are recently separated from military service'' refers to any veteran who applies for participation in a program funded under any title of JTPA within 48 months after separation from military service, as defined in 29 U.S.C., Sec. 1503 (27)(C).

Only those veterans who meet these statutory eligibility criteria may be served by JTPA IV–C funds.

*B. PY 96–97 Special Consideration*

In PY 96 and PY97, the OASVET encourages grant applications to provide services to Veterans most in need to include services to women and other Veteran minorities who meet JTPA IV–C eligibility requirements.

IX. Separation of Technical and Cost Proposals

To facilitate proposal evaluation, the applicants shall submit separate sections entitled Technical Proposal and Cost Proposal. These sections must be physically separate (i.e., the Cost Proposal must start on a new page and be separately stapled). In addition to Technical and Cost Proposals, the grant application shall contain a transmittal letter signed by the Governor of the State, or his or her designee, an Abstract, and a Table of Contents. These elements of the application are further described on the next page.

X. Required Contents of an Application

All applications found to be responsive will be retained by the Grant Officer for complete evaluation of the entire application. To be considered responsive, the grant application package must include the elements and number of copies indicated below. For each of these sections, applicants are encouraged to be concise yet thorough in documentation and narratives. Finally, applicants should refer to the Glossary contained in this SGA to ensure that terms used in their applications are in agreement with those in the SGA.

| Elements required in the application | Recommended page length (one-sided, double spaced) |
|---|---|
| Transmittal Letter | 1. |
| Table Contents | 1. |
| Abstract | 1–2 |
| Technical Proposal: Submit original and three copies. | 16 pages total including the required goal chart. |
| • Statement of Needs<br>• Program Design and Goals<br>• Qualifications of the Applicant<br>• Community Linkages/In-Kind Contributions, Optional Outside Funds and/or Letters of Financial Commitments | |
| • Additional Attachments; i.e., charts, graphs, tables. | Not to exceed 10 pages. |
| Cost Proposal: Submit original and two copies: | |
| • Standard Form 424 | 1. |
| • Standard Form 424–A. | 2. |
| • Budget Narrative for applicant and subapplicant (including the Direct Cost Description form for Applicants and Subapplicants). | 4. |
| • Grant Assurances, and Certifications Signature Page. | As Attached. |

*A. Transmittal Letter*

A transmittal letter signed by the Governor of the State or his or her designee must accompany the application. The letter must contain a statement that the applicant is authorized to act on behalf of the Governor and administer the JTPA IV–C program.

*B. Table Contents*

A Table of Contents *must* be included in the grant application package. The Table of Contents should identify, by title and page number, each significant Section of the Technical Proposal. Sequential numbering of each page in the Grant application package is required in order to facilitate and expedite the review, negotiation, and award process.

*C. Abstract*

Each application shall include an Abstract which shall include the following elements:

1. Total amount of Federal funds requested,

2. Name(s) of Grantee and Sub-Grantee(s),

3. The Region in which the applicant is located, and where the project(s) will be located and,

4. Brief summary of mandatory services provided to IV–C eligible Veterans.

The purpose of the Abstract is to allow for a preliminary review of applications by the Grant Officer to identify those which are responsive to application preparation instructions and which contain the mandatory program elements as described in this SGA. THE ABSTRACT SHOULD BE ATTACHED TO THE TRANSMITTAL LETTER.

*Applications which are substantially incomplete or deficient with respect to the specified required forms and content may be deemed unacceptable and receive no further consideration.*

*D. Technical Proposal*

The Technical Proposal shall consist of the Statement of Needs, Program Design and Goals, Qualifications of the Applicant and/or Sub-Applicant(s), Community Linkages/InKind Contributions, and Optional Outside Funds and/or Letters of financial commitment from community organizations. Additional Attachments; i.e., charts, graphs, tables. The Technical Proposal shall address only the programmatic aspects of the proposed program and shall not include any statement regarding the amount of funds being requested.

1. *Statement of Need*

The Statement of Needs should succinctly describe the problem(s) to be addressed by the proposed program. The Statement of Needs should identify employment and training problems commonly experienced among eligible veterans who reside in a specific geographical area. The following provides direction regarding topics which should be addressed in the narrative of the applicant's Statement of Needs.

(a) Geographical Area

The geographic area(s) to be served should be identified and this description must agree with the entries in Boxes 12, 14a and 14b of the SF 424.

(b) Eligible Veterans Targeted

Information regarding JTPA IV–C eligible veterans who reside or will reside in the area(s) to be served shall include information on numbers of service connected Veterans, Vietnam-era Veterans, and recently separated Veterans. Data on other subgroups of eligible veterans may also be provided as part of the Statement of Needs, e.g. women and minorities.

(c) Identification of Special Problems and Needs of the Population

If there are aspects of the areas to be served which overall pose a general barrier(s) to employment, these shall be identified, e.g., economic isolation found in remote areas, high unemployment rate, significant industrial closings or slow downs, military base closures, economic downturns, lack of shelter, etc. The applicant shall include the source of this data. Also identify unique or severe handicaps and barriers to employment which may be common to the eligible population of veterans or other subgroups of veterans to be served by the proposed program. Such barriers could include post traumatic stress disorder (PTSD) syndrome, or circumstances which especially affect particular categories of disabled veterans, recently separated veterans who lack marketable work skills, etc. The barriers identified in this section shall be specifically linked to the enrollment goals and interventions proposed in the Program Design.

2. *Program Design*

a. The Program Design shall describe the approach applicants will use to address targeted veterans' barriers to employment. The Program Design shall describe all aspects of an applicant's program and delineate which services are to be funded using JTPA IV–C funds and optional outside funds. The Program Design shall provide information on how services are expected to be delivered, i.e. through the applicant or through other eligible subapplicants, and provide the names of any and all subapplicants.

b. Programs for which funds are sought under this SGA may include new initiatives, further development of existing programs, or a combination. If applications are for continuing activities, the demonstrated effectiveness of existing programs shall be described and applicants shall address the extent to which previous enrollment and performance goals were met. In cases where the programmatic approach calls for a combination of new and existing programs, a description shall be included of how the new activities and existing programs will complement each other and enhance other programs.

c. In order to comply with this SGA, applicants shall agree to place participants in unsubsidized employment, paying an average wage that is at least equivalent to the average JTPA Title IIA rates reported in their respective States for PY 94. If applicants are proposing wages less than the Title IIA wage rates, they shall provide a rationable. While meeting this requirement will provide no additional rating points, failure to provide a rationale for proposing a lesser average wage rate will result in the loss of 5 points for the rating of this criteria.

| State | Average wage at placement |
|---|---|
| Alabama | $6.12 |
| Alaska | 10.08 |
| Arizona | 6.46 |
| Arkansas | 6.94 |
| California | 7.37 |
| Colorado | 7.27 |
| Connecticut | [1] 7.66 |
| Delaware | 7.03 |
| D.C. | 7.39 |
| Florida | 6.87 |
| Georgia | 6.46 |
| Hawaii | 7.72 |
| Idaho | 6.86 |
| Illinois | 7.48 |
| Indiana | 7.42 |
| Iowa | 7.29 |
| Kansas | 7.69 |
| Kentucky | 6.08 |
| Louisiana | 6.22 |
| Maine | 7.08 |
| Maryland | 6.74 |
| Massachusetts | 8.44 |
| Michigan | 6.88 |
| Minnesota | 7.93 |
| Mississippi | 5.93 |
| Missouri | 6.51 |
| Montana | 7.21 |
| Nebraska | 6.59 |
| Nevada | 7.64 |
| New Hampshire | 7.26 |
| New Jersey | 8.45 |
| New Mexico | 6.78 |
| New York | 7.72 |
| North Carolina | 6.56 |
| North Dakota | 6.26 |
| Ohio | 7.45 |
| Oklahoma | 7.33 |
| Oregon | 7.07 |
| Pennsylvania | 7.10 |
| Puerto Rico | 4.74 |
| Rhode Island | 7.07 |
| South Carolina | 6.48 |
| South Dakota | 5.98 |
| Tennessee | [1] 5.90 |
| Texas | 6.99 |
| Utah | 7.27 |
| Vermont | 6.95 |
| Virginia | 6.18 |
| Washington | 7.50 |
| West Virginia | 5.80 |
| Wisconsin | 7.06 |
| Wyoming | 6.83 |

[1] Data not available for PY 1994—previous PY data cited.

d. There are three program activities that all applications shall contain to be found technically acceptable under this SGA. These activities are: Employment Development Plans, Core Training, and Job Placement Services. In addition to these mandatory activities, proposed programs should include some combination of optional activities such as pre-enrollment assessments, ancillary services and follow-up to assure that participations will be placed in unsubsidized employment that meets their ''minimum economic need''. Both categories of program activities are more fully described below.

(1) *Mandatory Program Activities*

(a) *The Employment Development Plan (EDP)*

A definition of Employment Development Plan (EDP) can be found

in the Glossary of Terms. The implementation of an FDP is required for all veterans enrolled in programs supported by JTPA resources. A copy of an EDP is maintained in each participant's file. The EDP shall document a summary of the assessments conducted to ascertain the abilities, barriers and needs of the participant. At a minimum, the EDP should substantiate the participant's minimum income needs, identify barriers and skill deficiencies, and describe the services needed and the competencies to be achieved by the participant as a result of program participation. The applicant shall also include a description of their proposed EDP process.

(b) *Core Training Activities*

A definition of Core Training Activities can be found in the Glossary of Terms. It refers to any training program that leads to the development of job skills for the client. Each client who is to be enrolled in a JTPA IV–C program must receive some form of core training. The Program Design narrative must identify the core training components to be employed in the applicant's program, and these components must agree in scope with the definitions found in the Glossary of Terms. Core training components proposed by the applicant that do not fit the glossary terms or definitions must be adequately described and justified in the Program Design narrative. Core training activities described in this section may include but are not limited to the following:

I. Classroom training;
ii. On-the-job training;
iii. Remedial education;
iv. Literacy and bilingual training;
v. Institutional skills training;
vi. Occupational skills training;
vii. On-site industry-specific training;
viii. Customized training;
ix. Apprenticeship training; and
x. Upgrading and retraining.

Definitions of these core training activities are found in the Glossary of Terms.

(c) *Job Placement Services*

A definition of Job Placement Services can be found in the Glossary of Terms. The ultimate objective of JTPA IV–C services is to place each client in a meaningful, permanent job that allows the client to become economically self-sufficient. The applicants shall describe in the Program Design how job placements will occur after core training activities and/or after job development or referral efforts are initiated.

(2) *Optional Program Activities*

(a) *Pre-Enrollment Assessments*

A definition of Pre-enrollment Assessment can be found in the Glossary of Terms. This SGA allows costs for pre-enrollment assessments that enable grantees to determine the employability needs of applicants by conducting meaningful evaluations of applicant skills and barriers. Grantees are then able to refer those applicants who may not be appropriate for the services of the proposed program to other service providers. The assessment of applicants prior to enrollment is an allowable cost to JTPA IV–C provided it has been determined that the applicants to be assessed meet the legislative criteria for the JTPA IV–C eligibility. In the Program Design, the grant applicant shall identify the means of pre-enrollment assessments it intends to use and the purpose for the information to be derived from those assessments.

(b) *Ancillary Services*

A definition of Ancillary Services can be found in the Glossary of Terms. Although not a required component of a JTPA IV–C program, the applicant may choose to supplement its core training activities by providing some form of ancillary services. The applicant shall describe in the Program Design if ancillary services are to be provided to clients, and if so, the nature of those services. Ancillary services may include but are not limited to the following activities to accommodate the individual needs of the participants. Any other services being proposed other than those listed below must be fully described.

I. Vocational explorational training
ii. Case Management
iii. Counseling
iv. Job club activities
v. Job search assistance

Definitions of these ancillary services are found in the Glossary of Terms.

(c) *Follow-Up*

A definition of Follow-Up can be found in the Glossary of Terms. Applicants may choose to include follow-up services in their proposed program to track what happens to applicants after initial placement. Applicants must describe in the Program Design if follow-up services are to be provided to clients, and if so, the nature of those services.

(3) *Performance and Enrollment Goals*

A chart is provided to identify the performance and enrollment goals of the proposed program. The chart entitled Performance and Enrollment Goals in Part II must be included with the Program Design.

(a) The performance goals are arrayed in four fiscal quarters. The number of quarters for which performance is planned should be the same as the number of quarters indicated in Section D of SF 424A for which expenditures are provided. Data on the Performance and Enrollment Goals chart is to be entered on a cumulative basis only.

(b) When establishing performance goals, estimate the number of assessments to be performed, the number of enrollments, the number of terminations, and the number of placements on a quarterly basis. Also estimate enrollment goals for core and ancillary training activities for each quarter in order to develop the budget for the program.

(c) An enrolled veteran is one who has been determined eligible for services at intake and who is scheduled to receive training. Enrollment goals are to be described in the Program Design, accompanied with the Performance and Enrollment Goals chart. Proposed enrollment goals for each quarter by eligible target group must be provided with a discussion that links the number of eligible veterans described under the Statement of Needs to the enrollment goals. Other eligible subgroups of veterans that the applicant intends to serve, such as women or minorities, must also be reported on the enrollment chart, discussed in the Program Design, and identified in the Statement of Needs.

3. *Qualifications of the Applicant and Subapplicant*

a. *Required Elements*

This section shall discuss the experience and qualifications of the applicant for successful completion of the program. The discussion shall include the experience of the organization in delivering successful programs related to that being proposed. The applicant shall include with the narrative a list of the type of grants received by the applicant and subapplicant(s) over the last three years and the amount of those grants. For each grant listed, provide the grantor's name and phone number, specific outcomes achieved, to include average wages at placement and entered employment rates.

4. *Community Linkages/In-Kind Contributions, Optional Outside Funds and/or Letters of Financial Commitment*

a. Community Linkages/In-Kind Contributions

This section must provide information on the quality and extent of the linkages the program will have with outside organizations (including state, municipal, non-profit organizations and community organizations). If these linkages include in-kind services or other coordinated efforts at no additional cost to this grant these should be identified.

b. Optional Outside Funds

The inclusion of outside funds in an applicant's program is not a requirement to receive JTPA IV–C funds. However, if outside funds are to be included, the applicant shall identify in the Technical Proposal the source of such pledges of financial support and describe the programmatic utilization of these funds and how such funds will promote achievement of the program objectives.

c. Letters of Financial Commitment

The dollar amount of this support shall be identified in the Technical Proposal. Pledges of financial support shall be accompanied by an official signed letter of commitment from each organization and included as Attachments to the Technical Proposal.

