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# federal register

Wednesday
April 17, 1996

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WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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

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# Rules and Regulations

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

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 95–SW–14–AD; Amendment 39–9570; AD 96–08–04]**

### Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model BO–105, BO–105A, BO–105C, BO–105S, and BO–105LS A–1 Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model BO–105, BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters, that requires a ground test and inspection of the tandem hydraulic switch-over system (switch-over system) for component wear and parts replacement, if necessary. This amendment is prompted by incidents involving Model BO–105 series helicopters in which, during the switch-over from Hydraulic System 1 to Hydraulic System 2, a 3-inch drop in the collective occurred, caused by component wear in the switch-over system. The actions specified by this AD are intended to detect switch-over system component wear, which could result in a sudden drop in the collective and a sudden loss of altitude.

**DATES:** Effective May 22, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 22, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert McCallister, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5121, fax (817) 222–5961.

**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 Eurocopter Model BO–105, BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters was published in the Federal Register on November 2, 1995 (60 FR 55680). That action proposed to require a ground test and inspection of the tandem hydraulic switch-over system (switch-over system) for component wear and parts replacement, if necessary.

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 editorial changes. The FAA has determined that these changes will neither increase the cost to any operator nor increase the scope of this AD.

The FAA estimates that 165 helicopters of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts, if needed, will cost approximately $750. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $173,250.

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 adding a new airworthiness directive to read as follows:

AD 96–08–04 Eurocopter Deutschland GmbH (ECD): Amendment 39–9570. Docket No. 95–SW–14–AD.

*Applicability:* Model BO–105, BO–105A, BO–105C, BO–105S, and BO–105LS A–1 helicopters with tandem hydraulic unit, part number (P/N) 105–45021, 105–45023, or 105–45028, having valve body manifolds D133–756, D133–756E, ZE1–126–I, ZE2–126, or ZE2–126–1, installed on either Hydraulic System 1 or Hydraulic System 2, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address

either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

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

To detect switch-over system component wear, which could result in a sudden drop in the collective and a sudden loss of altitude, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 1 year, conduct a ground test of the tandem hydraulic system and an inspection of the switch-over system linkage for wear in accordance with section A, ''Inspections Required,'' of the Accomplishment Instructions of MBB-Helicopters Alert Service Bulletin ASB-BO 105–40–102, dated April 20, 1989. Based on the results of this ground test, accomplish the following as appropriate:

(1) If no switch-over reactions occur during the ground test, no further action is required.

(2) If any switch-over reaction occurs during the ground test, perform the additional inspections of the switch-over system and perform the required maintenance procedures in accordance with section B, ''Work Procedure,'' of the Accomplishment Instructions of MBB-Helicopters Alert Service Bulletin ASB-BO 105–40–102, dated April 20, 1989.

(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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

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

(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) The test, inspection, and parts replacement, if necessary shall be done in accordance with MBB-Helicopters Alert Service Bulletin ASB-BO 105–40–102, dated April 20, 1989. 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 22, 1996.

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

Eric Bries,

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

[FR Doc. 96–9272 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF DEFENSE

## Office of the Secretary

## 32 CFR Part 40a

## Defense Contracting; Reporting Procedures on Defense Related Employment

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This rule is the fiscal year 1995 revision of the section listing DoD contractors receiving contract awards of $10 million or more. This part is published to comply with the provisions of section 1, Pub. L. 97–295, October 12, 1982; 10 U.S.C. 2397.

**EFFECTIVE DATE:** September 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. R.S. Drake, Director, Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302. Telephone (703) 604–4569.

List of Subjects in 32 CFR Part 40a

Armed forces, Conflict of interest, Government employees, Government procurement, Reporting and record keeping requirements.

Accordingly, 32 CFR Part 40a is revised to read as follows:

## PART 40a—DEFENSE CONTRACTING: REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Authority: 10 U.S.C. 2397

### 40a.1 Department of Defense contractors receiving awards of $10 million or more.

Fiscal Year 1995

ACS Construction Co. of Mississippi
AG Marketing Inc.
AIL Systems Inc.
AAI Corp.
AAR Manufacturing Inc.
ABB Environmental Services
ABB Services Inc.
ABU Dhabi National Oil Co.
AEL Industries Inc.
AM General Corp.
ARC Professional Services Group
ASI Systems International
AT&T Communications, Inc.
AT&T Corp.
AT&T Global Information Solutions Co.
ATG Inc.
Abacus Technology Corp.
Abbyss Oil Co., Inc.
Actus Corp/Sundt, JV
Adler & Stern (1968), Ltd.
Adminastar Inc.
Advanced Electronic Co., Ltd.
Advance, Inc.
Advanced Communications Systems
Advanced Engineering & Technology
Advanced Integrated Technology Inc.
Advanced Marine Enterprises
Advanced Resource Technologies
Advanced Testing Technologies
Aepco, Inc.
Aerojet-General Corp.
Aeroquip Corp.
Aerospace Corp.
Agip SPA
Air Cruisers Co., Inc.
Ajax Navigation
Aksarben Foods, Inc.
Al Rashed & Al Orman Co.
Alcatel Network Systems, Inc.
Alfab Inc.
Alisud SPA
All Star Maintenance A Neveda Corp.
Alliant Techsystems, Inc.
Allied Petro, Inc.
Allied Research Corp.
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Allison Engine Co., Inc.
Alpha Marine Services, Inc.
Altama Delta Corp.
Amerada Hess Corp.
American Apparel, Inc.
American Engineering Corp.
American Housing Technologies
American International Airways
American International Contrs
American Management Systems Inc.
American President Lines Ltd.
American Ship Building Co., Inc.
American Systems Corp.
Amerind, Inc.
Ametek, Inc.
Amoco Corp.
Amoco Energy Trading Corp.
Amtec Corp.
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Arango Construction Co.
Arcadia Refining & Marketing
Arctic Slope Regional Corp.
Arinc Inc.
Arinc Research Corp.
Arist Corporation Inc.
Arnold Truman Co.
Artro Contracting Inc.
Ashland Inc.
Assurance Technology Corp.
Atkins, Claude E. Enterprises
Atlantic Research Corp.
Atlantic Richfield Co.
Autec Range Services
Avco Corp.
Avondale Industries, Inc.
BBA Equity Inc.
BBDO Worldwide Inc.
BDM Federal Inc.
BDM International, Inc.
BHP Petroleum International PT
BOC Group Inc A Delaware Corp
BP Chemicals Inc.
BP Exploration & Oil Inc.
BTG Inc.
BTG Technology Systems, Inc.
Babcock & Wilcox Co., The
Bachmann Construction, Inc.
Baker Michael Corp.
Baker Support Services, Inc.
Balfour Beatty Inc.
Ball Corp.
Baltimore Gas & Electric Co.
Bank of New York Co., Inc.
Barber-Colman Co. (Del)
Bates Worldwide (Delaware)
Bath Iron Works Corp.
Battelle Memorial Institute
Bay Tankers, Inc.
Bean, D D & Sons Co.
Bean, C.F. Corp.
Bechtel Corp.
Bechtel Environmental Inc.
Bell Atlantic Network Services, Inc.
Bell Atlantic Maryland, Inc.
Bell Atlantic-Virginia Inc.
Bell BCI Co.
Bell Corporation of Rochester
Bell Helicopter Textron, Inc.
Belleville Shoe Manufacturing, Co.
Beneco Enterprises, Inc.
Beretta USA Corp.
Bergen Brunswig Corp.
Bergen Brunswig Drug Co.
Berliner Elektro Holding Aktie
Betac Corp.
Bethlehem Steel Corp.
Big Bear Oil Co., Inc.
Black & Veatch
Blake Construction Co., Inc.
Boeing Aerospace Operations
Boeing Company, The
Boeing Sikorsky Aircraft Support
Boeing Skrsky Comanche Team JV
Boland, David, Inc.
Bollinger Shipyard Inc.
Bolt Beranek & Newman, Inc.
Bombardier International BV
Booz Allen & Hamilton, Inc.
Boro Developers Inc.
Bozell Jacobs Kenyon Eckhardt Inc.
Braswell Services Group Inc.
Brickle, Hyman & Son Inc.
British Aerospace Dynamics Div
Brown & Root Services Corp.
Brown & Williamson Tobacco Corp.
Brown, Dayton T., Inc.
Browning Construction Co.
Brunswick Corp.
Buckner & Moore, Inc.
Bulova Corp.
Burlington Industries, Inc.
Burns & McDonnell Inc.
Butt Construction Co., Inc.
Byler, W T Co., Inc.
CDM Federal Programs Corp.
CACI, Inc.
CAE (US) Inc.
CAS, Inc.
CBC Enterprises, Inc.
CBI Na-Con, Inc.
CFM International Inc.
CH2M Hill Companies, Ltd.
CIA Espanola De Petroleos SA
CIC Industries, Inc.
CMS Inc.
CNA Corp.
CSC Analytics Inc.
CTA Inc.
Caddell Construction Co., Inc.
Calibre Systems Inc.
California Microwave, Inc.
Calspan Advanced Tech Ctr.
Caltech Service Corp.
Caltex Petroleum Corp.
Camber Corp.
Campbell Soup Co.
Capco Inc.
Capital Health Services Inc.
Carnegie Mellon University
Carolina Power & Light Co.
Carothers Construction Inc.
Carter, J C Co., Inc.
Caterpillar Inc.
Celsius Invest AB
Centennial Contractors Enterprise
Centex Bateson Enterprises Inc.
Centex Construction Group Inc.
Centex-Rooney Enterprises, Inc.
Central Gulf Lines, Inc.
Ceridian Corp.
Cessna Aircraft Co.
Chamberlain Manufacturing Corp.
Chem-Nuclear Systems, Inc.
Chemical Waste Management Inc.
Chemins De Fer Nationaux Du Canada
Chevron USA, Inc.
Childers Construction Co.
Chromalloy American Corp.
Chromalloy Gas Turbine Corp.
Chugoku Electric Power Co., Inc.
Cincinnati Bell Information Systems
Cincinnati Electronics Corp.
Coastal Corp.
Coastal Government Services
Colejon/Jones (JV)
Coleman Research Corp.
Colsa, Corp.
Coltec Industries Inc.
Colts Manufacturing Co., Inc.
Comarco, Inc.
Comil Compagnia Italiana Lavor
Communications Products Inc.
Compania Espanola De Petroleos
Compex Corp.
Comptek Federal Systems, Inc.
Comptek Research, Inc.
Computer Associates International
Computer Data Systems Inc.
Computer Science Applications
Computer Sciences Corp.
Computer Sciences Raytheon (JV)
Computer Systems Development
Computer Systems International
Comsat Corp.
Conagra, Inc.
Concurrent Computer Corp.
Concurrent Technologies Corp.
Condor Systems Inc.
Conoco Inc.
Consolidated Foodservice
Consolidated Services, Inc.
Constar L.P.
Contel Federal Systems Inc.
Contrack International, Inc.
Contraves Inc.
Control Data Systems Inc.
Cordant Holdings Corp.
Corporation of Mercer University
Corporcion Immbiliaria Textil
Cortez III Service Corp.
Cosmo Oil Co., Ltd.
Cray Research, Inc.
Cree Research Inc.
Crowley American Transport, Inc.
Crowley Maritime Corp.
Cubic Corp.
Cubic Defense Systems Inc.
Cummins Engine Co., Inc.
Cutler-Hammer Inc.
Cyprus Amox Coal Co.
D&K Construction Co., Inc.
DME Corp.
Dames & Moore Inc.
Daniel Mann Johnson Mendenhall
Datron Inc.
Dawson Construction Co.
Day & Zimmerman, Inc.
Day, SW Construction Corp.
Decision Systems Technologies
Del-Jen Inc.
Delaware Systems Engineering Management Co.
Delco Electronics Corp.
Denny, J.B., Co.
Detroit Diesel Corp.
Detyens Shipyards Inc.
Deutsche Bundespost
Deutsche Telekom Aktiengesells
Diagnostic/Retrieval Systems, Inc.
Diamond Shamrock Refining Marketing Co.
Digicon Corp.
Digital Equipment Corp.
Digital Systems Research, Inc.
Dillingham/A B B Susa JV
Dow Environmental Inc.