5. *Cost Proposal*

Applicants shall submit an original and two copies of the Cost Proposal. Required elements of which consist of the following:

a. Standard Form (SF) 424—Application for Federal Assistance

The amount of Federal funds requested shall be indicated on this form and must agree with the amounts reflected on the SF 424A which is also submitted in the Cost Proposal. Additionally, the SF 424 must be signed by an official who is authorized to represent the applicant in a grant agreement with the U.S. Department of Labor.

b. Standard Form (SF) 424 A—Budget Information—Non-Construction Program

This form is used to project anticipated costs in various object class categories among the applicant and subapplicant(s) over the fiscal quarters of PY 1996. Instructions for the completion of this form are found in Part II of this Solicitation.

c. Direct Cost Descriptions for Applicants and Subapplicants

A form and appropriate instructions are provided in Part II of this Solicitation for the purpose of identifying direct and administrative charges associated with various object class categories. This form shall be completed and included in the Cost Proposal.

d. Budget narrative

The applicant shall provide a narrative explanation of the purpose of each proposed program cost and how it was derived, and indicate how it is related to the operation of the program. Program costs which must include a narrative are the following:

(1) The object class categories from the SF 424A, Section B, such as personnel, fringe benefits, travel, equipment, supplies, other, and indirect charges for both the applicant and any subapplicants.

(2) Training costs, which are included under line h Column (5) ''Other'' for applicants, or if subapplicants are to provide training services, they are to be included under line h for columns (1–4). Training costs may be determined by applying 50% of wages for OJT hours, paying for tuition/books at a community college, or by applying the cost of training staff.

(3) ''Other'' costs as found on line h of the SF424A for applicants and subapplicants, which may include rent, utilities, training, or support services, such as child care or bus fare.

(4) The nature and identity of any sub-grantees should be discussed *briefly*.

(5) The average cost-per-participant and the average cost-per-placement shall be identified. The cost-per-participant is derived by dividing the amount of Federal funds being requested by the number of participants to be supported in the proposed program. The cost-per-placement is calculated by dividing the amount of Federal funds requested by the number of participants anticipated to be placed in employment.

(6) The applicant must explain indirect cost charges and justify fringe benefit costs that exceed thirty-five percent (35%) of the aggregate personnel charges.

(7) Certifications and Assurances, Include the signature page of the Certifications and Assurances and any pertinent attachments along with the Cost Proposal.

XI. Rating Criteria for Technical & Cost Proposals

*A. Technical Proposal—80 Points*

Applicants are advised that selection for grant award is to be made after careful evaluation of the grant application by the Review Panel. Each panelist will evaluate applications against the various criteria on the basis of 80 points. The scores will then serve as the primary basis for considering the technical merits of applications for potential award. Clarification may be requested of grant applicants if the situation so warrants.

*Point Distribution*

Statement of Needs.....20 points
Program Design and Goals .....30 points
Qualifications of the Applicant .....15 points
Community Linkages/In-Kind Contributions, Outside Funds & Letters of Financial Commitments ..... 15 points

In order to receive the maximum of 80 points in the rating of the Technical Proposal, applications must be exceptional in meeting all the criteria of the elements described below.

*B. Evaluation Criteria*

1. *Statement of Need: 20 Points*

Applicants will be rated on their ability to demonstrate an understanding of the barriers to employment exhibited by the veteran population to be served. The Statement of Needs must be accompanied with statistical data or other documentation to support statements made.

2. *Program Design and Goals: 30 Points*

Applicants will be rated based on the following criteria:.

(a) the thoroughness of the proposed EDP plan and process in documenting the abilities, barriers, and needs of each participant and in ensuring that appropriate services are provided;

(b) the degree to which the proposed core training interventions will address the multiple barriers to employment of the target population by developing marketable job skills;

(c) the degree to which proposed job placement services will place clients in meaningful, permanent jobs that will allow clients to become economically self-sufficient;

(d) the appropriateness of optional program activities to the needs and interests of the target groups to be served;

(e) average wage rates at placement, or the existence of a rationale for utilizing rates lower than the PY 94 Title IIA rates;

(f) the degree to which the quantitative performance and

enrollment goals and timeframes are realistic and indicate that a substantial effort will be made to provide meaningful services to veterans consistent with the Statement of Needs.

3. *Qualifications of the Applicants and Subapplicant(s): 15 Points*

The applicant and the proposed sub-applicant(s) will be rated on their level of knowledge, experience and expertise in conducting programs that provide job training and job placement services.

4. *Community Linkages/In-Kind Contributions, Optional Outside Funds and/or Letters of Financial Commitments: 15 Points*

Utilization of outside agencies such as state, municipal and community agencies by applicants can enhance IV–C services to participants, ensure that duplication of effort is minimized, and ensure that activities to serve targeted veterans are coordinated.

Applications will receive up to 10 points for demonstrating the degree to which proposed programs create or maintain cooperative linkages with other State, municipal, and community agencies. An additional 5 points shall be awarded to applications that demonstrate a commitment of outside funds to the program. This use of the term funds is not inclusive of the value of in-kind services. All commitments of outside funds must be substantiated by one or more signed letters of support that identify the amount and source of financial resources being committed (ensure that this information is included *only* in the Technical Proposal).

5. *Cost Proposal: 20 Points*

Each Cost Proposal will be evaluated on its efficiency in relation to other Cost Proposals submitted in response to this SGA. The average cost per average (ACPA) which is the average of the proposed average cost-per-participant and average cost-per-placement will be the sole aspect of cost efficiency considered in this regard. The average cost-per-participant is derived by dividing the total amount of Federal funds requested by the Total number of planned participants. The average cost-per-placement is calculated by dividing the total amount of funding requested by the goal for placements. The ACPA shall be derived by dividing the sum of the two averages by two (2).

The proposal having the lowest average of these two will receive 20 points, based on the following formula: (lowest ACPA/ACPA x 20)

All other proposals will receive points using the above formula. For example, if the lowest ACPA is $2,000, it would receive a cost score of 20. If another proposal had an ACPA of $4,000, it would receive a score of 10 (i.e., [$2,000/$4,000] x 20). Lower scores from this evaluation of cost efficiency due to higher cost services may be compensated by receiving additional points in the Statement of Needs of the Technical Proposal for serving participants having significant barriers which may be costly to serve (see Section XI (B) above). Total scores are derived by adding the points given to Technical Proposals to those given to Cost Proposals. Optimally, Technical Proposals are weighted four times greater than the highest rated Cost Proposal (80 points versus 20 points).

XII. Non-Responsive Applications

All information provided in the application package must be concise and accurate. Applications will be given a preliminary review to identify if one or more of the following requirements is not met by an applicant. Such a finding will render the application nonresponsive and it will not be considered by the Review Panel. Non-responsive applications include the following characteristics:

—those that are submitted after the deadline;
—those in which the Governor of the State has not designated the applicant as his or her designee to carry out the program;
—those that do not include the mandatory activities of core training, employment development plans, and job placement services;
—those that exceed the maximum funding amount of $850,000;
—those that exceed the twelve month period of performance; and
—those that exceed four fiscal quarters of activity.

All applications found to be responsive will be retained by the Grant Officer for complete evaluation of the entire application.

XIII. General Application Requirements for Funds

A. One *blue* ink-signed original, complete grant application, marked original, plus 3 copies shall be submitted to the U.S. Department of Labor, Office of Procurement Services, Room N–5416, 200 Constitution Avenue, N.W., Washington, DC 20210, not later than 4:45 pm EDT, May 15, 1996. Hand-delivered applications must be received by the Office of Procurement Services by that time.

B. Any application received at the Office of Procurement Services after 4:45 pm EDT will not be considered unless it is received before award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before May 15, 1996; or

2. It was sent by U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, not later than 5:00 pm at the place of mailing two working days, excluding weekends and Federal holidays, prior to May 15, 1996.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (*not* a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants shall request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the wrapper or envelope.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above.

Therefore, applicants shall request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Office of Procurement Services on the application wrapper or other documentary evidence of receipt maintained by that office.

Applications sent by telegram or facsimile (FAX) will *not* be accepted.

XIV. Administrative Provisions

A. All grants awarded under this SGA shall be subject to the administrative standards and provisions of DOL which include the following:

1. 29 CFR Part 96 (Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements). This rule implements, for State and local governments and Indian tribes that receive Federal Assistance from the

DOL, Office of Management and Budget (OMB) Circular A–128 ''Audits of State and Local Governments'' which was issued pursuant to the Single Audit Act of 1984, 31 U.S.C., Sec. 7501–7507. It also consolidates the audit requirements currently contained throughout the DOL regulations.

2. Section 165 of the JTPA—Reports, Recordkeeping and Investigations. Please note that Sections 4, 141–184 and 441 also apply.

3. 29 CFR Part 97—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

4. 29 CFR, Parts 30, 31, 32, 33 and 34—Equal Employment Opportunity in Apprenticeship and Training; Nondiscrimination in Federally Assisted Programs of the Department of Labor, Effectuation of Title VI of the Civil Rights Act of 1964; and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Incorporated by Reference). These rules implement, for recipients of federal assistance, non-discrimination provisions on the basis of race, color, national origin, and handicapping condition, respectively.

5. 29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Etc.

6. Applicable provisions of JTPA, Pub. L. 97–300, including all applicable provisions of sections 161–171, Federal and Fiscal Administration.

7. Appeals from nondesignation will be handled under 20 CFR Part 636.

XV. Special/General Grant Provisions and Certifications/Assurances [1]

If the applicant is awarded a grant, it will be required to operate the program in accordance with the following Certifications and Assurances and with the following Special and General Grant provisions.

[1] Certifications, assurances and the special and general provisions can be found in Part III.

*A. Special Provisions*

1. The Special Provisions which are incorporated in the approved grant will contain elements to reflect program requirements specific to the awarded grant. It is the responsibility of the grantee to ensure that these provisions are adhered to and that the program is operated in compliance with these requirements. The grantee must review these provisions as they are unique to each grant upon award.

*B. General Provisions*

1. The General Provisions are standard for each award during each Program Year. As with the Special Provisions, it is the responsibility of the grantee to ensure that the program is operated in compliance with these provisions.

*C. Certifications/Assurances*

1. As original signed and dated signature page providing the following certification and assurances must accompany the Cost Proposal:

a. Certification regarding lobbying;

b. Certification regarding debarment and suspension;

c. Certification regarding a drug-free work place;

d. Certification of Release of (Grantee) Information;

e. Certification regarding nondiscriminatory and equal opportunity; and

f. Grant Assurances for Non-construction programs.

XVI. Executive Order 12372: Intergovernmental Review of Federal Programs

The DOL has identified JTPA IV–C, as being eligible for State review under Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' Therefore, each applicant is required to follow the procedures established by its State relative to the Executive Order and may be required to simultaneously submit a copy of the application to the State Single Point of Contact (SPOC), if the State has one. Indication of the applicant's action with respect to the SPOC submittal must be noted on item 16 of the SF 424.

XVII. Allowable Costs

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

a. State and local government—OMB Circular A–87

b. Educational institutions—OMB Circular A–21

c. Nonprofit organizations—OMB Circular A–122

d. Profit-making commercial firms—48 CFR Part 31

XVIII. Limitation on Administrative and Indirect Costs

Costs for administration may not exceed 20 percent of the total IV–C grant funds. Indirect costs claimed by the applicant shall be based on a federally approved rate. The approving entity (the Federal Cognizant Agency) should be identified by the applicant in box 22 of the SF424A.

Part II—Required Forms & Instructions

Required Forms and Suggested Formats

Two forms and two suggested formats for information required in the JTPA IV–C application are provided below along with instructions for proper completion.

*A. Standard Form 424 (SF 424): Application for Federal Assistance*

The SF 424, which collects summary information about the applicant and the program being proposed, must be submitted with the grant application. To preclude unnecessary delays in the processing of a grant application package, accurate and thorough completion of this form is critical. The general instructions found on the back of the SF 424 are provided to assist applicants. A copy of the SF 424 follows. The SF 424 must be signed by the Governor or the administrative head of the designated agency.

BILLING CODE 4510–79–P

# APPLICATION FOR FEDERAL ASSISTANCE

| | | |
|---|---|---|
| | 2. DATE SUBMITTED: | Applicant Identifier: |
| 1. TYPE OF SUBMISSION:<br>Application Pre-Application<br>/_/ Construction /_/ Construction<br>/_/Non-Construction /_/ Non-Construction | 3. Date Received By State<br>4. Date Received By Federal Agency | State Application Identifier<br>Federal Identifier |

5. APPLICANT INFORMATION

| | |
|---|---|
| Legal Name: | Organizational Unit: |
| Address (give city, county, state and zip code). | Name and telephone number of the person to be contacted on matters involving this application (give area code) |

| | |
|---|---|
| 6. EMPLOYER IDENTIFICATION NUMBER (EIN): | 7. Type of Applicant: (enter appropriate letter in box) /___/<br>A. State H. Independent School Dist.<br>B. County I. State Controlled Institution of Higher Learning<br>C. Municipal J. Private University<br>D. Township K. Indian Tribe<br>E. Interstate L. Individual<br>F. Intermunicipal M. Profit Organization<br>G. Special District N. Other (Specify) |
| 8. TYPE OF APPLICATION:<br>/___/ New /___/ Continuation /___/ Revision<br>If Revision, enter appropriate letter (s) in box(es) /___/ /___/<br>A. Increase Award B. Decrease Award<br>C. Increase Duration D. Decrease Duration<br>Other: (specify) | 9. Name of Federal Agency: |
| 10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE:<br>NUMBER:<br>TITLE:<br>12. AREAS AFFECTED BY PROJECT (cities, counties, state, etc.) | 11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: |
| 13. PROPOSED PROJECT:<br>START DATE: ENDING DATE: | 14. CONGRESSIONAL DISTRICTS OF:<br>A. APPLICANT B. PROJECT |
| 15. ESTIMATED FUNDING:<br>a. Federal $ .00<br>b. Applicant $ .00<br>c. State $ .00<br>d. Local $ .00<br>e. Other $ .00<br>f. Program Income $ .00<br>g. TOTAL $ .00 | 16. Is application subject to review by State Executive Order 12372 Process?<br>A. YES. This Preapplication/application was made available to the State Executive Order 12372 Process for review on:<br>DATE:_____<br>B. NO. /_/ Program is not covered by EO 12372<br>NO. /_/ Or program has not been selected by State for review<br>17. Is the applicant delinquent on any Federal Debt?<br>/_/ 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

BILLING CODE 4510–79–C

*B. Standard Form 424A*

(1) *Section A—Budget Summary*

This section of the form is to be used to identify the amount of JTPA IV–C funds being requested and, if proposed, the amount of Optional Outside Funds being pledged to the program.

*Column (e), line 5.—Federal:* Enter the amount of JTPA IV–C funds requested (this amount must be equal to the amount shown in box 15a on the SF 424—''Application For Federal Assistance.''

*Column (f), line 5.—Non-Federal:* No entry required. Any optional outside funds proposed are to be reported in Section C.

*Column (g), line 1.—Total:* Enter the sum of the figures in columns (e) and (f).

(2) *Section B—Budget Categories* (for reporting JTPA IV–C funds only)

*Object Class Categories By Row*

This section has two parts. Column (5) reflects applicant costs only, and columns (1–4) reflect subapplicant costs that must add up to applicant contractual costs shown on line f, column (5). Columns (1–4) are shaded to indicate they are *not* to be totalled across to column (5). Costs in these columns are to be added on line k only. The total of line k, columns (1–4) should match the total entered in line f, column (5).

The rows in this section require information that reflect charges proposed according to object class categories. These categories, which reflect significant functions and processes of most program activities, are used to forecast costs which will be incurred during the life of the proposed program.

*Data Requirements By Column*

There are five columns in this section which require the entry of all cost data pertinent to object class categories which will be charged to JTPA IV–C funds.

- Column (5) is used to enter estimates of costs to be charged by the applicant;
- Columns (1–4) are used to enter estimated costs to be charged by the subapplicants.
- Should more than four subapplicants be proposed, submit extra copies of this page of the SF 424A to reflect the charges proposed for the additional subapplicants. In this circumstance, use column (5) of the first page to sum all charges being proposed on the first page as well as those on the additional page(s). Arithmetic accuracy is important here, and both the horizontal and the vertical entries should be checked to ensure that they are correct.

*Object Class Categories*

Costs proposed in rows ''a'' through ''e'' are to be inclusive of both administrative and program charges. Criteria for costs in the object class categories of the SF 424A follow:

*Personnel*

Costs charged to this category on line a, column (5) reflect personnel wages and/or salaries of the applicant. Corresponding costs of subapplicants must be entered on line a, columns (1) through (4).

Note: All personnel charges for training and administrative functions must be broken out for both the applicant and subapplicants and included on the Direct Cost Description Form for Applicants and Subapplicants in Part II, Section II (D) as provided.

*Fringe Benefits*

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of employee insurance, pensions and unemployment insurance. Fringe benefits being charged to JTPA IV–C funds which exceed 35 percent of the aggregate personnel charges reflected in this section must be justified in the Cost Proposal. Fringe benefits of the applicant must be entered on line b, column (5). Corresponding costs of subapplicants must be entered on line b, columns (1–4).

*Travel*

Charges in this category shall reflect only those incurred by project personnel. Do not include travel costs to be incurred by participants—these are to be identified as support services under ''Other'' and reflected in row ''h''. (See Section V of the Special Provisions for allowable travel costs). Travel costs of the applicant must be entered on line c, column (5). Corresponding costs of subapplicants must be entered on line c, columns (1–4).

*Equipment*

''Equipment'' is identified in 29 CFR § 97.3 as any tangible, non-expendable, personal property with an acquisition cost of $5,000 or more per unit and having a useful life of more than one year. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above. Material having a lesser cost must not be reflected in this object category and does not require explanation. Equipment costs of the applicant must be entered on line d, column (5). Corresponding costs for subapplicants must be entered on line d, columns (1–4).

*Supplies*

Supply costs of the applicant shown in column (5) means all tangible personal property other than equipment as defined, i.e., having a value of less than $5,000. Corresponding costs of subapplicants must be entered on line e, columns (1–4).

*Contractual*

This category for the applicant (line f, column (5)) represents the sum of all costs associated with subgrants. Applicant subgrant costs are broken out into the object class categories for subapplicants, in columns (1–4). Total subapplicant costs as reflected on line k, columns (1–4) must equal applicant contractual costs entered on line f, column (5). If subapplicants intend to subgrant (e.g., a private industry council as sub-grantee may entertain a subgrant with a community college to provide classroom training), these costs must be reflected on line k for the appropriate subapplicant. In addition, the nature and identity of these sub-sub-grantees should be *briefly* discussed in the Cost Proposal.

*Construction*

Construction activities are not provided for under the JTPA IV–C SGA and, therefore, this category is left blank.

*''Other''*

This category is reserved for applicant and subapplicant Direct Cost items which are not covered in the object class categories indicated on this form, but are anticipated by the grant applicant. These costs must be described in the Cost Proposal. Examples of charges being made in this category might be rent, utilities, training, and support services for participants, such as child care or bus fare. Applicant ''other'' charges are to be entered on line h, column (5). Subapplicant ''other'' charges are to be entered on line h, columns (1–4).

*Direct & Indirect Costs*

Rows 6a through 6h are to be used to show direct costs which will be charged to individual categories and row 6i is to be used to total these estimates of direct charges, i.e, the sum of lines 6a through h. Line 6j, on the other hand, is to be used to reflect indirect costs charged to

the grant, i.e, those costs which benefit more than one cost objective and/or which are not readily assignable to any single cost category. Finally, line 6k is to be used to provide the total of all indirect and direct charges to the program. Again, show applicant Direct and Indirect costs in column (5) and subapplicant costs in columns (1–4).

Note: For both applicants and subapplicants, total administrative cost (as shown on the Direct Cost Description Form for Applicants and Subapplicants) may not exceed 20% of the total JTPA IV–C funds requested.

Indirect Charges are those incurred for a common or joint purpose which benefit more than one cost objective but are not easily assignable to the cost objectives specifically benefitted. An example of such costs might include personnel expenses such as payroll or supplies and communication costs. The indirect cost rate to be charged should be based on one that has been previously negotiated and approved with a Federal cognizant agency or a proposed rate based on a cost allocation plan. The approving agency and the rate must be identified in box 22 in Section F of the SF 424A.

Note: In some instances subapplicants listed in columns (1–4) have requested indirect cost rate determination, but the cognizant agency has stated they are not able to provide this determination. In such instances, the applicant should submit a letter to this effect from the cognizant agency or identify the agency in Section F, box 22, of SF 424A. Grantees are responsible for ensuring that indirect costs charged to them by subrecipients are appropriate.

ITEM 7. ''Program Income''

The last row in this section is reserved for applicants and subapplicants who propose to earn income during the period of performance of this grant, as a result of the work undertaken through this grant. Because most JTPA IV–C programs are seldom concerned with earning income, this part of Section B is almost always left blank. However, if an applicant proposes program income, the provisions of 29 CFR 97.25(g) must be adhered to.

(3) *Section C—Non-Federal Resources*

If proposed, enter the total amount of optional outside funds pledged.

(4) *Section D—Quarterly Forecast of Cash Needs*

This section displays the projected expenditures, by quarter, for JTPA IV–C funds. Enter the data on a cumulative basis.

Note: The program's actual expenditures as reported in the quarterly technical performance reports will be measured against those provided in this section of the SF 424A.

*Column Entitled ''Total for 1st Year'', Lines 13 Through 15*

In line 13, enter the total amount of JTPA IV–C funds requested. This entry *must* agree with Box 15a of the SF424, and be the sum of the quarterly projections reflected in Sections D and E of this form even if the grant period of performance is more than four quarters.

In line 14, no entry is required.

In line 15, enter the total on line 13 and leave line 14 blank. This total *must* agree with Box 15g of the SF 424, and be the sum of the quarterly projections reflected in Sections D and E of this form.

*Columns Entitled ''1st Quarter Through 4th Quarter''*

Use these columns to display the projected amount of funds to be expended, by quarter. This is a non-cumulative break out.

(5) *Section E—Budget Estimates of Federal Funds Needed for Balance of the Project*

Make no entry in this section.

(6) *Section F—Other Budget Information*

*Indirect and Administrative Cost Information*

This section is used to capture information regarding the applicant and subapplicant indirect and administrative costs.

In box 21, enter the total amount of applicant and subapplicant administrative charges as found on the Direct Costs Description Form for Applicants and Subapplicants (Part II, Section C).

In box 22, enter the name of Federal cognizant agency approving the indirect cost rate and the indirect cost rate to be used. In box 23, take the number entered in Box 21 above, divided by the amount entered in Section B, line K, column (5).

Note: Form 424A, two pages in length, is available from the office of the Governor of each State. It is required to be submitted in your application.

*C. Direct Cost Descriptions Form for Applicants and Subapplicants*

The applicant is required to identify direct charges which are applied to the administrative and program functions of the grant. Object class categories subject to this distinction are personnel, fringe benefits, travel, equipment, and supplies. It is suggested that the format following these instructions be used as the most efficient and time saving method for providing the information.

Applicants are to submit either one rolled-up version of this form for both applicant and subapplicant direct costs or separate forms for applicants and subapplicants. In the latter case, applicants may submit extra copies of this page if needed which will *not* count against page limitations. The administrative and program charges to be made among these categories must be clearly identified for applicants or subapplicants. Instructions for entering data appropriate to each object class category follow.

(1) *All Personnel By Position*

In this section, five columns of information are required to identify the charges related to the personnel object class category. In column (1) ''Positions Titles,'' identify the position title for each employee whose salary or wages are to be supported in whole or part, by the grant. In column (2) ''Annual Salary/Wage Rate,'' identify the anticipated annual earnings for total each position. In column (3) ''Percentage of Time Charged to Grant'' indicate the percentage of the individual's full-time equivalent hours that will be charged to the grant. Use column (4) to identify the amount of salary or wages in each position that will be charged to the grant for administrative purposes and in column (5), identify the corresponding amount that will be charged to the grant for program purposes. The sum of administrative and program personnel costs identified in this section must equal the amount identified in row ''a'' in Section B of the submitted SF 424A.

(2) *Fringe Benefits For All Positions*

In this section, identify the total fringe benefit costs for all positions that will be charged to the grant for administrative (column 4) and program (column 5) purposes. The sum of administrative and program fringe benefit costs identified in this section must equal the amount identified in row ''b'' in Section B of the submitted SF 424A.

(3) *Travel: (4) Equipment; and (5) Supplies*

Identify all applicant and subapplicant charges for each of these categories to be charged to the administrative and program functions of the grants. Finally, on the line labeled ''Total Direct Charges,'' sum all of the categorical costs to be charged to administrative (in column 4) and

program (column 5) functions of the grant.

DIRECT COST DESCRIPTIONS FOR APPLICANTS AND SUB-APPLICANTS*

| Position title(s) | Annual salary/ wage rate | Percent of time charged to grant | Proposed admin costs** | Proposed program costs |
|---|---|---|---|---|
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
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| ..... | ..... | ..... | ..... | ..... |
| Sub-total ..... | ..... | ..... | ..... | ..... |
| Fringe Benefits For All Positions ..... | ..... | ..... | ..... | ..... |
| Contractual ..... | ..... | ..... | ..... | ..... |
| Travel ..... | ..... | ..... | ..... | ..... |
| Indirect Costs ..... | ..... | ..... | ..... | ..... |
| Equipment ..... | ..... | ..... | ..... | ..... |
| Supplies ..... | ..... | ..... | ..... | ..... |
| Total costs ..... | ..... | ..... | ..... | ..... |

*Direct costs for all funded positions for both applicant and sub-applicant(s) must be provided.

**Administrative costs are associated with the supervision and management of the program and do not directly or immediately affect participants.

QUARTERLY PERFORMANCE AND ENROLLMENT GOALS

[Enter all data cumulatively]

| Grant No. | Program Year: Quarters | | | |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| Performance goals: | | | | |
| Participants ..... | ..... | ..... | ..... | ..... |
| Placements ..... | ..... | ..... | ..... | ..... |
| Terminations ..... | ..... | ..... | ..... | ..... |
| Core training: | | | | |
| Classroom training ..... | ..... | ..... | ..... | ..... |
| On-the-job training ..... | ..... | ..... | ..... | ..... |
| Remedial education ..... | ..... | ..... | ..... | ..... |
| Literacy and bilingual training ..... | ..... | ..... | ..... | ..... |
| Institutional skills training ..... | ..... | ..... | ..... | ..... |
| Occupational skills training ..... | ..... | ..... | ..... | ..... |
| On-site industry-specific training ..... | ..... | ..... | ..... | ..... |
| Customized training ..... | ..... | ..... | ..... | ..... |
| Apprenticeship training ..... | ..... | ..... | ..... | ..... |
| Upgrading and retraining ..... | ..... | ..... | ..... | ..... |
| Other (specify) ..... | ..... | ..... | ..... | ..... |

| Activities | Quarters | | | |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| Ancillary training: | | | | |
| Total | | | | |
| Enrollment goals by eligibility groups: | | | | |
| Vietnam Era | | | | |
| Disabled | | | | |
| Recently Separated | | | | |
| BenchMarks: | | | | |
| Average-Wage-At-Placement: $ | | | | |
| Placement Rate: % | | | | |

Part III

*Certifications and Assurances; Special Provisions; General Provisions; Glossary*

*A. Assurances for Non-Construction Programs*

Assurances—Non-Construction Programs

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 or 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 all applicable Federal statutes. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352), 42 U.S.C. § 2000d–2000d–6, which prohibits discrimination on the basis of race, color or national origin: (b) Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681–1688), which prohibits discrimination on the basis of sex and blindness; (c) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), which prohibits discrimination on the basis of disability; (d) the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101–6107, which prohibits discrimination on the basis of age; and (e) the requirements of any other nondiscrimination statute(s) which may apply to the application.

6. Will comply, if applicable, with insurance purchase requirements of 42 U.S.C. § 4012a which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance.

7. 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, 42 U.S.C. §§ 4321–4347; (b) Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); and (c) the Clear Air Act of 1955 (42 U.S.C. §§ 7401 et seq.).

8. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470f), and the Service Award Act of 1974 (16 U.S.C. §§ 469a–1.).

9. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984, 31 U.S.C. §§ 7501–7507.

10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

*B. Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions*

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause in a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. 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 the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary 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 entering into this transaction.

7. The prospective primary 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 Transaction,'' provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. 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 (Tel. #).

9. 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.

10. Except for transactions authorized under paragraph 6 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 may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, 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 proposal 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 the certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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 this clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction, ''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 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 (Tel. #).

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 Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is 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.

*C. Certification Regarding Drug-Free Workplace Requirements*

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces, under grants, for grantees other individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplace at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's durg-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g. all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identifies the workplaces in question (see paragraph five).

8. Definitions in terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt including a plea of nolo contendere or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

*Certification Regarding Drug-Free Workplace Requirements*

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it 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 ongoing 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 ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. 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 paragraph (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.

*D. Certification of Release of Information*

This certification should be submitted with the grant application package.

CERTIFICATION FOR RELEASE OF INFORMATION

Section 516 of the 1989 Department of Labor Appropriation Act has enacted a provision that grantees must utilize when describing the receipt of a grant from the Department of Labor. Each grantee must indicate the Federal Share

of the grant and the percentage of the grant financed by the Federal share. In this regard, the Certificate for Release of Information is cited below for this purpose. The submission of a signed application containing a copy of this ''Certification for Release of Information,'' shall constitute the necessary certification.

CERTIFICATION

''The grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations or other documents describing the grant project or program, the grantee shall clearly state (2) the percentage of the total cost of the program or project which will be or is being financed with Federal money, and (2) the dollar amount of Federal funds for the project or program; except when, the project or program is competitive.

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.

_____

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the assurance and certifications in Part III of the SGA.

*E. Nondiscrimination and Equal Opportunity Requirements of JTPA, 29 CFR Part 34*

**Assurance**

1. As a condition to the award of financial assistance under JTPA from the Department of Labor, the grant applicant assures, with respect to operation of the JTPA-funded program or activity and all agreements or arrangements to carry out the JTPA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Job Training Partnership Act of 1982, as amended (JTPA), including the Nontraditional Employment for Women Act of 1991 (where applicable); Title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 34. The United States has the right to seek judicial enforcement of this assurance.

2. The grant applicant is attaching information pursuant to 29 CFR 34.24(a)(3)(ii) where applicable, including the name of any Federal agency other than the Department of Labor's Directorate of Civil Rights that conducted a civil rights compliance review or complaint investigation during the two preceding years in which the grant applicant was found to be in noncompliance; and shall identify the parties to, the forum of and case numbers pertaining to, any administrative enforcement actions or lawsuits filed against it during the two years prior to its application which allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA.