Dowty Group Plc
Draper, Charles Stark Lab Inc.
Dreadnought Marine, Inc.
Dual, Inc.
Dutra Construction Co., Inc.
Dynamic Science, Inc.
Dynamics Corporation of America
Dynamics Research Corp.
Dyncorp
Dyncorp/Dynair Corp.
Dynetics, Inc.
E–OIR Measurements Inc.
E–Systems, Inc.
EA Engineering & Science Technology
EC III JV
ECS Technologies, Inc.
EER Systems Corp.
EG&G, Inc.
EG&G Washington Analytical Services Center
ESI Holding Inc.
Eagan McAllister Associates
Eagle Aviation Inc.
Earl Industries Inc.
Earth Technology Corp, USA
Eastern Canvas Products Inc.
Eastern Chemical Products
Eastern Computers Inc.
Eastern General Contractors
Eastern JBI Joint Venture
Eastman Chemical Co.
Eastman Kodak Co.
Ebasco Services, Inc.
Ecology & Environment, Inc.
Eldyne, Inc.
Electro-Methods Inc.
Electronic Data Systems Corp.
Electronic Warfare Associates
Electronics & Space Corp.
Electrospace Systems, Inc.
Elinpa Elektrik
Ellis-Don Construction Ltd.
Engineered Support Systems
Engineering & Professional Services
Ensafe/Allen & Hoshall
Ensco, Inc.
Entwistle Co., The
Envirocare of Utah Inc.
Environmental Chemical Corp.
Environmental Research Institute of Michigan
Environmental Science & Engineering
Environmental Technologies Group
Enzian Technology Inc.
Epoch Engineering Inc.
Equa Industries, Inc.
Ericsson Inc.
Esterline Technologies Corp.
Exide Electronics Group, Inc.
Exxon Corp.
F & M Manufacturing, Inc.
FKW, Inc.
FMC Corp.
FMS Corp.
FN Moteurs SA
FRC International Inc.
Fairchild Aircraft, Inc.
Fairchild Industrial Inc.
Fairchild Space & Def Corp.
Federal Data Corp.
Federal Express Corp.
Federal Prison Industries
Federal Republic of Germany
Ferguson-Williams Inc.
Ficon Corp.
Figgie International Inc.
Finney Co., The
Firan USA, Corp.
First Aviation Services, Inc.
Firth Construction Co., Inc.
Fitzpatrick & Associates Inc.
Fletcher General, Inc.
Flightsafety International
Flintco Companies, Inc., The
Flir Systems Inc.
Florida Power & Light Co.
Fluor Corp.
Force 3 Inc.
Ford, H.J. Associates, Inc.
Foss Maritime Co.
Foster Wheeler USA Corp.
Foster-Miller Inc.
Four Seasons Environmental
Freedom Forge Corp.
Frequency Sources Inc.
Frito Lay, Inc.
Frontier Engineering, Inc.
Fru-Con Construction Corp.
Fuentez Systems Concepts Inc.
Fugro Consultants International
GDE Systems Inc.
GE American Communications
GEC Inc.
GEC Marconi Electric System Corp.
GTE Corp.
GTE Government Systems Corp.
Galaxy Scientific Corp.
Gaskins, L.C. Construction Co.
General Atomics
General Dynamics Corp.
General Dynamics Land Systems
General Electric Co.
General Engineering Corp.
General Foods Corp.
General Mills, Inc.
General Motors Corp.
General Physics Corp.
General Research Corp.
General Scientific Corp.
Gentex Corp.
Geo-Centers Inc.
Geo-Marine Inc.
Georgia Technology Research Corp.
Giant Industries Inc.
Gibbs & Cox Inc.
Gibraltar, P.R. Inc.
Gichner Systems Group Inc.
Gilbert Associates Inc.
Godot Enterprises Inc.
Gold Line Refining, Ltd.
Golden Manufacturing Co., Inc.
Goodrich, B.F. Co., The
Goodyear Tire & Rubber Co., The
Government Systems, Inc.
Government Technology Services
Granite Construction Co.
Great Lakes Dredge & Dock Corp.
Greenland Contractors I/S
Greenwich Air Services Inc.
Greg Construction Co.
Grimberg, John C. Co., Inc.
Group Technologies Corp.
Grumman Aerospace Corp.
Grumman Corp.
Grumman Data Systems Corp.
Grunley Construction Co., Inc.
Gulf Coast Trailing Co.
Halifax Engineering, Inc.
Halliburton Nus Corp.
Harbert Bill International Construction
Harbert International, Inc.
Hardaway Co., Inc.
Hardaway Lawson Associates Inc.
Harper Construction Co.
Harper-Nielsen Construction Co.
Harris Corp.
Harsco Corp.
Harvard Industries Inc.
Hawaiian Electric Co., Inc.
Hazeltine Corp.
Head, Inc.
Healthstaffers, Inc.
Heavy Constructors Inc.
Henderson, Jospeh J. & Son Inc.
Hensel Phelps Construction Co.
Hercules, Inc.
Hermes Consolidated, Inc.
Heroux Inc.
Hewett-Kier Construction Inc.
Kewlett-Packard Co.
High Technology Solutions
Holly Corp.
Honeywell, Inc.
Honolulu Shipyard Inc.
Hooks, Mike, Inc.
Horizons Technology, Inc.
Houston Associates Inc.
Howden Group America Inc.
Hughes Aircraft Co.
Hughes Associates, Inc.
Hughes Electronics Corp.
Hughes Missile Systems Co.
Hughes Training Inc.
Human Factors Applications
Hunt Building Corp.
Hunt-Wesson Inc.
Hutchinson Contracting Co.
Hydro-Mill Co.
Hyman George Construction Co.
I-Net, Inc.
IBP Inc.
ICI Americas Inc.
IDB Communications Group Inc.
IIDA, T Contracting Ltd.
IIT Research Institute
IMCO General Construction
IMO Industries Inc.
INCA Construction Co., Inc.
IRISS Co.
ISX Corp.
IT Corp.
ITT Corp.
ITT Federal Services Corp.
ITT Federal Services International
Ideker Inc.
Ilex Systems Inc.
Industrial Acoustics Co., Inc.