Note:

☐ No findings of noncompliance in the last two years.

☐ See attached information.

Assurances and Certifications Signature Page

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the *ASSURANCES AND CERTIFICATIONS* contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. *Assurances—Non-Construction Programs*

B. *Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Transaction*

C. *Certifications Regarding Lobbying; Debarment, Suspension, Drug-Free Workplace*

D. *Certification of Release of Information*

E. *Nondiscrimination and Equal Opportunity Requirements of JTPA*

_____

Applicant Name _____

Date _____

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

_____

Signature of Authorized Certifying Official

Title _____

_____

Applicant Organization

Date Submitted _____

*Please Note:*

This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.

Special Provisions

I. Scope

*A. General*

The grantee will conduct the veterans' employment and training program described in its Application for Federal Assistance in accordance with all terms and conditions of this grant agreement.

*B. Special Program Training Requirements*

Training will meet the requirements of Section 141 of the JTPA, as amended (1992). All individuals designated as participants must receive core training activities. Wages paid to the OJT participants will be based on the local prevailing wages for the occupation in which the participants are being trained.

*C. Program Activity Requirements*

The grantee will provide services as indicated on the attached Performance Goal charts submitted in their project application and incorporated, in full, by reference as attached.

II. Payments Under the Grant

Advances/reimbursements will be drawn by the grantee through the U.S. Department of Health and Human Services Payment Management System (HHS–PMS) via personal computer through SMARTLINK capability. When approved, grantees will receive a HHS/PMS access package to complete and return prior to requesting funds. A direct deposit form must be submitted for new grantees and whenever there are changes in financial institutions and/or approved signatures. Funds will be transferred electronically to the grantee's financial institution as arranged with HHS.

A. Advance payments are authorized only as provided in 29 CFR § 97.21(b) and (c) for state, local and Indian tribal governments and 29 CFR § 95 for all others, as specified in the provisions of this grant.

B. The amount of advances requested will be based on actual and immediate cash needs in order to minimize federal cash on hand in accordance with policies established by the Treasury Department in regulation at 31 CFR Part 205.

C. The timing and amount of advances will be as close as

administratively feasible to actual disbursements by the grantee for all allowable direct and indirect program costs.

D. The Grant Officer may, after providing due notice to the grantee, discontinue the advance payment method and allow payments only by reimbursement when a grantee receiving advance payments demonstrates unwillingness or inability to establish procedures to minimize the time elapsing between the receipt of the cash advance and its disbursement.

E. In addition to the preceding limitations, advances shall not be requested for amounts in excess of the amount determined by dividing the approved funding level for the grant by the number of months approved for operation, unless specific amounts have been approved in advance and are incorporated into the grant award within these provisions.

III. Reporting Requirements

*A. Financial Reporting Requirements*

1. The grantee will use Standard Form (SF) 269, *Financial Status Report* to report outlays, program income, and the use of optional outside funds. SF 269 will be submitted no later than 30 calendar days after the ending date of each Federal fiscal year quarter during the P.2 grant period as a part of the required quarterly report. In addition, a final SF 269 will be submitted no later than 90 calendar days after the end of the grant period which will represent the final report.

2. A grant close out package will be sent to the grantee following the expiration of the period of performance. This package will be completed and submitted by the grantee within 30 days of receipt and will include any repayment of unexpended grant funds.

3. See D. below for the address and frequency of submitting reports.

*B. Reporting of Program Performance*

1. The grantee will submit to the Director of Veterans' Employment and Training (DVET) on a quarterly basis a technical performance report that shows the cumulative planned goals identified on the Performance and Enrollment goals chart compared to actual accomplishments in terms of total number of participants, total number of terminations, and total number of placements. An explanation must accompany the quarterly report detailing variances from the plan of 15%.

a. The grantee is required to report on the use of additional resources and services and the associated related expenditures (or equivalent value).

b. The characteristics of the total number of participants enrolled by the three eligible veterans' target groups to be served, and any identified additional subsets in the approved application.

c. A description of program monitoring done by the grantee during the report period.

d. Other pertinent information including analyses of particularly successful or problematic components of the program design.

2. The quarterly technical performance report will be submitted concurrently with the SF 269, *Financial Status Report.*

3. A final technical performance report will be submitted no later than 90 calendar days after the end of the funded grant period and will summarize accomplishments, activities, and conclusions.

4. Between scheduled reporting dates the grantee will also immediately inform the Grant Officer's Technical Representative (GOTR) of significant developments affecting the grantee's ability to accomplish the work either in terms of programmatic or fiscal activities.

*C. Corrective Action*

1. When necessary, the grantee will initiate a Corrective Action Plan (CAP). A CAP will be required if, on a quarterly basis, actual grant accomplishments vary by a margin of 15% or more from the planned grant goals. All deviations from the plan by this extent must be fully explained in the grantee's quarterly technical report. When such slippage constitutes a significant weakness that may continue into the following quarter, a CAP must be initiated and developed in concert with the GOTR.

2. The CAP must identify the activity or expenditure source which has the variance, describe the reason(s) for the variance, provide specific proposed corrective action(s) and a timetable for accomplishment of the corrective action. The plan may include an intent to modify the grant when appropriate (e.g., as set forth in 29 CFR Part 97.30 and 29 CFR Part 95).

3. The CAP will be submitted as an addendum to the Quarterly Technical Performance Report.

*D. All reports must cite the assigned grant number and be submitted as follows:*

The original of all *Financial Status Reports,* SF 269 and all performance reports to: U.S. Department of Labor, Office of Procurement Services, Room N–5416, 200 Constitution Avenue NW., Washington, D.C. 20210.

One copy of the Financial Status Report, SF 269, a copy of the HHS/PMS financial draw down report, and all performance reports should be mailed to the Director for Veterans' Employment and Training for the grantee's State.

*E. Limitations on Administrative/ Indirect Costs*

All costs charged for administration plus any indirect costs proposed may not exceed 20% of the total Federal JTPA IV–C grant funds. Administrative costs include all direct and indirect costs proposed associated with the management of the program. These costs must include the administrative costs, both direct and indirect, of recipients and all sub-recipients.

*F. Second Year Funding*

All instructions for modifications and announcement of funding availability will be issued at a later date. With the Grant Modification request, grantees are to provide a copy of the most recent technical performance report and any other information that may be required by subsequent instructions.

IV. Grant Administration

A. *The Director for Veterans' Employment and Training* serves as the Grant Officer's Technical Representative (GOTR) and will monitor performance by the grantee. The GOTR is authorized to approve:

1. Technical matters not involving a change in the scope, cost, or conditions of this effort.

2. Progress reports.

B. The GOTR must approve all Corrective Action Plans (not including requests for a grant modification).

C. Requests for actions requiring Grant Officer approval, such as requests for budget revisions, modifications, and purchases of nonexpendable personal property must be submitted by the grantee to the GOTR who will include recommendations with the request and forward them both to the Grant Officer.

D. The GOTR is not authorized to direct any action that results in a change in scope, cost terms or conditions of this grant.

V. Allowable Travel Costs

A. The grantee is permitted to charge for actual transportation costs and travel allowances (per diem) of personnel who are authorized to undertake out-of-town, overnight travel under this grant. Such transportation costs shall not be allowed in an amount greater than the cost of first class rail or of economy air travel, unless economy air travel and economy air travel space are not available and the grantee certifies to these facts in the

voucher or in other documents submitted for reimbursement. Travel allowances (per diem) will be allowed in accordance with the grantee's established policy, but in no event will such allowances exceed the maximum parameters established by the current Federal Travel Regulations.

B. The grantee will be allowed the cost of travel performed by its personnel in their privately owned automobiles, at a rate no greater than $.30 cents per mile, not to exceed the cost by the most direct economy air route between the points so traveled. If more than one person travels in such automobiles, no additional charge will be made by the grantee for such travel.

C. It is understood and agreed that no travel costs whatsoever for grantee personal travel from place of residence to and from normally assigned worksite will be allowed by the Government directly.

VI. Subgrants

Subgrants and contracts if awarded, will be awarded in accordance with 29 CFR 97.36 and 37 and 29 CFR Part 95.

VII. Salary Payments

Staff whose salaries are in whole or in part paid for with JTPA IVC funds may only be charged for actual time worked that is chargeable to the grant, and that is work that is over and above any preexisting duties related to veterans and/or employment related services. Under no circumstances may an organization be allowed to charge through this grant, or any other grant or contract, more than one-hundred percent of one FTE for each position.

VIII. Copyrighted Material

A. The grantee/recipient agrees to, and does hereby grant to the Government, and to its officers, agents, servants and employees acting within the scope of their duties:

1. A royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use and dispose all copyrightable material first produced or composed in the performance of this grant/agreement by the grantee/recipient, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and

2. A license as aforesaid under any and all copyrighted or copyrightable works not first produced or composed by the grantee/recipient in the performance of this grant/agreement but which are incorporated in the material furnished under the grant/agreement, provided that such license shall be only to the extent the grantee/recipient now has, or prior to completion or final settlement of the grant/agreement may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

B. The grantee/recipient agrees that it will not knowingly include any material copyrighted by others in any written or copyrightable material furnished or delivered under this grant/agreement without a license as provided for in subparagraph A.2. hereof, or without the consent of the copyright owner, unless it obtained specific written approval of the Grant Officer for the inclusion of such copyrighted materials.

IX. Printing and Duplicating

The grantee/recipient shall comply with all duplicating and printing regulations issued by the Joint Committee on Printing under the authority of Section 103, 501, and 502, Title 44, United States Code. The term ''duplicating'' as used herein means material produced on single unit duplicating equipment not larger than 11 by 17 inches and which have a maximum image of 10¾ x 14¼ inches using direct image plates not requiring the use of negatives. The term ''printing'' as used herein shall be construed to include and apply to the processes of composition, platemaking, presswork, binding, and microform.

The grantee that receives prior approval from the Grant Officer to use DOL funds to support printing activities may not display for promotional purposes, the U.S. Department of Labor logo or seal on the item or items produced. However, an acknowledgement of such funding may be conveyed through language such as: ''Preparation of this item was funded by the Department of Labor.'' Any reference to the Department used to promote the Federal agency is unallowable.

Under this grant/cooperative agreement, the grantee/recipient may duplicate up to a maximum of 5,000 copies of one page or 25,000 copies in the aggregate of multiple pages.

The grantee/recipient shall not use funds under this grant/cooperative agreement to provide duplicating in excess of the quantities stated above nor provide printing without the written authorization of the Joint Committee on Printing. Such authorization shall be obtained from the Grant Officer through the Departmental Printing Officer. Nothing in this clause shall prelude the procurement of writing, editing, preparation of manuscript copy, preparation of related illustrative material.

General Provisions

*Grants and Cooperative Agreements*

I. Administrative Provisions

This grant is subject to the following administrative standards and provisions.

A. 29 CFR Part 96 (Federal Standards for Audit of Federal Funded Grants, Contracts and Agreements). This rule implements, for State and local governments and Indian tribes that receive Federal Assistance from the DOL, Office of Management and Budget (OMB) Circular A–128 ''Audits of State and Local Governments'' which was issued pursuant to the Single Audit Act of 1984, 31 U.S.C. §§ 7501–7507. It also consolidates the audit requirements currently contained throughout the DOL regulations.

B. Section 165 of the JTPA—Reports, Recordkeeping and Investigations. Please note that Sections 4, 141–184, and 441 also apply.

C. 29 CFR Part 97—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

D. 29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Etc.

E. 29 CFR, Parts 31, 32, and 33—Nondiscrimination in Federally Assisted Programs of the Department of Labor, Effectuation of Title VI of the Civil Rights Act of 1964, and; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Incorporated by Reference). These rules implement, for recipients of federal assistance, non-discrimination provisions on the basis of race, color, national origin, and handicapping condition, respectively.

F. Applicable provisions of JTPA, Pub. L. 97–300, as amended, including all applicable provisions of sections 161–171, Federal and Fiscal Administration.

G. Appeals from nondesignation will be handled under 20 CFR Part 636.

II. Modifications to the Grant

*A. Unilateral Modifications by Grant Officer*

This grant may be unilaterally modified in writing by the Grant Officer whenever there has been a change in any Federal statute, regulation, Executive Order, or other Federal law, which, as determined by the U.S. Department of Labor, is relevant to the financial assistance provided under the grant.

*B. Grant Changes Requiring Grant Officer Approval*

29 CFR Part 95 and 29 CFR 97.30, as applicable, set forth requirements for obtaining Grant Officer approval for deviations from the grant objectives, scope or budget. Expenditures requiring prior written approval are found in the applicable Federal Cost Principles listed in paragraph III of these General Provisions.

Whenever a modification to the approved grant is requested, the request is to be submitted to the Director for Veterans' Employment and Training (DVET) by the grantee and shall include an application for proposed funding at the new total funding level (Standard Form 424, latest revision); and a short narrative describing the modification requested, the need for the request, and the expected results, if approved. The DVET will forward this request with his/her recommendations through the Regional Administrator for Veterans' Employment and Training through the Assistant Secretary for Veterans' Employment and Training to the Grant Officer.

III. Allowable Costs

Payment up to the amount specified in the grant shall be made only for allowable, allocable, and reasonable costs actually incurred in conducting the work under the grant. The determination of allowable costs shall be made in accordance with the following applicable Federal Cost Principles:

State and Local Governments—OMB Circular A–87

Educational Institutions and Hospitals—OMB Circular A–21

Non-profit Organizations—OMB Circular A–122

IV. Interest Earned and Program Income

Requirements for the use and disposal of interest earned and program income are set forth in 29 CFR Part 95 and 29 CFR 97.21. When required to do so by this provision, the grantee shall remit promptly, but at least quarterly, interest earned on advances to the Grant Officer. The grantee may keep interest amounts up to $100 per year for administrative expenses.

If not otherwise addressed in this grant, program income earned during the period of the grant shall be added to funds committed to the project and used to further eligible program objectives.

V. Grant Closeout Procedures

*Definitions*

1. *Grant closeout.* The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor.

2. *Date of completion.* The date when all work under a grant is completed.

3. *Disallowed costs.* Disallowed costs are those charges to a grant which the grantor agency or its representative determines to be unallowable in accordance with the applicable Federal Cost Principles or other conditions contained in the grant.

*B. Grants shall be closed out in accordance with the following procedures:*

1. Upon request, the grantor shall make prompt payments to a grantee for allowable reimbursable costs under the grant being closed out.

2. The grantee shall immediately refund to the grantor any balance of unobligated (unencumbered) cash advanced to the grantee that is not authorized to be retained by the grantee for use on other grants.

3. Within 90 days after completion of the grant, the grantee shall submit all financial, performance and other reports required by the Grant Officer to close out the grant. The Grant Officer may authorize extensions when requested by the grantee.

4. The Grant Officer shall make a settlement for any upward or downward adjustments to the Federal share of costs within one year after these reports are received.

5. In the case of grants which include outside/in-kind contributions, the grantee has a legal requirement to provide the total amount of outside/in-kind contributions indicated on the face sheet of the agreement, as amended.

6. The grantee shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of 29 CFR Part 95, or 29 CFR 92.50(b), whichever is applicable.

7. In the event a final audit has not been performed prior to the closeout of the grant, the grantor shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

VI. Suspension and Termination Procedures

*A. Definitions*

1. *Termination.* Termination means the permanent withdrawal of the authority to obligate previously awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee or subgrantee.

2. *Suspension.* Depending on the context, suspension means either, (a) An action by the Grant Officer which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision to terminate the grant by the Grant Officer; or (b) An action taken by a suspension official implementing Executive Order 12549 to immediately exclude a person from participating in grant transactions for a period, pending completion of an investigation and such legal or debarment proceedings as may ensue.

B. When a grantee has failed to comply with the terms, conditions or standards of the grant, the Grant Officer may, on reasonable notice to the grantee, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph C below. The Grant Officer shall allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of the applicable Federal Costs Principles.

*C. This grant may be terminated for cause or convenience.*

1. *Termination for cause.* The Grant Officer may terminate this grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with any term of the award, whether stated in a federal statute or regulation, an assurance, an application, a notice of award, or elsewhere. The Grant Officer shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the grantee or recoveries by the grantor under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties.

2. *Termination for convenience.* This may only be accomplished pursuant to 29 CFR 97.44 or 29 CFR Part 95.

VII. Encumbrance of Grant Funds

Grant funds may not be encumbered/obligated by the grantee prior to or after the grant period of Performance. Encumbrances/obligations outstanding as of the end of the grant period may be liquidated (paid out) after the end of the grant period. Such encumbrances/obligations shall involve only specified commitments for which a need existed during the grant period and which are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the Grantee's purchasing procedures and incurred within the grant period. All encumbrances/obligations incurred during the grant period shall be liquidated within 90 days after the end of the grant period, if practicable.

VIII. Site Visits

The grantor, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the grantor on the premises of the grantee or a subgrantee/contractor under this grant, the grantee shall provide and shall require its subgrantees/contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay the work.

IX. Order of Precedence

In the event of any inconsistency between any provisions of this grant, the following order of precedence shall apply:

A. Special Provisions
B. General Provisions
C. Grantee's Application for Federal Assistance

H. Glossary of Terms

*Adequate Employment*—See Unsubsidized Employment.

*Administrative Costs*—All costs associated with grant administration including direct costs for administration plus any indirect costs claimed against JTPA IV–C funds.

*Adult Basic Education*—Eduction for adults whose inability to speak, read or write the English language or to effectively reason mathematically, constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improve their ability to benefit from occupational training and otherwise increase their opportunities for more productive and profitable employment, and to make them better able to meet their adult responsibilities.

*Ancillary Services*—Employment and training related activities other than core training which may enhance a participant's employability.

*Apprenticeship Training*—A formal occupational training program which combines on-the-job-training and related instruction and in which workers learn the practical and conceptual skills required for a skilled occupation, craft, or trade. It may be registered or unregistered.

*Assurances and Certifications*—The act of certifying compliance with applicable federal and state laws and regulations regarding the receipt and expenditures of grant monies.

*ASVET*—Assistant Secretary for Veterans' Employment and Training (DOL)

*Average Wage at Placement*—This is an average of the wages earned by participants upon entering employment. In the JTPA IV–C program this average should be less than that of the Statewide average for EDWAA Title III achieved during PY93.

*Average Weekly Earnings at Follow-up:* This figure is taken from the total weekly earnings for all participants employed during the 13th full calendar week after termination divided by the total number of participants employed at the time of follow-up.

*Barriers to Employment*—Characteristics that may hinder an individual's hiring, promotion or participation in the labor force. Some examples of individuals who may face barriers to employment include: single parents, women, displaced homemakers, youth, public assistance recipients, older workers, substance abusers, teenage parents, veterans, racial minorities, and those with limited English speaking ability or a criminal record or with a lack of education, work experience, credentials, child care arrangements, transportation or alternative working patterns.

*Case Management*—A client centered approach in the delivery of services, designed to prepare and coordinate comprehensive employment plans for participants, to assure access to the necessary training and supportive services, and to provide support during program participation and after job placement. In accordance with this definition, the case manager acts as a facilitator in assisting the participant toward a successful completion of training.

*Classroom Training*—Any training of the type normally conducted in an institutional setting, including vocational education, which is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, throughout the provision of courses such as remedial education, training in the primary language of persons with limited English language proficiency, or English-as-language training.

*Cognizant Federal Agency*—The federal agency that is assigned audit or indirect cost rate approval responsibility for a particular recipient organization by the Office of Management and Budget. (OMB Circulars A–87, A–102)

*Core Training*—Core training activities are employment focused interventions which address basic vocational skill deficiencies that prevent the participant from accessing appropriate jobs and/or occupations.

*Counseling*—Counseling in the FY94 JTPA IV–C SGA is a term listed as an Ancillary Training service. Counseling in this sense can be any form of assistance which (1) provides guidance in the development of a participant's vocational goals and the means to achieve those goals; and/or (2) assist a participant with the solution to a variety of individual problems which may pose a barrier(s) to the participant in achieving vocational goals, e.g., PTS counseling, substance abuse counseling, job counseling, etc.

*Customized Training*—A training program designed to meet the special requirements of an employer who has entered into an agreement with a Service Delivery Area to hire individuals who are trained to the employer's specifications. The training may occur at the employer's site or may be provided by a training vendor able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

*Disabled Veteran*—A veteran who is entitled to compensation under laws administered by the Veterans Administration; or an individual who was discharged or released from active duty because of service-connected disability. (JTPA Section 4)

*DOL*—United States Department of Labor

*DVA*—United States Department of Veterans' Affairs (Formerly the Veterans Administration).

*DVET*—Director for Veterans' Employment and Training

*DVOP*—Disabled Veterans' Outreach Program

*Employment Development Plan (EDP)*—An individualized written plan or intervention strategy for serving an individual which, as a result of an assessment of the veteran's economic needs, vocational interests, aptitudes, work history, etc., defines a reasonable vocational or employment goal and the developmental services or steps required to reach the goal and which documents the accomplishments made by the individual.

*ETA*—The Employment and Training Administration

*Enrolled Veteran*—Shall be synonymous with the term participant. A veteran who has been determined eligible for services at intake and who is receiving or scheduled to receive core training.

*Follow-up*—The tracking of what happens to participants when they leave the program for a period of 26 weeks after initial placement. Follow-up information (such as employment status, average hourly wage, and job retention) can be used to assess long-term program performance and service strategies for clients with diverse characteristics.

*FTE*—Full-time Equivalent, a personnel charge to the grant equal to 2,080 hours per annum.

*FY*—Fiscal Year. For federal government purposes, any twelve month period beginning on October 1 and ending on September 30.

*GED*—General Equivalency Diploma. A high school equivalency diploma which is obtained by passing the General Education Diploma Equivalency Test which measures the application of skills and knowledge generally associated with four years of traditional high school instruction.

*In-kind services*—Property or services which benefit a federally assisted project or program and which are contributed without charge to the grantee, or cost-type contractors under the grant agreements.

*Indirect Cost*—A cost that is incurred for a common or joint purpose benefiting more than one cost objective and that is not readily assignable to the cost objectives specifically benefitted.

*Institutional Skills Training*—Skill training conducted in an institutional setting and designed to ensure that individuals acquire the skills, knowledge and abilities necessary to perform a job or group of jobs in an occupation for which there is a demand.

*Intake*—A process for screening individual applicants for eligibility; making an initial determination whether the program can benefit the applicants; providing information about the program, its services and the availability of those services; and selecting individual applicants for participation in the program.

*Job Club Activities*—A form of job search assistance provided in a group setting. Usually job clubs provide instruction and assistance in completing job applications and developing resumes and focus on maximizing employment opportunities in the labor market and developing job leads. Many job clubs use telephone banks and provide group support to participants before and after they interview for openings.

*Job Development*—The process of marketing a JTPA participant to employers, including informing employers about what the participant can do and soliciting a job interview for that individual with the employer.

*Job Placement Services*—Job placement services are geared towards placing participants in jobs and may involve activities such as job search assistance, training, or job development. These services are initiated to enhance and expedite participants' transition from training to employment.

*Job Search Assistance (JSA)*—An activity which focuses on building practical skills and knowledge to identify and initiate employer contacts and conduct successful interviews with employers. Various approaches may be used to include participation in a job club, receive instruction in identifying personal strengths and goals, resume and application preparation, learn interview techniques, and receive labor market information. Job search assistance is often a self-service activity in which individuals can obtain information about specific job openings or general job or occupational information.

*JTPA IV–C Program*—Reference made to the ''JTPA Program'' means all activity funded by JTPA IV-C and outside resources.

*JTPA IV–C Resources*—This term is synonymous with IV-C funds/funding.

*JTPA—Job Training Partnership Act.* The purpose of this Act is to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals, including veterans, who face serious barriers to employment and who are in need of such training to obtain prospective employment. The Act requires the ASVET to consult with the Secretary of the DVA to ensure that programs funded under Part C of Title IV of this Act meet the employment and training needs of service-disabled veterans, veterans of the Vietnam era and recently separated veterans and are coordinated, to the maximum extent feasible, with related programs and activities.

*Labor Exchange*—Refers to the services provided to job seekers and employers by the State Employment Service Agencies, JTPA Service Delivery Areas, or other entities. Services to job seekers may include assessment, testing, counseling, provision of labor market information and referral to prospective employers. Employer service may include accepting job orders, screening applicants, referring qualified applicants and providing follow-up.

*Labor Force*—The sum of all civilians classified as employed and unemployed and members of the Armed Forces stationed in the United States. (Bureau of Labor Statistics Bulletin 2175)

*Literacy and Bilingual Training*—See Adult Basic Education.

*LOC*—Letter of Credit. An instrument certified by an authorized official of a grantor agency which authorizes a grantee to draw funds needed for immediate disbursement in accordance with the provisions of Treasury Circular No. 1075. (OMB Circular No. A–102)

*LVER*—Local Veterans' Employment Representative

*Minimum Economic Need*—The level of wages paid to a JTPA IV-C participant that will enable that participant to become economically self-sufficient.

*Minority Veterans*—For the purposes of this SGA, veterans who are IV-C eligible and are members of the following ethnic categories: Black, Hispanic, American Indian or Alaskan Native, Asian or Pacific Islander.

*Needs-Based-Payment*—Amounts paid to individuals who could not afford to participate in a training program without such assistance. Payments based on need may be provided to a participant in accordance with a locally developed formula or procedure if such payments are necessary to enable the individual to participate in a training program funded under JTPA. (20 CFR 629.21)

*Occupational Skills Training*—Includes both (1) vocational education which is designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs, and (2) on-the-job training.

*Offender*—Any adult or juvenile who has been subject to any stage of the criminal justice process for whom services under this Act may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. (JTPA Section 4)

*OASVET*—Office of the Assistant Secretary for Veterans' Employment and Training (USDOL)

*On-site Industry-specific Training*—This is training which is specifically tailored to the needs of a particular employer and/or industry. Participants may be trained according to specifications developed by an employer for an occupation or group of occupations at a job site. Such training is usually presented to a group of participants in an environment or job site representative of the actual job/occupation, and there is often an obligation on the part of the employer to hire a certain number of participants who successfully complete the training.

*Outreach*—An active effort by program staff to encourage individuals in the designated service delivery area to avail themselves of program services.

*Outside Funds*—Resources pledged to the JTPA IV–C program which have a quantified dollar value. Such resources may include training funds from programs such as JTPA Title IIA or Title III that are put aside for the exclusive use by participants enrolled in a JTPA IV–C program. Outside funds do not include in-kind services.

*Participant, or Enrolled Participant*—Means a veteran who: (1) has been determined eligible for participation upon intake; and (2) started or is scheduled to receive training or auxiliary services. An individual who receives only outreach and/or intake and assessment services does not meet this definition.

*Placement Rate*—This is a method used to determine the percentage of participants who become employed. The figure is calculated by dividing the number of total participants who terminate from the JTPA IV–C program by the number of participants who received unsubsidized employment through the program.

*Placement*—The act of securing unsubsidized employment for or by a participant.

*Pre-apprenticeship Training*—Any training designed to increase or upgrade specific academic, or cognitive, or physical skills required as a prerequisite for entry into a specific trade or occupation.

*Pre-enrollment Assessments*—The process of determining the employability and training needs of individuals before enrolling them in a JTPA IV–C program. Individual factors usually addressed during pre-enrollment assessment include: an evaluation and/or measurement of vocational interests and aptitudes, present abilities, previous education and work experience, income requirements, and personal circumstances.

*Program Resources*—Includes the total of both JTPA IV–C and outside funds.

*PY—Program Year.* The 12-month period beginning July 1, and ending on June 30, in the fiscal year for which the appropriation is made.

*Recently Separated Veteran*—refers to any veteran who applies for participation in a IV–C-funded activity within 48 months after separation from military service. (29 U.S.C. 1503(27)(C))

*Remedial Education*—Educational instruction, particularly in basic skills, to raise an individual's general competency level in order to succeed in vocational education or skill training programs, or employment.

*Service Connected Disabled*—refers to (1) A veteran who is entitled to compensation under laws administered by the Department of Veterans' Affairs (DVA), or (2) an individual who was discharged or released from active duty because of a service-connected disability. (29 U.S.C. 1503(27)(B))

*SESA*—State Employment Security Agency, the state level organization affiliated with DOL's United States Employment Service.

*SGA*—Solicitation for Grant Application.

*Subgrant*—An award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee.

*Subgrantee*—The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

*Suitable Employment*—See ''Unsubsidized Employment.''

*Substance Abuser*—An individual dependent on drugs, especially narcotics, whose dependency constitutes or results in a substantial barrier to employment.

*Supportive Services*—Services which are provided in connection with training and placement activities, to enable individual to enroll in, remain in, and benefit from programs. This includes counseling, child care, transportation assistance, and other payments based on individual needs.

*Termination*—The separation of a participant from a JTPA IV–C program after the follow-up phase.

Note: Individuals may continue to be considered as participants for a period of 90 days after last receipt of employment or training funded under JTPA IV–C.

*Unsubsidized Employment*—Employment not financed from funds provided under JTPA. In the JTPA IV–C Program the term ''adequate'' or ''suitable'' employment is also used to mean placement in unsubsidized employment which pays an income adequate to accommodate the participant's *minimum* economic needs.

*Upgrading and Retraining*—Training given to an individual who needs such training to advance above an entry-level or dead-end position. This training shall include assisting Veterans in acquiring needed state certification to be employed in the same field as they were trained in the military (i.e., Commercial Truck Driving License (CDL), Emergency Medical Technician (EMT), Airframe & Powerplant (A&P), Teaching Certificate, etc.).

*Veteran*—shall refer to an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. (29 U.S.C. 1503(27)(A))

*Vietnam Theater Veterans*—Those who served in Vietnam, Laos, Thailand, or Cambodia, or the surrounding airspace and waters from August 5, 1964 through May 7, 1975.

*Vietnam-era Veteran*—refers to an eligible veteran for which any part of his or her active military service was during the Vietnam-era (i.e., August 5, 1964 through May 7, 1975). See 29 U.S.C. 1503(27)(D)

*Vocational Exploration Training*—Through assessments such as interest inventories and/or counseling, a process of identifying occupations or occupational areas in which a person may find satisfaction and potential, and for which his or her aptitudes and other qualifications may be appropriate.