Industrial Data Link Corp.
Information Network Systems
Information Spectrum, Inc.
Information Technology Solutions
Infotec Development, Inc.
Innovative Logistics Techniques
Innovative Technologies Corp.
Institute for Defense Analyses
Integrated Systems Analysts
Inter-National Research Institute
Intergraph Corp.
Intermarine, USA
Intermec Corp.
Intermetrics, Inc.
International Bridge Corp.
International Business Machines Corp.
International Data Products
International Terminal Operation Co.
International Computers Telecommunication
Interop (JV)
Interstate Electronics Corp.
J&E Associates, Inc.
J&J Maintenance, Inc.
J A J Holding Corp.
JSA Healthcare Corp.
JWK International Corp.
Jacobs Engineering Group, Inc.
James, T.L. & Co., Inc.
Jaycor
Jersey Central Power & Light Co.
Johns Hopkins University
Johnson Controls World Services Inc.
Johnson Controls Inc.
Johnson, Al Construction Co.
Jones, J.A. Construction Co.
Jones, J.A. Inc.
K&F Industries, Inc.
K&M Maintenance Services
KDI Corp.
KG Bominflot Bunkergesellschaf
KPMG Peat Marwick LLP
Kaiser Aerospace & Electronics Corp.
Kaiser Engineers International
Kaman Corp.
Kaman Diversified Technology Corp.
Kaman Sciences Corp.
Kay & Associates, Inc.
Kearfott Guidance Navigation Corp.
Keco Industries, Inc.
Keller Construction Co., Inc.
Kellogg Sales Co.
Kidde Industries Inc.
Kiewit Pacific Co.
Kilgallon Construction Co.
Kimberly-Clark Corp.
Kirlin, John J.
Klee KG/Ske Maintenance/Klee E
Klewin, C.R., Inc.
Koch Refining Co., Inc.
Kohly Construction Inc.
Kollmorgen Corp.
Korea Electric Power Corp.
Kovatch Mobile Equipment Corp.
Kraft Foods Inc.
Krause P C & Associates Inc.
Kremp Lumber Co.
Kuk Dong Construction Co., Ltd.
Kuwait National Petroleum Co., K
Kyushu Electric Power Co., Inc.
L B M Inc.
LTV Aerospace & Defense, Co.
Laguna Industries, Inc.
Laidlaw Environmental Services
Lake Shore, Inc.
Lane Construction Corp.
Lanthier, R.J. Co., Inc.
Law Environmental, Inc.
Leland Electrosystems, Inc.
Libby Corporation
Light Helicopter Turbine Engine Co.
Little, Arthur D. Inc.
Litton Industries, Inc.
Litton Systems, Inc.
Lloyd-Lamont Design Inc.
Lobar, Inc.
Lockheed Corp.
Lockheed Engineering & Sciences Co.
Lokheed Martin Corp.
Lockheed Missiles & Space Co.
Lockheed Sanders, Inc.
Locot, Inc.
Logicon, Inc.
Logicon R & D Associates
Logistics Services International
Logistics Management Institute
Loral Aerospace Corp.
Loral Corp.
Loral Defense Systems Corp.
Loral Electro-Optical Systems
Loral Fairchild Corp.
Loral Federal Systems Co.
Loral Systems Co.
Loral Vought Systems Corp.
Loral/Rolm Mil-Spec Corp.
Lorall Aeronutronic
Lord Corp.
Louisiana Land Exploration, The
Lovering Johnson Inc.
Lucas Industries, Inc.
Lucky Goldstar International C.
Luhr Brothers, Inc.
Lykes Bros. Steamship Co., Inc.
MDP Construction Inc.
MVP Joint Venture
MW Builders Inc.
MAR, Inc.
MCC Construction Corp.
MCI International Inc.
MCI Telecommunications Corp.
MEI Holdings, Inc.
MEI Technology Corp.
MacGregor (USA) Inc.
Maden Technology Consulting, Inc.
Maersk Inc.
Maersk Line, Ltd.
Magnavox Electronic Systems Co.
Malcolm Pirnie Inc.
Management Consulting & Research
Management Consulting Inc.
Manson Construction & Engineering Co.
Mansour General Dynamics, Ltd.
Mantech International Corp.
Mantech Systems Engineering
Manufacturing Technology, Inc.
Marine Investment Co of Del
Marisco Ltd.
Mark Diversified Inc.
Martin Marietta Corp.
Martin Marietta Services, Inc.
Martin Marietta Technologies
Martin-Baker Aircraft Co., Ltd.
Marvin Engineering Co., Inc.
Mason Hanger-Silas Mason Co., WV
Mason Technologies Inc.
Massachusetts Institute of Technology
Massachusetts University of
Maxwell Laboratories, Inc.
Mayer Oscar Foods Corp.
McDonnell Douglas Coml Delta
McDonnell Douglas Corporation
McDonnell Douglas Finance Corp.
McDonnell Douglas Helicopter Co.
McKesson Corporation (Maryland)
McKnight Construction Co., Inc.
McLaughlin Research Corp.
McRae Industries Inc.
Meredith W.B. II., Inc.
Metcalf & Eddy, Inc.
Metric Systems Corporation
Metro Machine Corp.
Metroplex Corp.
Metters Industries, Inc.
Mevatec Corp.
Michelin Corp.
Micro Star Co., Inc.
Mid Eastern Builders
Midco Construction Corp.
Middleton Aerospace Corp.
Midsco, Inc.
Milcom Systems Corp.
Mills Manufacturing Corp.
Miltope Group, Inc.
Mine Safety Appliances Co.
Minnesota Mining & Manufacturing Co.
Mission Research Corp.
Mitre Corp.
Mobile Oil Corp.
Modern Technologies Corp.
Monarch Construction Co.
Montgomery Watson Americas
Moog, Inc.
Morrison Knudsen Corp., Del Corp.
Morrison Knudsen Corp., Ohio Corp.
Mortenson, M.A., Co.
Motor Oils Hellas Corinth Refinery
Motorola Communications & Electronics, Inc.
Motorola, Inc.
Munro & Co., Inc.
Mystech Associates Inc.
NAI Technologies Inc.
NACCO Materials Handling Group
NASSCO Holdings Inc.
NCI Information Systems Inc.
Nabisco Holdings Corp.
Natco Limited Partnership
Nation, Inc.
National Academy of Sciences, USA
National Beef Packing Co., LP
National Defense Co., LLC
National Technologies Associates
Nato Maintenance & Supply Agency
Navcom Defense Electronics
Needham Inc.
Neosho, Inc.
Network Equipment Technologies, Inc.

New Mexico, State of
Newimar, S.A.
Newport News Shipbuilding & Drydock Co.
Nichols Research Corp.
Nippon Oil Co., Ltd.
Norfolk Dredging Co.
Norfolk Ship Repair Inc.
Norfolk Shipbuilding & DryDock Corp.
North American Mechanical Services
North Carolina Department Human Resources
North Florida Shipyards, Inc.
Northeast Construction Co.
Northern Telecom, Ltd.
Northrop Grumman Corp.
Northrop Worldwide Aircraft Services
Nova Group, Inc.
O'Gar-Hess Esnhrdt Armring Co.
OHM Remediation Services Corp.
OMI Corp.
OTC Tracor Aerospace, Inc.
OTC Tracor Applied Sciences
Oasis Aviation, Inc.
Ocean Shipholdings, Inc.
Oceaneering International Inc.
Oderbrecht SA
Ogden Allied Services GMBH
Ogden Environmental & Energy Services Co.
Ogden Technology Services Corp.
Okinawa City Waterworks
Okinawa Electric Power Co., Inc.
Oklahoma State University
Olin Corp.
Operational Technologies Corp.
Orbital Sciences Corp.
Oregon Iron Works, Inc.
Osborne Construction Co.
Oshkosh Truck Corp.
Otis Elevator Co.
Owl International, Inc.
PRB Associates Inc.
PW Construction, Inc.
PHP Healthcare Corp.
PRC Environmental Management, Inc.
PRC, Inc.
Pacer Systems, Inc.
Pacific Architects & Engineers, Inc.
Pacific Ship Repair & Fabrication
Pacific Sierra Research Corp.
Pacific Telecom, Inc.
Pacifica Services, Inc.
Pacificorp Financial Services, Inc.
Paramount Petroleum Corp.
Park Construction Co.
Parker Hannifin Corp.
Parsons Engineering—Science
Parsons, Ralph M., Co., The
Patrol Ofisi A S Genel Mud
Pearse, Jack F.
Pease Construction Inc.
Pemco Aeroplex, Inc.
Pence, Howard W., Inc.
Pennsylvania State University Inc.
Pepsi-Cola Metro Btlg Co., Inc.
Perrow, Wade Construction Inc.
Peterson Builders, Inc.
Petro Star Inc.
Phibro Energy USA, Inc.
Philip Morris, Inc.
Phoenix Air Group, Inc.
Physics International Co.
Pilkington PLC
Pine Bluff Sand & Gravel Co.
Pioneer U.A.V., Inc.
Piquniq Management Corp.
Pizzagalli Construction Co.
Planning Systems, Inc.
Pneumo Abex Corp.
Post Telephone & Telegraph Ministry
Power Conversion Inc.
Praxair Inc.
Pride Companies LP
Pride Industries Inc.
Proctor & Gamble Co., The
Proctor & Gamble Distributing Co., The
Propper International Inc.
Pueblo of Lagunda
Pulau Electronics Corp.
Pulsar Data Systems, Inc.
QED Systems Inc.
Quaker Oats Co., The
Quality Research Inc.
Questech Service Co.
Questech, Inc.
Quintron Corp.
R&D Maintenance Services
RJO Enterprises, Inc.
RWE–DEA Aktiengesellschaft Fue
Racal Communications, Inc.
Radian Corp.
Radian Inc.
Rafael U.S.A.
Rail Co.
Ram Systems GMBH
Rand Corp.
Raytheon Aircraft Corp.
Raytheon Co.
Raytheon Engineers & Constructions
Raytheon Service Co.
Reflectone, Inc.
Reliable Mechanical Inc.
Research & Development Labs
Research Analysis & Maintenance
Reynolds, R.J., Co.
Richards, R.P., Inc.
Robbins-Gioia, Inc.
Rockwell International Corp.
Roe Enterprises Inc.
Roh Inc.
Rolls Royce PLC
Rooney Brothers Co.
Rosenblatt, M. & Son, Inc.
Roxco, Ltd.
Royal Maid Association for the Blind
Ruff, Thomas W. & Co.
Rust Engineering & Construction
Rust Environment & Infrastructure
Rutter-Rex, J.H., MFG. Co., Inc.
Ryan Co., Inc.
SFA, Inc.
SAAB Training Systems
SCI Technology, Inc.
SKF USA, Inc.
SRA International Inc.
SRI International
SRS Technologies, Inc.
SSI Services, Inc.
STM Joint Venture
Sabreliner Corp.
Saco Defense, Inc.
Sacramento Coca-Cola Bottling Inc.
San Francisco Drydock, Inc.
Sanders Engineering Co., Inc.
Saudi Operations & Maintenance Co.
Sauer Inc.
Schafer, W.J. Associates Inc.
Science Applications International Corp.
Scientific Research Corp.
Sea Crest Construction Corp.
Sea Land Service, Inc.
Seaward Marine Services Inc.
Sechan Electronics, Inc.
Selco, Inc.
Selecttech Services Corp.
Selmon Enterprises, Inc.
Semcor, Inc.
Sencom Corp.
Sentel Corp.
Sequa Corp.
Serv-Air Inc.
Service Engineering Industries
Sevenson Environmental Services, Inc.
Sharp, George G., Inc.
Shell Oil Co.
Shell Petroleum Co., Ltd, The
Sherikon, Inc.
Shin Cheon Co., Ltd.
Shinil Engineering Co. Ltd Choo
Siemens Aktiengesellschaft
Sierra Nevada Corp.
Sierra Technologies Inc.
Silicon Graphics Inc.
Silverton Construction Co.
Simtec Inc.
Slana Energy
Smiths Industries Aerospace Defense Systems
Smiths Industries PLC
Snap Contracting Corp.
So-Pak-Co Inc.
Societe Herstalienne Pour LA F
Sollitt, George Constr Co., The
Soltek of San Diego
Sonalysts, Inc.
Source Diversified Inc.
South Carolina Research Authority
Southeastern Public Service Authority
Southern Air Transport, Inc.
Southfork Systems, Inc.
Southwest Airport Services
Southwest Marine, Inc.
Southwest Mobile Systems Corp.
Southwest Research Institute
Southwestern Bell Telephone Co.
Space & Sensors Associates
Space Applications Corp.
Space Industries International
Sparta, Inc.
Sparton Electronics Florida, Inc.
Spaw Glass Holding Corp.
Specialty Group Inc.
Speedy Food Service, Inc.
Sperry Marine Inc.
Sprint Communications Co. Ltd. Partnership