*Work Experience*—A temporary activity (six months or less) which provides an individual with the opportunity to acquire the skills and knowledge necessary to perform a job, including appropriate work habits and behaviors, and which may be combined with classroom or other training. When wages are paid to a participant on work experience and when such wages are wholly paid for under JTPA, the participant *may not* receive this training under a private, for profit employer.

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Part IV

# Environmental Protection Agency

**40 CFR Part 68**

**List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Rule**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 68**

**[FRL–5657–7]**

## List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Amendments

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing several modifications to the rule listing regulated substances and threshold quantities under section 112(r) of the Clean Air Act as amended. EPA is proposing to delete the category of Division 1.1 explosives (as listed by DOT) from the list of regulated substances. Regulated flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing are proposed for exemption from threshold quantity determinations, and a clarification of the provision for threshold determination of flammable substances in a mixture is proposed. Modifications to the definition of stationary source are proposed to clarify the exemption of transportation and storage incident to transportation and to clarify that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources. In addition, EPA is clarifying that the Chemical Accident Prevention Provisions do not apply to sources located on the Outer Continental Shelf. EPA believes these proposed changes will better focus accident prevention activities on stationary sources with high hazard operations and reduce duplication with other similar requirements.

**DATES:** Comments. Comments must be submitted on or before May 15, 1996 unless a hearing is requested by April 25, 1996. If a hearing is requested, written comments must be received by May 30, 1996.

Public Hearing. Anyone requesting a public hearing must contact EPA no later than April 25, 1996. If a hearing is held, it will take place on April 30, 1996 at 9:30 a.m.

**ADDRESSES:** Comments. Comments should be mailed or submitted to: Environmental Protection Agency, Air Docket (6102), Attn: Docket No. A–96–O8, Waterside Mall, 401 M St. SW, Washington, DC 20460. Comments must be submitted in duplicate. Comments may be submitted on disk in WordPerfect or Word formats. If a public hearing is held, written testimony should be submitted in duplicate at the time of the hearing.

Public Hearing. If a public hearing is held, it will be held at Waterside Mall, 401 M St. SW, Washington, DC 20460, in the Conference Center in a room to be designated. Persons interested in attending the hearing or wishing to present oral testimony should notify by telephone Vanessa Rodriguez (see For Further Information Contact).

Docket. The docket for this rulemaking is A–96–O8. This proposed rule would amend a final rule, the docket for which is A–91–74. The docket may be inspected between 8:00 am and 5:30 pm, Monday through Friday at EPA's Air Docket, Room M1500, Waterside Mall, 401 M St. SW, Washington, DC 20460; telephone (202) 260–7548. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Vanessa Rodriguez, Chemical Engineer, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency, OS–120, 401 M St. SW, Washington, DC 20460, (202) 260–7913.

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## I. Introduction and Background

### *A. Statutory Authority*

This notice of proposed rulemaking (NPRM) is being issued under sections 112(r) and 301 of the Clean Air Act (Act) as amended (42 U.S.C. sections 7412(r) and 7601).

### *B. Background*

The Clean Air Act (CAA or Act), section 112(r), contains requirements related to prevention of accidental releases. The goal of the accidental release provisions is to prevent accidental releases and minimize the consequences of releases by focusing on those chemicals and operations that pose the greatest risk. The CAA requires EPA to promulgate an initial list of at least 100 substances (''regulated substances'') that, in the event of an accidental release, are known to cause or may be reasonably expected to cause death, injury, or serious adverse effects to human health and the environment. The Act identifies 16 substances to be included in the initial list. Factors required to be considered in listing substances are the severity of acute adverse health effects associated with accidental releases of the substance, the likelihood of accidental releases of the substance, and the potential magnitude of human exposure to accidental releases of the substance. The CAA also requires EPA to establish a threshold quantity for each chemical at the time of listing. In developing these thresholds, factors required to be considered include toxicity, reactivity, volatility, dispersibility, combustibility, or flammability of the substance and the amount of the substance which is known to cause or can be reasonably anticipated to cause death, injury, or serious adverse effects in case of a release. Stationary sources that have more than a threshold quantity of a regulated substance are subject to accident prevention regulations promulgated under CAA section 112(r)(7), including the requirement to develop risk management plans.

EPA's final rule on the list of substances and thresholds (59 FR 4478, January 31, 1994) (the ''List Rule'') promulgated the regulated list of substances and thresholds that identify sources subject to the accident prevention rules. EPA subsequently sought comment on a proposed accident prevention (''risk management program'') rule in two notices and intends to promulgate a final rule in late Spring 1996. (See 58 FR 54190, October 20, 1993; 60 FR 13526, March 13, 1995.) For additional information on the requirements of section 112(r) and related statutory provisions, see these notices.

### *C. Summary of the List Rule*

In the List Rule, EPA promulgated a list that includes 77 acutely toxic substances, 63 flammable gases and volatile flammable liquids, and Division 1.1 high explosive substances as listed by the United States Department of Transportation (DOT) in 49 CFR 172.101. The final rule establishes threshold quantities for toxic substances ranging from 500 to 20,000 pounds. For all listed flammable substances, the threshold quantity is 10,000 pounds,

while all explosive substances have a threshold quantity of 5,000 pounds. The rule sets forth the procedures for determining whether a threshold quantity of a regulated substance is present at a stationary source. Specific exemptions for quantities considered in the threshold determination are also included for mixtures, articles, and certain uses and activities. The rule also specifies the requirements for any petitions to the Agency requesting to add substances to, or delete substances from, the list.

The criteria EPA considered in selecting substances for listing include severity of acute adverse health effects, likelihood of release, and potential magnitude of human exposure. EPA was required to set threshold quantities for each regulated substance considering its toxicity, reactivity, volatility, dispersibility, and flammability, as well as amounts known or anticipated to cause effects of concern.

EPA selected commercially produced acutely toxic and volatile substances mostly from the list of extremely hazardous substances (EHSs) under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA chose volatile substances because they are more likely to become airborne and impact the public. EPA also considered accident history associated with a substance. One substance, oleum, was listed because it has a history of accidents that have impacted the public. Because vapor cloud explosions and blast waves from detonations of high explosives have caused injuries to the public and damage to the environment, EPA also included highly flammable gases and liquids and high explosives on the list.

The American Petroleum Institute (API), the Institute of Makers of Explosives (IME), and one other party filed petitions for judicial review of the List Rule (*American Petroleum Institute* v. *EPA*, No. 94–1273 (D.C. Cir.) and consolidated cases). On March 28, 1996, EPA made available for public comment under CAA section 113(g) proposed settlement agreements with API and IME (61 FR 13858, March 28, 1996).

## II. Discussion of Proposed Modifications

Following EPA's promulgation of regulated substances and thresholds in the List Rule, the petitioners mentioned above and other members of the regulated community raised a number of issues concerning the list and thresholds. Certain provisions of the List Rule that seemed inconsistent with EPA's intent expressed in the preamble or other documents supporting the final rule were identified. Additional information was also received addressing the concerns that led to the regulation. As a result, EPA is proposing the following amendments to the final rule: delisting explosives; exempting from threshold determination regulated flammable substances in gasoline and in naturally occurring hydrocarbon mixtures prior to initial processing; clarifying the provision for threshold determination of flammable substances in mixtures to exempt mixtures that do not have a National Fire Protection Association (NFPA) flammability hazard rating of 4; modifying the definition of stationary source to clarify the exemption of transportation and storage incident to transportation and to clarify that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources; and clarifying that the chemical accident prevention provisions do not apply to sources located on the Outer Continental Shelf (''OCS sources'').

### *A. Explosives*

In the final rule (59 FR 4478, January 31, 1994), EPA included explosives classified by DOT as Class 1, Division 1.1, and listed as such in 49 CFR 172.101 (the Hazardous Materials Table) as regulated substances with a threshold quantity of 5,000 pounds. Division 1.1 explosives were listed because of their potential to readily detonate, causing offsite impacts. While acknowledging that explosives are regulated by a number of other agencies, EPA maintained that public safety would be enhanced if additional information about explosives, such as hazard assessments, were available to emergency response agencies and local emergency planners under section 112(r). EPA's primary concern was that there were gaps in the existing regulatory framework in the area of communication with emergency responders and local planners because existing regulations and programs were not comprehensive. EPA noted that public safety would be enhanced by additional coordination between facilities handling explosives and the local emergency planners and responders.

Subsequent to promulgation of the List Rule, IME provided EPA with additional information about the extent of the regulatory gaps discussed above, including coordination with emergency responders. After additional review of other federal, state, and local laws and regulations for explosives, as well as industry practices for explosives manufacturing and storage, EPA has concluded that current regulations and current and contemplated industry practices promote safety and accident prevention in storage, handling, transportation, and use of explosives. As a result, these regulations and practices adequately protect the public and the environment from the hazards of accidents involving explosives. Explosives are regulated by the Bureau of Alcohol, Tobacco and Firearms (BATF), the Mine Safety and Health Act (MSHA), the Occupational Safety and Health Act (OSHA), the Department of Defense (DoD), the Department of Transportation (DOT), and state and local agencies. BATF's American Table of Distances (ATD) specifies distances for explosive storage from inhabited buildings, public highways, and passenger railways; these distances are great enough to ensure that an accidental explosion at a site that is in compliance with the ATD should not produce blast waves that are hazardous to people at distances where the public could be affected (the hazard to which the public could be exposed if a site complies with the ATD is significantly lower than that which the Agency would be protecting against with its listing of Division 1.1 explosives at a 5,000-pound threshold). Most facilities that manufacture or store explosives already are required to develop emergency response plans and to provide local emergency responders with copies of Material Safety Data Sheets (MSDSs) or lists of materials with MSDSs, or to advise local emergency responders regarding the type, quantity, and location of Division 1.1 explosives on site.

EPA's review of existing regulations and current industry practices still indicates that public safety would be enhanced if some sites handling explosives made additional information about explosives available to emergency responders and planners. While EPA does not believe there are many sites that are not already coordinating with local authorities under other regulatory and voluntary programs, public safety would be enhanced if there were additional coordination between the remaining facilities handling explosives and the local emergency planners and responders. To address the gaps EPA identified, IME has developed suggested safety practices that would be adopted in due course if EPA provides final consent to the proposed settlement agreement. These actions would provide additional information and enhance the coordination between explosives facilities and the emergency planners and responders. IME member companies would post signs at all

normal access routes stating, ''Danger. Never Fight Explosive Fires. Explosives are stored on this site,'' and providing an emergency phone number. Whenever a new Division 1.1 commercial explosives storage or manufacturing location is established at a temporary job site, IME member companies would notify Local Emergency Planning Committees and other local authorities (e.g., fire departments and law enforcement agencies) of the type, quantity, and location of explosives on site. At Division 1.1 commercial explosives storage or manufacturing locations with 5,000 pounds or more of Division 1.1 explosives (not including temporary job sites) where preparation of emergency response plans is not already required, IME member companies would prepare emergency response plans, notify Local Emergency Planning Committees and other local authorities of the type, quantity, and location of explosives on site, provide the emergency response plans to local emergency responders, and respond to reasonable requests for information from said authorities. IME member companies also would inform their customers of the contents of the Settlement Agreement and the actions to be taken. IME would respond to reasonable requests from law enforcement agencies and emergency responders for information concerning the safe storage, distribution, and use of explosives. IME also would distribute a letter to other non-IME commercial explosives manufacturers, distributors, and users informing them of the Settlement Agreement and actions to be taken. The Agency believes these actions effectively close the remaining gap in emergency planning and response communications, while allowing existing laws to prevail. Therefore, EPA is proposing to delist explosives from the list of regulated substances under section 112(r). EPA requests comments on whether explosives should be delisted.

*B. Regulated Flammable Substances in Gasoline and in Naturally Occurring Hydrocarbon Mixtures*

In the threshold determination provisions for mixtures containing flammable regulated substances, the List Rule provides that such mixtures are exempt if the owner or operator can demonstrate that the mixture does not meet boiling point or flash point criteria; otherwise, the entire mixture is treated as a regulated substance unless another exemption applies. The boiling point and flash point are objectively determinable and derived from the definition of highly flammable liquids and gases, National Fire Protection Association (NFPA) flammability hazard rating of 4. Although EPA did not specifically exempt gasoline and naturally occurring hydrocarbon mixtures (e.g., crude oil) from threshold determination, it did not intend the List Rule to cover regulated flammable substances in mixtures that do not meet the NFPA 4 criteria. Gasoline and crude oil are listed with NFPA flammability ratings of 3 in Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids, NFPA 325M (1991 edition). EPA noted in Proposed List of Substances and Threshold for Accidental Release Prevention: Summary and Response to Comments (1994) that it believed gasoline does not meet the boiling point criterion for listing. EPA also noted that it considered unlisted hydrocarbons that fail to meet the NFPA 4 criteria to represent a lower priority for accident prevention.

The NFPA criteria contain both the objective elements included in EPA's rule as well as certain judgmental criteria. NFPA 4, as defined in the NFPA Standard System for the Identification of Fire Hazards of Materials, NFPA 704 (1990 edition), includes the following:

''Materials that will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature, and which will burn readily. This degree usually includes:

Flammable gases;

Flammable cryogenic materials;

Any liquid or gaseous material that is liquid while under pressure and has a flash point below 73 °F (22.8 °C) and a boiling point below 100 °F (37.8 °C) (i.e., Class IA flammable liquids);

Materials that ignite spontaneously in air.''

Thus, the promulgated threshold determination provision does not exempt mixtures that meet the flash point and boiling point criteria, but that do not rapidly or completely vaporize and, therefore, are not true NFPA 4 mixtures based on the full definition. In particular, certain grades of gasoline and some naturally occurring hydrocarbon mixtures might be subject to threshold determination under the provisions of the final rule, based on the flash point and boiling point criteria, even though these mixtures do not meet the judgmental criteria of NFPA 4.

To better reflect EPA's original intent to exempt non-NFPA 4 mixtures and to clarify the regulatory status of gasoline and naturally occurring hydrocarbon mixtures (e.g., crude oil and natural gas condensate), EPA is proposing to provide specific exemptions from threshold determination for regulated flammable substances in gasoline used as fuel for internal combustion engines and for regulated substances in naturally occurring hydrocarbon mixtures prior to initial processing in a petroleum refining process unit or a natural gas processing plant. Naturally occurring hydrocarbon mixtures would include any or any combination of the following: condensate, crude oil, field gas, and produced water. EPA is proposing definitions of these substances for inclusion in the rule and is also proposing definitions of petroleum refining process unit and natural gas processing plant. EPA believes the proposed definitions reflect standard, widely accepted meanings of these terms.

EPA believes gasoline and the naturally occurring hydrocarbon mixtures condensate and crude oil, because they contain many non-volatile components, have low potential for vapor cloud explosions (the basis for listing flammable substances under CAA section 112(r)), even if, in some cases, they may meet the flash point and boiling point criteria cited in the final rule. Produced water in naturally occurring hydrocarbon mixtures would likely reduce the flammability and potential for vapor cloud explosion of these mixtures. EPA believes field gas, prior to initial processing, also has low potential for vapor cloud explosions that might have an impact on the public. Exploration and production facilities likely do not have many congested areas or confined spaces; congested areas or turbulent conditions (in an advancing flame front) generally are necessary for a vapor cloud explosion to occur. On-site processes are relatively simple, and there are unlikely to be many ignition sources. The American Petroleum Institute (API) evaluated the potential consequences of releases of naturally occurring hydrocarbon mixtures at oil and gas exploration and production facilities, as discussed in Hazard Assessment of Exploration and Production Facilities Potentially Subject to the Environmental Protection Agency's Risk Management Program Regulations (January 20, 1995) (see docket), and concluded that hazard distances were generally very short for the types of facilities evaluated. Finally, EPA believes these explicit, specific, and clear exemptions for gasoline and naturally occurring hydrocarbons are useful in addition to revising the flammable mixture provision to better reflect NFPA 4, because they simplify the task of applying the judgmental criteria of NFPA 4 for these pervasive mixtures.

As naturally occurring hydrocarbon mixtures undergo processing in a petroleum refining process unit or a natural gas processing plant, the potential for a vapor cloud explosion likely increases. The processes are more complex, there may be significant on-site congestion from buildings and equipment, flammable substance may be stored in large quantities, and there may be many ignition sources. The components of crude oil and condensates may be separated based on volatility. The more volatile mixtures (or purified substances) resulting from such processing may meet the criteria for NFPA 4 and, therefore, would need to be considered for threshold determination in accordance with the provisions for threshold determination of regulated flammable substances in mixtures, as discussed in the next section of this preamble. Similarly, before gasoline is finally formulated into a fuel for internal combustion engines, during processing in a refinery, it may meet the criteria for NFPA 4 and, therefore, would need to be considered for threshold determination in accordance with the provisions for threshold determination of regulated flammable substances in mixtures.

EPA requests comments on the proposed exemption from threshold determination for gasoline used as fuel for internal combustion engines and specifically requests comments on whether the qualifying phrase, ''used as fuel for internal combustion engines,'' is a necessary part of the exemption. EPA also requests comments on the proposed exemption for regulated substances in naturally occurring hydrocarbon mixtures prior to initial processing and on the proposed definitions related to the exemption for naturally occurring hydrocarbon mixtures.

### *C. Clarification of Threshold Determination of Regulated Flammable Substances in Mixtures*

In the final rule, EPA provided flash point and boiling point criteria for determining whether a mixture containing a regulated flammable substance is subject to threshold determination. Although these flash point and boiling point criteria are associated with an NFPA rating of 4, the NFPA rating was not specifically cited as a criterion. As discussed in the preamble to the List Rule, EPA believes that mixtures that do not have an NFPA rating of 4 should not be subject to threshold determination. Based on comments from the regulated community, EPA now believes the flash point and boiling point criteria, although they are part of the criteria for the NFPA 4 rating, are not adequate by themselves to identify mixtures with the NFPA 4 rating. As noted above, the NFPA 4 rating applies to substances that will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature or that are readily dispersed in air, and that will burn readily. Like gasoline and crude oil, which have NFPA 3 ratings for flammability, other mixtures may contain low boiling flammable components that would cause the mixture to meet the flash point and boiling point criteria, but also contain higher boiling components that would prevent the mixture from rapidly or completely vaporizing. To clarify threshold determination for mixtures, EPA is proposing to provide that, for mixtures that have one percent or greater concentration of a regulated flammable substance, the entire weight of the mixture shall be treated as the regulated substance unless the owner or operator can demonstrate that the mixture does not have an NFPA flammability hazard rating of 4, as defined in the NFPA Standard System for the Identification of Fire Hazards of Materials, NFPA 704–1990. EPA requests comments on this proposed clarification, which would be in addition to the specific exemption proposed for gasoline and naturally occurring hydrocarbons.

### *D. Definition of Stationary Source*

The List Rule defined stationary source to exclude transportation, including storage incident to transportation, provided such transportation is regulated under 49 CFR parts 192, 193, or 195. In addressing issues related to EPCRA, which also excludes transportation in commerce for most purposes, EPA has interpreted the transportation exclusion to exempt substances being transported in commerce or in storage under active shipping papers and to treat as a ''stationary item'' any storage in containers not under active shipping papers. In the List Rule, EPA referred to DOT pipeline regulations under 49 CFR parts 192, 193, and 195, and stated in the Preamble that pipelines, transfer stations, and other activities already covered by DOT would be excluded. Furthermore, EPA intended to exclude from the definition of stationary source all transportation and storage incident to such transportation to be consistent with EPCRA. EPA believes the List Rule definition of stationary source clearly covers transportation containers only when they are no longer in transportation in commerce and clearly excludes pipelines as defined by DOT; however, based on comments from the regulated community, EPA believes there still may be potential for overlap and confusion regarding the jurisdiction and regulatory responsibility of EPA and DOT for pipelines and for transportation containers at stationary sources.

The Agency has received questions regarding the language in the stationary source definition that refers to ''transportation containers no longer under active shipping papers.'' Both EPA and DOT agree this term would generally apply to containers that are not in transportation in commerce and that are at the stationary source for purposes of storage, loading, or unloading that is not incidental to transportation in commerce. ''Transportation in commerce'' is defined by DOT pursuant to Federal Hazardous Materials Transportation Law (Federal HAZMAT Law, 49 U.S.C. sections 5107–5127). As a result of continued questions regarding the scope of Federal HAZMAT Law and the applicability of the regulations issued thereunder, DOT is currently working to better delineate and more clearly define the applicability of its regulations. DOT currently contemplates clarifying its jurisdiction through the rulemaking process. As a result, there may be a future need for EPA to further amend the definition of stationary source to better comport with DOT clarifications or actions. The Agency will continue to work closely with DOT to minimize overlap and confusion with respect to jurisdiction and items in transportation and will coordinate with DOT to ensure that consistent interpretations about regulations coverage are provided to the regulated community.

EPA is proposing several amendments to the definition of stationary source to reflect more clearly EPA's intent. First, EPA is proposing to modify the definition of stationary source to clarify that exempt transportation shall include, but not be limited to, transportation activities subject to regulation or oversight under 49 CFR parts 192, 193, or 195, as well as transportation subject to natural gas or hazardous liquid programs for which a state has in effect a certification under 49 U.S.C. section 60105. DOT established safety standards for pipeline facilities used in the transportation of natural gas by pipeline in 49 CFR part 192, for liquefied natural gas facilities in 49 CFR part 193, and for pipeline facilities used in the transportation of hazardous liquids by pipeline in 49 CFR part 195. State programs with certifications under 49 U.S.C. section 60105 are comparable to the DOT

requirements and thus ensure public safety.

In addition, EPA is proposing to modify the definition of stationary source to clarify that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources. This interpretation is consistent with EPA's policy under EPCRA. API concluded in the Hazard Assessment of Exploration and Production Facilities Potentially Subject to the Environmental Protection Agency's Risk Management Program Regulations (January 20, 1995) that the flow of hydrocarbons from reservoirs would not contribute to the magnitude of a catastrophic release scenario. This conclusion was based on consequence analysis of a range of fire and explosion events, assuming a range of handling conditions, types of equipment, and material compositions typical of exploration and production facilities. Finally, EPA is clarifying that the exemption for transportation containers in transportation in commerce or storage incident to such transportation is not limited to pipelines. EPA requests comments on these proposed revisions to the stationary source definition.

*E. Applicability to Outer Continental Shelf*

EPA is proposing an applicability exception for sources on the outer continental shelf (OCS sources). Such an exception is consistent with CAA section 328, which precludes the applicability of EPA CAA rules to such sources when such rules are not related to attaining or maintaining ambient air quality standards or to the ''prevention of significant deterioration'' provisions of the CAA.

III. Summary of Proposed Revisions to the Rule

EPA is proposing to amend several sections of part 68 of title 40 of the Code of Federal Regulations.

In § 68.3, the definition of stationary source would be revised. The revised definition would specifically state that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources. The definition would state that exempt transportation shall include, but not be limited to, transportation activities subject to regulation or oversight under 49 CFR parts 192, 193, or 195, as well as transportation subject to natural gas or hazardous liquid programs for which a state has in effect a certification under 49 U.S.C. section 60105.

Several new definitions are proposed for § 68.3, for condensate, crude oil, field gas, natural gas processing plant, petroleum refining process unit, and produced water.

Section 68.10 is proposed to be amended to clarify that part 68 does not apply to OCS sources.

Several revisions are proposed for § 68.115 on threshold determination. Section 68.115(b)(2) is proposed to be modified to state that the entire weight of the mixture containing a regulated flammable substance shall be treated as the regulated substance unless the owner or operator can demonstrate that the mixture does not have an NFPA flammability hazard rating of 4. Another proposed modification to § 68.115(b)(2) would exempt from threshold determination regulated flammable substances in gasoline used as fuel in internal combustion engines. Regulated substances in naturally occurring hydrocarbon mixtures (including condensate, crude oil, field gas, and produced water), prior to entry into a natural gas processing plant or a petroleum refining process unit, also are proposed to be exempt from threshold determination. Section 68.115(b)(3), on concentrations of a regulated explosive substance in a mixture, is proposed to be deleted, and 68.115(b)(4), 68.115(b)(5), and 68.115(b)(6) would be redesignated as 68.115(b)(3), 68.115(b)(4), and 68.115(b)(5).

Section 68.130 is proposed to be modified by the deletion of (a), explosives listed by DOT as Division 1.1. Section 68.130(b) would be redesignated as 68.130(a), and 68.130(c) would be 68.130(b).

IV. Required Analyses

*A. E.O. 12866*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must judge whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or state, local, or tribal government or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and therefore is not subject to OMB review.

*B. Regulatory Flexibility Act*

In accordance with the Regulatory Flexibility Act of 1980, Federal agencies must evaluate the effects of the rule on small entities and examine alternatives that may reduce these effects.

EPA has examined the proposed rule's potential effects on small entities as required by the Regulatory Flexibility Act. It has determined that this rule will have no adverse effect on small entities because it reduces the number of substances that would be used to identify stationary sources for regulation and provides exemptions that will likely reduce the number of stationary sources subject to the accidental release prevention requirements. Therefore, I certify that today's proposed rule will not have a significant economic effect on a substantial number of small entities.

*C. Paperwork Reduction Act*

This proposed rule does not include any information collection requirements for OMB to review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

*D. Unfunded Mandates*

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

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

List of Subjects in 40 CFR Part 68

Environmental protection, Chemicals, Chemical accident prevention, Clean Air Act, Extremely hazardous substances, Incorporation by reference, Intergovernmental relations, Hazardous

substances, Reporting and Recordkeeping requirements.

Dated: April 5, 1996.

Carol M. Browner,

*Administrator.*

For the reasons set out in the preamble, Title 40, Chapter I, Subchapter C, Part 68 of the Code of Federal Regulations is proposed to be amended as follows:

## PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS

1. The authority citation for part 68 continues to read as follows:

Authority: 42 U.S.C. sections 7412(r), 7601.

## Subpart A—General

2. Section 68.3 is proposed to be amended by adding the following definitions in alphabetical order and revising the definition of stationary source to read as follows:

### § 68.3 Definitions.

* * * * *

*Condensate* means hydrocarbon liquid separated from natural gas that condenses due to changes in temperature, pressure, or both, and remains liquid at standard conditions.

*Crude oil* means any naturally occurring, unrefined petroleum liquid.

* * * * *

*Field gas* means gas extracted from a production well before the gas enters a natural gas processing plant.

*Natural gas processing plant* (gas plant) means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. A separator, dehydration unit, heater treater, sweetening unit, compressor, or similar equipment shall not be considered a ''processing site'' unless such equipment is physically located within a natural gas processing plant (gas plant) site.

*Petroleum refining process unit* means a process unit used in an establishment primarily engaged in petroleum refining as defined in the Standard Industrial Classification code for petroleum refining (2911) and used for the following: (1) Producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants; (2) Separating petroleum; or (3) Separating, cracking, reacting, or reforming intermediate petroleum streams.

Examples of such units include, but are not limited to, petroleum-based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, lube oil processing, hydrogen production, isomerization, polymerization, thermal processes, and blending, sweetening, and treating processes. Petroleum refining process units include sulfur plants.

* * * * *

*Produced water* means water extracted from the earth from an oil or natural gas production well, or that is separated from oil or natural gas after extraction.

* * * * *

*Stationary source* means any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. A stationary source includes transportation containers that are no longer under active shipping papers and transportation containers that are connected to equipment at the stationary source for the purposes of temporary storage, loading, or unloading. A stationary source does not include naturally occurring hydrocarbon reservoirs. The term stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this part. Transportation includes, but is not limited to, transportation subject to oversight or regulation under 49 CFR parts 192, 193, or 195, or a state natural gas or hazardous liquid program for which the state has in effect a certification to DOT under 49 U.S.C. section 60105. Properties shall not be considered contiguous solely because of a railroad or gas pipeline right-of-way.

3. Section 68.10, as proposed at 60 FR 13543, is further amended by adding a paragraph (e) to read as follows:

### § 68.10 Applicability.

* * * * *

(e) The provisions of this part shall not apply to an Outer Continental Shelf (''OCS'') source, as defined in 40 CFR 55.2.

## Subpart C—Regulated Substances for Accidental Release Prevention

4. Section 68.115 is proposed to be amended by revising paragraph (b) introductory text and paragraph (b)(2); removing paragraph (b)(3); and by redesignating paragraphs (b)(4) as (b)(3), (b)(5) as (b)(4), and (b)(6) as (b)(5) to read as follows:

### § 68.115 Threshold determination.

* * * * *

(b) For the purposes of determining whether more than a threshold quantity of a regulated substance is present at the stationary source, the following exemptions apply:

* * * * *

(2) Concentrations of a regulated flammable substance in a mixture.

(i) *General provision.* If a regulated substance is present in a mixture and the concentration of the substance is below one percent by weight of the mixture, the mixture need not be considered when determining whether more than a threshold quantity of the regulated substance is present at the stationary source. Except as provided in paragraph (b)(2) (ii) and (iii) of this section, if the concentration of the substance is one percent or greater by weight of the mixture, then, for purposes of determining whether a threshold quantity is present at the stationary source, the entire weight of the mixture shall be treated as the regulated substance unless the owner or operator can demonstrate that the mixture itself does not have a National Fire Protection Association flammability hazard rating of 4. The demonstration shall be in accordance with the definition of flammability hazard rating 4 in the NFPA 704, Standard System for the Identification of the Fire Hazards of Materials, National Fire Protection Association, Quincy, MA, 1990. Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269–9101. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Environmental Protection Agency Air Docket (6102), Attn: Docket No. A–96–08, Waterside Mall, 401 M. St. SW., Washington D.C.; or at the Office of Federal Register at 800 North Capitol St., NW, Suite 700, Washington, D.C. (Note: this document will only be available for inspection at the Federal Register after this action becomes a final rule.) Boiling point and flash point shall be defined and determined in accordance with NFPA 321, Standard on the Basic Classification of Flammable and Combustible Liquids, National Fire Protection Association, Quincy, MA, 1991. Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269–9101. This

incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Environmental Protection Agency Air Docket (6102), Attn: Docket No. A–96–08, Waterside Mall, 401 M. St. SW., Washington D.C.; or at the Office of Federal Register at 800 North Capitol St., NW, Suite 700, Washington, D.C. (Note: this document will only be available for inspection at the Federal Register after this action becomes a final rule.) The owner or operator shall document the National Fire Protection Association flammability hazard rating.