Ssangyong Oil Refining Co., Ltd.
Stackpole Corp.
Standard Oil Co., The
Stanford Telecommunications
Sterling Software Inc.
Stevedoring Services of America
Stewart & Stevenson Services, Inc
Storage Technology Corp.
Strong, Bill Enterprises, Inc.
Suburban Grading & Utility
Suffork Construction Co.
Sumaria Systems, Inc.
Summa Technology, Inc.
Sun Company, Inc.
Sun Microsystems Federal Inc.
Sun Microsystems Inc.
Sundstrand Corp.
Sundt Corp.
Sunkyong, Ltd.
Sunrise Balancing Group
Support Systems Associates
Supreme Beef Processors, Inc.
Sverdrup Civil Inc.
Sverdrup Technology Inc.
Swank Enterprises
Swinerton & Walberg Co.
Sylvest Management System
Synectics Corp.
Synoptic Systems Corp.
Syscon Corp.
Sysorex Information Systems
System Planning Corp.
System Resources Corp.
Systems Control Technology
Systems Engineering Solutions
Systems Engineering Energy & Management Association Inc.
Systems Integration & Research
Sytex Inc.
T Bear Consolidated Companies
T I/Martin Javeling JV
TASC Inc.
TDS Inc.
TRW, Inc.
Talley Defense Systems, Inc.
Talley Manufacturing & Technology Inc.
Tec-Masters, Inc.
Techcon Inc.
Techmatics, Inc.
Technical & Management Services Corp.
Technical Product Group Inc.
Technology Management & Analysis Corp.
Technology Service Corp.
Tecolote Research, Inc.
Tecom, Inc.
Telecommunication Systems
Teleconsult, Inc.
Teledyne, Inc.
Teledyne Industries Inc.
Telephonics Corp.
Telos Corp.
Tennessee Apparel Corp.
Tennier Industries Inc.
Tetra Tech, Inc.
Texas Instruments Inc.
Texas Utilities Co.
Texas—Capital Contractors Inc.
Texcom, Inc.
Textron Inc.
Therm, Inc.
Thermotrex Corp.
Thiokol Corp.
Thompson, J Walker Co.
Tiburon Systems, Inc.
Timeplex Federal Systems Inc.
Titan Corp., The
Todd Shipyards Corp.
Tohoku Electric Power Co., Inc.
Tokyo Electric Power Co., Inc.
Tootsie Roll Industries, Inc.
Tower Air, Inc.
Tracor Applied Sciences Inc.
Tracor, Inc.
Trafalgar House PLC
Tramp Group Ltd.
Trandes Corp.
Trans-tec Services, Inc.
Translant, Inc.
Trataros Construction Inc.
Tri-Cor Industries, Inc.
Tri-State Design Construction, Inc.
Trimble Navigation Limited
Trinity Marine Group
Troy Systems Inc.
Turner Construction Co.
Tybrin Corp.
U.S. Electrodynamics Inc.
U.S. Hardware Supply Inc.
U.S. Oil & Refining Co.
UES Inc.
UNC Holdings, Inc.
URS Consultants Inc. (Del)
Unidyne Corp.
Unified Industries, Inc.
Unisys Corp,
Unisys Corporations Government
United Defense LP
United International Engineering
United Native American Telecom
United States Tobacco Co.
United Technologies Corp.
Universal Systems & Technology
Universal Systems Inc.
Universal Technical Resource Services
University of California
University of Dayton, Inc.
University of Illinois
University of Southern California
University of Texas at Austin
University of Texas at Arlington
Urban General Contractors, Inc.
User Technology Associates
Utah State University
VSE Corp.
Valenzuela Engineering Inc.
Van Ommeren Nederland BV
Vanguard Research, Inc.
Varian Associates, Inc.
Varo, Inc.
Vector Microwave Research Corp.
Vector Research Co., Inc.
Veda, Inc.
Veda International Inc.
Versar, Inc.
Vickers America Holdings Inc.
Vickers Inc.
Vinnell Corp.
Virtexco Corp.
Vitro Corp.
Vitro Services Corp.
Vitronics Inc.
Vought Aircraft Co.
Vredenburg, R.M. & Co.
Wallenius Ferry AB
Wang Federal, Inc.
Warehouses Services Agency SARL
Washington Beef, Inc.
Washington, University of
Waterman Steamship Corp.
Webb Electric Co. of Fla.
Weeks Marine, Inc.
Wellco Enterprises
West Coast Contractors of Nev.
Westar Corp.
Westinghouse Elect Sys Venture
Westinghouse Electric Corp.
Westinghouse Norden Systems
Weston, Roy F., Inc.
Whitesell-Green Inc.
Whiting-Turner Contracting Co., Inc.
Whittaker Corp.
Williams International Corp.
Wisconsin Physicians Service Insurance
Wolverine World Wide, Inc.
Woodward Governor Co.
Woodward-Clyde Consultants
Worldcorp, Inc.
Wyle Laboratories
Xenotechnix Inc.
Xerox Corp.
Xontech Inc.
Yokosuka City Water Works Bureau
York International Corp.
Yonkers Contracting Co. Inc.
Zenith Data Systems Corp Del.

Dated: April 11, 1996.

Patricia L. Toppings,
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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[BILLING CODE 5000–04–M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 100

**[CGD13–95–003]**

### Special Local Regulations; Annual National Maritime Week Tugboat Races, Elliott Bay, Seattle, WA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is adopting permanent special local regulations for the annual National Maritime Week Tugboat Races in Seattle, Washington. This event is held each year on the third Saturday in May on the waters of Elliott Bay. In the past, the Coast Guard has established a safety zone each year to

protect the safety of life on the navigable waters during this event. However, because the event recurs annually, the Coast Guard has established a permanent regulation in the Code of Federal Regulations (CFR) to better inform the boating public.

**EFFECTIVE DATE:** This rule is effective on May 17, 1996.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at U.S. Coast Guard Group Seattle, Operations Division, Building One, Room 130, 1519 Alaskan Way So., Seattle, WA. Normal office hours are between 7 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone number is (206) 217–6138.

**FOR FURTHER INFORMATION CONTACT:** LT Ben White, Assistant Operations Officer, U.S. Coast Guard Group Seattle, (206) 217–6138.

**SUPPLEMENTARY INFORMATION:**

Regulatory History

On January 17, 1996, the Coast Guard published a notice of proposed rulemaking entitled Special Local Regulations; Annual National Maritime Week Tugboat Races, Elliott Bay, Seattle, WA, in the Federal Register (61 FR 1182). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is adopting permanent local regulations for the annual National Maritime Week Tugboat Races in Seattle, Washington. This event is held on the waters of Elliott Bay each year from 12 p.m. to 4:30 p.m. on the third Saturday in May. In the past, the Coast Guard has established a safety zone each year to protect the safety of life on the navigable waters during the event. However, because the event recurs annually, the Coast Guard has adopted a permanent description of the event and permanent regulations in the Code of Federal Regulations (CFR) to better inform the boating public. The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. The Tug Boat Races are sponsored by the Seattle Maritime Week Committee as part of the Seattle Maritime Week celebration. This one day event has been held in Elliott Bay for the last ten years. The race attracts a large number of spectator craft which gather on the waters near the race course. To promote the safety of both the spectators and participants, the special local regulations establish a regulated area and prohibit entry into this area during the event. These special local regulations will be enforced by representatives of the Captain of the Port, Puget Sound, Seattle, Washington. The Captain of the Port may be assisted by other federal agencies.

Discussion of Comments and Changes

No comments were received and no changes were made to the proposal. The special local regulations are being adopted as proposed.

Regulatory Evaluation

This is not a significant action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because the impacts of this rule are expected to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this regulation is categorically excluded from further environmental documentation. Appropriate environmental analysis of the National Maritime Week Tugboat Race will be conducted in conjunction with the marine event permitting process each year. Any environmental documentation required under the National Environmental Policy Act will be completed prior to the issuance of a marine event permit for this event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Final Regulations

For the reasons set out in the preamble, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

## PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.1306 is added to read as follows:

### § 100.1306 National Maritime Week Tugboat Races, Seattle, WA.

(a) *Regulated Area.* A regulated area is established on that portion of Elliott Bay along the Seattle waterfront in Puget Sound bounded by a line beginning at: 47° 37′ 36″ N, 122° 22′ 42″ W; thence to 47° 37′ 24.5″ N, 122° 22′ 58.5″ W; thence to 47° 36′ 08″ N, 122° 20′ 53″ W; thence to 47° 36′ 21″ N, 122° 20′ 31″ W; thence returning to the origin. This regulated area resembles a rectangle measuring approximately 3,900 yards along the shoreline between Pier 57 and Pier 89, and extending approximately 650 yards into Elliott Bay. Temporary floating markers will be placed by the race sponsors to delineate the regulated area. [Datum: NAD 1983]

(b) *Special Local Regulations.* (1) No person or vessel may enter or remain in the regulated area except for participants in the event, supporting personnel, vessels registered with the event organizer, and personnel or vessels authorized by the Coast Guard Patrol Commander.

(2) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels and personnel in the area described in paragraph (a) of this section. The patrol shall be under the direction of a Coast Guard officer or petty officer designated by the Captain of the Port as the Coast Guard Patrol

Commander. The Patrol Commander may forbid and control the movement of vessels in the area described in paragraph (a) of this section.

(3) A succession of sharp, short blasts from whistle or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(c) *Effective dates.* This section is effective annually on the third Saturday of May from 12 p.m. to 4:30 p.m. unless otherwise specified by Federal Register notice.

Dated: March 29, 1996.

John W. Lockwood,

*U.S. Coast Guard, Commander, Thirteenth Coast Guard District.*

[FR Doc. 96–9430 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–14–M**

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## 33 CFR Part 100

**[CGD–05–96–017]**

## Special Local Regulations for Marine Events; Safety at Sea Seminar, Elizabeth River, Nauticus, Norfolk, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** This document implements 33 CFR 100.501 for the Safety at Sea Seminar to be held near Nauticus in the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic within the immediate vicinity of Nauticus due to the confined nature of the waterway and the expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and others.

**EFFECTIVE DATE:** 33 CFR 100.501 is effective from 7:30 a.m. to 7 p.m., April 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** LTJG R. Christensen, marine events coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703–2199, (804) 483–8559.

**SUPPLEMENTARY INFORMATION:**

### Discussion of Rule

On April 27, 1996, Nautical Adventures, Inc. will sponsor the Safety at Sea Seminar on the Elizabeth River in the vicinity of the Nauticus Museum. The seminar will include helicopter and crew rescue demonstrations. A large number of spectator vessels are expected. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the duration of the event. Under provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic. The Coast Guard patrol commander will announce the specific periods during which the restrictions will be enforced.

Additionally, 33 CFR 110.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft. Section 117.1007(b) provides that the draw of the Berkley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: April 8, 1996.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 96–9432 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–14–M**

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## 33 CFR Part 110

**[CGD08–96–002]**

**RIN 2115–AA98**

## Anchorage Grounds, Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising 33 CFR 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes in order to expand six anchorages and establish three new anchorages in response to revetment work along the banks of the Mississippi River by the Army Corps of Engineers which has reduced the available space within existing anchorages.

**EFFECTIVE DATE:** May 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. M.M. Ledet, Project Officer, Commander (oan), Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA 70130–3396. Telephone (504) 589–4686.

**SUPPLEMENTARY INFORMATION:**

### Regulatory History

On Monday, November 13, 1995, the Coast Guard published a notice of proposed rulemaking entitled Anchorage Grounds, Mississippi River Below Baton Rouge, LA., including South and Southwest Passes in the Federal Register (60 FR 218). The Coast Guard received 92 letters commenting on the proposal. A public hearing was not requested and one was not held.

### Discussion of Comments and Changes

Ninety comments were received supporting the establishment of additional safe anchorages. Three negative comments were received. The first of these three comments requested the description of the anchorage ground be rewritten to exclude revetment areas; the wording in this final rule has been changed to exclude revetments. The second of these three comments regarded the proposed establishment of the Giesmar Anchorage. G W Contractors, Inc were granted an Army Corps of Engineers permit [SE (Mississippi River) 1311] on December 26, 1989 to extend an existing barge fleeting facility, and install and maintain ten anchor piles with chains and mooring buoys for ship mooring between mile 184.6 and mile 185.4 above Head of Passes. Due to the potential installation of this facility the proposed Giesmar Anchorage has been deleted from this final rule. The Coast Guard reserves the right to revisit the Giesmar location for future anchorage space if construction of the proposed facility does not take place within the permitted time frame. The third comment was from the Town of Gramercy, who requested that the Lower Grandview Reach Anchorage be adjusted to prevent ships from damaging the town's water intake. Due to this request, the Coast Guard has reconfigured the Lower Grandview Reach Anchorage into two separate anchorages, the Lower Grandview Reach Anchorage and the Middle Grandview Reach Anchorage in the final rule.

The remaining anchorages are being adopted as proposed.

### Regulatory Evaluation

This rule is not significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)

(44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The regulation will have a positive impact on steamship companies and shipping support activities. The regulation will also enhance safe navigation on the Lower Mississippi River by providing additional safe anchorage space outside the navigation channel for large vessels.

Small Entities

The Coast Guard has received no comments on impacts this rule will have on small entities. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This action contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq).