(ii) *Gasoline.* Regulated substances in gasoline, when in distribution or related storage for use as fuel for internal combustion engines, need not be considered when determining whether more than a threshold quantity is present at a stationary source.

(iii) *Naturally occurring hydrocarbon mixtures.* Prior to entry into a natural gas processing plant or a petroleum refining process unit, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include any combination of the following: condensate, crude oil, field gas, and produced water, each as defined in § 68.3 of this part.

* * * * *

**§ 68.130 [Amended]**

5. Section 68.130 is proposed to be amended by removing paragraph (a) and redesignating paragraph (b) as (a), and paragraph (c) as (b). The tables to the section remain unchanged.

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Federal Register

Monday
April 15, 1996

Part V

# Environmental Protection Agency

**40 CFR Part 68**

**List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Stay of Effectiveness; Proposed Rule**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 68

**[FRL–5657–8]**

### List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Stay of Effectiveness

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

**ACTION:** Proposed rule; proposed stay of effectiveness.

**SUMMARY:** In Part IV of today's Federal Register, the Environmental Protection Agency (EPA) is proposing several modifications to provisions of the rule listing regulated substances and establishing threshold quantities under section 112(r) of the Clean Air Act as amended (List Rule Amendments). The proposed List Rule Amendments, if promulgated in a final rule, would clarify or establish that part 68 does not apply to several types of processes and sources.

This action proposes, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), to stay the effectiveness of provisions that are affected by the proposed List Rule Amendments in Part IV of today's Federal Register, for so long as necessary to take final action on the proposed List Rule Amendments. Pursuant to the rulemaking provisions of Clean Air Act section 307(d), 42 U.S.C. 7607(d), EPA hereby requests public comment on this proposed short-term stay of provisions affected by the proposed List Rule Amendments. Under the proposed stay, owners and operators of processes and sources that EPA has proposed not be subject to part 68 would not become subject to part 68 until EPA has determined whether to proceed with the List Rule Amendments proposed in today's Federal Register.

**DATES:** Comments. Comments must be submitted on or before May 15, 1996 unless a hearing is requested by April 25, 1996. If a hearing is requested, written comments must be received by May 30, 1996.

Public Hearing. Anyone requesting a public hearing must contact EPA no later than April 25, 1996. If a hearing is held, it will take place on April 30, 1996 at 9:30 a.m.

**ADDRESSES:** Comments. Comments should be submitted to: U.S. Environmental Protection Agency, Air Docket (6102), Attn: Docket A–96–08: IV-I (Proposed Stay of Effectiveness), Waterside Mall, 401 M St. SW., Washington, DC 20460. Comments must be submitted in duplicate. If a public hearing is held, written testimony must be submitted in duplicate at the time of the hearing.

Public Hearing. If a public hearing is held, it will be held at Waterside Mall, 401 M St. SW., Washington DC, in the EPA Conference Center. Persons interested in attending the hearing or wishing to present oral testimony should notify by telephone Vanessa Rodriguez (see For Further Information Contact).

Docket. All information used in the development of this proposal is contained in the preamble below. However, Docket A–91–74, containing background information for the original List Rule, and Docket A–96–08, containing background information on the proposed List Rule amendments, are available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday at EPA's Air Docket, Room 1500, 401 M St. SW., Washington, DC 20460; telephone (202) 260–7548. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Vanessa Rodriguez, Chemical Engineer, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency (5101), 401 M St. SW., Washington, DC 20460, (202) 260–7913.

**SUPPLEMENTARY INFORMATION:**

I. Background and Discussion

Elsewhere in the proposed rule section of today's Federal Register, EPA is proposing amendments to regulations in 40 CFR part 68 that, *inter alia*, list regulated substances and establish threshold quantities for the accident prevention provisions under Clean Air Act section 112(r). Readers should refer to that document for a complete discussion of the background of the rule affected. The amendments proposed in that document (''List Rule Amendments'') would, if promulgated, delete explosives from the list of regulated substances, modify threshold provisions to exclude flammable substances in gasoline and in naturally occurring hydrocarbon mixtures prior to entry into processing unit or plant, modify the threshold provisions for other flammable mixtures, and clarify the definition of stationary source with respect to transportation, storage incident to transportation, and naturally occurring hydrocarbon reservoirs.

It is unlikely that EPA will be able to take final action on some or all of the proposed List Rule Amendments prior to May 24, 1996, the date on which EPA anticipates it will take final action on additional ''Risk Management Program'' regulations under Clean Air Act section 112(r). This action proposes to stay provisions of part 68 that are affected by the proposed List Rule Amendments until such time as EPA takes final action on the proposed List Rule Amendments. If, following consideration of public comment, EPA takes final action to stay the effectiveness of these provisions, these provisions will be stayed until after EPA takes final action on the proposed List Rule Amendments.

EPA is proposing this stay because, at this time, EPA is seeking comment on whether the various processes and sources affected by the proposed List Rule Amendments should be subject to part 68. EPA will need to evaluate comments on the proposed List Rule Amendments before taking final action on that proposal. During the period prior to final action on the List Rule Amendments proposal, owners and operators of sources affected by the proposed List Rule Amendments would not know if they ultimately will be subject to part 68. Such owners and operators should have the same certainty about whether they are subject to part 68 as other owners and operators have when they begin their regulatory compliance planning. The effect of the proposed stay would be to allow owners and operators of processes and sources affected by the proposed List Rule Amendments three years to come into compliance with the Risk Management Program rule in the event EPA fails to adopt the proposed List Rule Amendments. That is, if EPA does not promulgate a provision of the proposed List Rule Amendments, either by taking negative final action or by allowing the stay to expire without final action, owners and operators of processes and sources affected by that provision would need to achieve compliance with the Risk Management Program rule within three years from the date of the negative final action or the expiration of the stay.

II. Required Analyses

*A. E.O. 12866*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must judge whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy,

productivity, jobs, the environment, public health or safety, or state, local, or tribal government or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and therefore is not subject to OMB review.

*B. Regulatory Flexibility Act*

In accordance with the Regulatory Flexibility Act of 1980, Federal agencies must evaluate the effects of the rule on small entities and examine alternatives that may reduce these effects.

EPA has examined the proposed rule's potential effects on small entities as required by the Regulatory Flexibility Act. It has determined that this rule will have no adverse effect on small entities because it defers the need for stationary sources to comply with current rule provisions that EPA has proposed to amend; the amendments, if adopted, likely would reduce the number of stationary sources subject to the accidental release prevention requirements. Therefore, I certify that today's proposed rule will not have a significant economic effect on a substantial number of small entities.

*C. Paperwork Reduction Act*

This proposed rule does not include any information collection requirements for OMB to review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

*D. Unfunded Mandates*

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

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

List of Subjects in 40 CFR Part 68

Environmental protection, Chemicals, Chemical accident prevention, Clean Air Act, Extremely hazardous substances, Intergovernmental relations, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 5, 1996.

Carol M. Browner,

*Administrator.*

For the reasons set out in the preamble, Title 40, Chapter I, Subchapter C, Part 68 of the Code of Federal Regulations is proposed to be amended to read as follows:

## PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS

1. The authority citation for Part 68 continues to read as follows:

Authority: 42 U.S.C. 7412(r), 7601.

2. In Subpart A, § 68.2 is proposed to be added to read as follows:

### § 68.2 Stayed Provisions.

(a) Notwithstanding any other provision of this part, the effectiveness of the following provisions is stayed from March 2, 1994 to (insert date 18 months after publication of final rule in the Federal Register):

(1) In § 68.3, definition of ''stationary source,'' to the extent that such definition includes naturally occurring hydrocarbon reservoirs or transportation subject to oversight or regulation under a state natural gas or hazardous liquid program for which the state has in effect a certification to DOT under 49 U.S.C. 60105;

(2) Section 68.115(b)(2) of this part, to the extent that such provision requires an owner or operator to treat as a regulated flammable substance:

(i) Gasoline, when in distribution or related storage for use as fuel for internal combustion engines.

(ii) Naturally occurring hydrocarbon mixtures prior to entry into a petroleum refining process unit or a natural gas processing plant. Naturally occurring hydrocarbon mixtures include any of the following: condensate, crude oil, field gas, and produced water, each as defined in paragraph (b) of this section.

(iii) Other mixtures containing a regulated flammable substance that does not have a National Fire Protection Association flammability hazard rating of 4, the definition of which is in the NFPA 704, Standard System for the Identification of the Fire Hazards of Materials, National Fire Protection Association, Quincy, MA, 1990. Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269–9101. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Environmental Protection Agency Air Docket (6102), Attn: Docket No. A–96–08, Waterside Mall, 401 M. St. SW., Washington D.C.; or at the Office of Federal Register at 800 North Capitol St., NW, Suite 700, Washington, D.C. (**NOTE:** this document will only be available for inspection at the Federal Register after this action becomes a final rule); and

(3) Section 68.130(a).

(b) From March 2, 1994 to (insert date 18 months after publication of final rule in the Federal Register) the following definitions shall apply to the stayed provisions described in paragraph (a) of this section.

*Condensate* means hydrocarbon liquid separated from natural gas that condenses because of changes in temperature, pressure, or both, and remains liquid at standard conditions.

*Crude oil* means any naturally occurring, unrefined petroleum liquid.

*Field gas* means gas extracted from a production well before the gas enters a natural gas processing plant.

*Natural gas processing plant* means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of natural gas liquids to natural gas products, or both. A separator, dehydration unit, heater treater, sweetening unit, compressor, or similar equipment shall not be considered a ''processing site'' unless such equipment is physically located within a natural gas processing plant (gas plant) site.

*Petroleum refining process unit* means a process unit used in an establishment primarily engaged in petroleum refining as defined in the Standard Industrial Classification code for petroleum refining (2911) and used for the following: (1) Producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants; (2) Separating petroleum; or (3) Separating, cracking, reacting, or reforming intermediate petroleum streams.

Examples of such units include, but are not limited to, petroleum based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic

reforming, catalytic cracking, crude distillation, lube oil processing, hydrogen production, isomerization, polymerization, thermal processes, and blending, sweetening, and treating processes. Petroleum refining process units include sulfur plants.

*Produced water* means water extracted from the earth from an oil or natural gas production well, or that is separated from oil or natural gas after extraction.

[FR Doc. 96–9096 Filed 4–12–96; 8:45 am]

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Federal Register

Monday
April 15, 1996

## Part VI

# The President

**Proclamation 6882—National D.A.R.E. Day, 1996**

**Proclamation 6883—National Pay Inequity Awareness Day, 1996**

Federal Register
Vol. 61, No. 73
Monday, April 15, 1996

# Presidential Documents

Title 3—

The President

Proclamation 6882 of April 10, 1996

## National D.A.R.E. Day, 1996

By the President of the United States of America

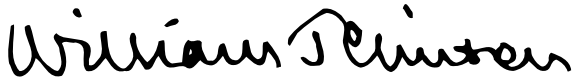
A Proclamation

Drug abuse and violence pose serious threats to the health and well-being of American youth. We must redouble our efforts to help children understand the consequences of destructive behaviors and give them the tools they need to succeed. This critical endeavor requires all of us—government, law enforcement, schools, religious communities, and families—to work together. Drug Abuse Resistance Education (D.A.R.E.) is a proven means of communicating a strong anti-drug, anti-violence message to students of all ages. This year, D.A.R.E. will provide 33 million young people, from kindergartners to 12th graders, with information and strategies to help them resist peer pressure and to avoid drugs, tobacco, inhalants, and alcohol abuse throughout their lives. Reaching children in 30 countries, all 50 States, and 70 percent of our Nation's school districts, D.A.R.E. also empowers students with vital conflict resolution and anger management skills.

Today and throughout the year, let us recognize this program as a model of effective, grassroots organization and commend D.A.R.E. officers for their dedicated efforts to promote health and safety. As an integral and valued part of countless American schools, these caring men and women are joining parents, teachers, and concerned citizens everywhere to help children lead safe, healthy, productive lives.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 11, 1996, as National D.A.R.E. Day. I call upon families, educators, and all the people of the United States to observe this day with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 96–9360
Filed 4–12–96; 8:45 am]
Billing code 3195–01–P

# Presidential Documents

Proclamation 6883 of April 11, 1996

## National Pay Inequity Awareness Day, 1996

By the President of the United States of America

A Proclamation

More than three decades after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of unfair pay differentials. In comparing median weekly earnings, last year American women earned only 75 cents for every dollar a man brought home, with African American women and Hispanic women collecting just 66 cents and 57 cents, respectively. Significant wage gaps exist for African American and Hispanic men, Asians, Pacific Islanders, and Native Americans as well.

April 11 is the day on which American women's wages for 1996, when added to their entire 1995 earnings, finally equal what men earned in 1995 alone. Unfair pay practices exist at all education levels and in every occupation. Last year, women physicians and lawyers earned substantially less than their male counterparts. The problem is particularly acute in female-dominated professions and in jobs where minority groups are disproportionately represented. Though changing technologies and a growing demand for services have made their positions increasingly vital, America's child care providers, secretaries, textile workers, telephone operators, social workers, and maintenance people are among those who bear the greatest wage discrepancies.

Ensuring fair pay is an essential part of helping women and their families become and remain self-sufficient. According to 1993 data, the vast majority of households depend on the wages of a working mother, and 12 percent of all families are supported by a woman working as the single head of household. Studies show that salary inequities often force women to turn to public assistance to keep a roof over their children's heads and food on the table.

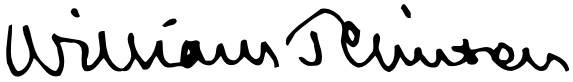
Fair pay equity policies can be implemented simply and without incurring undue costs. Twenty States have already established programs aimed at increasing the wages of employees in female-dominated jobs, and many private sector businesses have implemented voluntary policies. These employers understand that fair pay is an invaluable human resource management tool that helps attract and retain the best workers.

At the Fourth World Conference on Women held in Beijing, China, the United States joined more than 180 other countries to address problems facing women and to promote workers' basic rights. This was an important step, and we must build on it to further the dialogue about fair pay and treatment in this country. Women and minority workers have long fueled our Nation's progress, and we must do all we can to recognize their achievements and to leave a legacy of equality and justice for their children to cherish.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 11, 1996, as National Pay Inequity Awareness Day. I call upon Government officials, law enforcement agencies, business and industry leaders, educators, and all the people of the United States to recognize the full value of women's skills and

contributions to the labor force. I urge all employers to review their wage-setting practices and to see that their employees, particularly women and people of color, are paid fairly for their work.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



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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.

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  - McDonnell Douglas; model DC9-10, -20, -30, -40, -50, high-intensity radiated fields; comments due by 4-26-96; published 3-22-96

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## CFR CHECKLIST

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| 7 | | 6.00 | [3] July 1, 1984 |
| 8 | | 4.50 | [3] July 1, 1984 |
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| 10–17 | | 9.50 | [3] July 1, 1984 |
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

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