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not raise sufficient federalism concerns to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This final rule has been thoroughly reviewed by the Coast Guard. It has been determined not to have a significant effect on the human environment or environmental conditions and to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c. of Commandant Instruction M16475.1B.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulation

For the reasons set forth in the preamble, the Coast Guard amends Part 110 of Title 33, Code of Federal Regulations as follows:

## PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.195 is amended by revising paragraphs (a)(4), (a)(5), (a)(7) through (a)(30) inclusive, (b) and (c), and adding new paragraphs (a)(31), (a)(32), and (a)(33) to read as follows:

**§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.**

(a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) *Boothville Anchorage.* An area 6.3 miles in length along the right descending bank of the river extending from mile 12.2 to mile 18.5 above Head of Passes. The width of the anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP). The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP).

(5) *Ostrica Anchorage.* An area 1.4 miles in length along the right descending bank of the river extending from mile 23.0 to mile 24.4 above Head of Passes. The width of the anchorage is 800 feet.

(6) * * *

(7) *Magnolia Anchorage.* An area 2.1 miles in length along the right descending bank of the river extending from mile 45.5 to mile 47.6 above Head of Passes. The width of the anchorage is 700 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,100 feet from the water's edge into the river as measured from the LWRP.

(8) *Point Celeste Anchorage.* An area 2.2 miles in length along the right descending bank of the river extending from mile 49.8 to mile 52.0 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(9) *Davant Anchorage.* An area 1.1 miles in length along the left descending bank of the river extending from mile 52.8 to mile 53.9 above Head of Passes. The width of the anchorage is 800 feet.

(10) *Alliance Anchorage.* An area 2.0 miles in length along the right descending bank of the river extending from mile 63.8 to mile 65.8 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(11) *Wills Point Anchorage.* An area 1.1 miles in length along the left descending bank of the river extending from mile 66.5 to mile 67.6 above Head of Passes. The width of the anchorage is 600 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(12) *Cedar Grove Anchorage.* An area 1.2 miles in length along the right descending bank of the river extending from mile 69.9 to mile 71.1 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(13) *Belle Chasse Anchorage.* An area 2.1 miles in length along the right descending bank of the river extending from mile 73.1 to mile 75.2 above Head of Passes. The width of the anchorage is 575 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 425 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

(14) *Lower 12 Mile Point Anchorage.* An area 2.2 miles in length along the right descending bank of the river extending from mile 78.6 to mile 80.8 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(15) *Lower 9 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river extending from mile 82.7 to mile 85.0 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

*Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.*

(16) *New Orleans Emergency Anchorage.* An area 0.5 miles in length along the right descending bank of the river extending from mile 89.6 to mile 90.1 above Head of Passes. The width of the anchorage is 550 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

Note: No vessel shall occupy this anchorage unless expressly authorized by the Captain of the Port. No vessel may anchor in this anchorage exceeding 24 hours without the authorization of the Captain of the Port.

(17) *New Orleans General Anchorage.* An area 0.8 miles in length along the right descending bank of the river extending from mile 90.1 to mile 90.9 above Head of Passes. The width of the anchorage is 550 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(18) *Quarantine Anchorage.* An area 0.7 miles in length along the right descending bank of the river extending from mile 90.9 to mile 91.6 above Head of Passes. The width of the anchorage is 800 feet.

*Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.*

Note: Vessels carrying cargos of particular hazard as defined in 33 CFR 126.10 or cargos of petroleum products in bulk may not be anchored in the New Orleans General Anchorage or the Quarantine Anchorage without permission from the Captain of the Port.

*Except when required by the United States Public Health Service for quarantine inspection, the Quarantine Anchorage may be used as a general anchorage.*

(19) *Lower Kenner Bend Anchorage.* An area 1.0 miles in length along the right descending bank of the river extending from mile 113.3 to mile 114.3 above Head of Passes. The width of the anchorage is 350 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 350 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(20) *Kenner Bend Anchorage.* An area 0.9 miles in length along the right descending bank of the river extending from mile 114.7 to mile 115.6 above Head of Passes. The width of the anchorage is 700 feet.

(21) *Ama Anchorage.* An area 1.8 miles in length along the left descending bank of the river extending from mile 115.5 to mile 117.3 above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

*Caution: A wreck is located at mile 115.4 left descending bank above Head of Passes marked by Mississippi River Wreck Lighted Buoy WR4. Mariners are urged to use caution when anchoring in the lower end of this anchorage.*

(22) *Bonnet Carre Anchorage.* An area 1.5 miles in length along the left descending bank of the river extending from mile 127.3 to mile 128.8 above Head of Passes. This area is located adjacent to the river end of the Bonnet Carre Spillway. The width of the anchorage is 600 feet.

Note: When the Bonnet Carre Spillway is open, no vessel may be anchored in the Bonnet Carre Anchorage.

(23) *La Place Anchorage.* An area 0.7 miles in length along the left descending bank of the river extending from mile 134.7 to mile 135.4 above Head of Passes. The width of the anchorage is 600 feet.

(24) *Reserve Anchorage.* An area 0.5 miles in length along the right descending bank of the river extending from mile 137.0 to mile 137.5 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(25) *Lower Grandview Reach Anchorage.* An area 0.3 miles in length along the left descending bank of the river extending from mile 146.4 to mile 146.7 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured for the LWRP.

(26) *Middle Grandview Reach Anchorage.* An area 0.4 miles in length along the left descending bank of the river extending from mile 146.8 to mile 147.2 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(27) *Upper Grandview Reach Anchorage.* An area 1.3 miles in length along the left descending bank of the river extending from mile 147.5 to mile 148.8 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(28) *Sunshine Anchorage.* An area 2.0 miles in length along the left descending bank of the river extending from mile 165.0 to mile 167.0 above Head of Passes. The width of the anchorage is 450 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 350 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(29) *White Castle Anchorage.* An area 0.7 miles in length along the right descending bank of the river extending from mile 190.4 to mile 191.1 above Head of Passes. The width of the anchorage is 300 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet

from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(30) *Baton Rouge General Anchorage.* An area 1.5 miles in length along the right descending bank of the river, 1,400 feet wide, extending from mile 225.8 to mile 227.3 above Head of Passes.

*Caution:* Two wrecks are located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(31) *Lower Baton Rouge Anchorage.* An area 0.5 miles in length near mid-channel between mile 228.5 and mile 229.0 above Head of Passes with the west limit 1,100 feet off the right descending bank and having the width of 700 feet at both the upper and lower limits.

(32) *Middle Baton Rouge Anchorage.* An area 0.2 miles in length near mid-channel between mile 229.6 and mile 229.8 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 700 feet at both the upper and lower limits.

(33) *Upper Baton Rouge Anchorage.* An area 0.4 miles in length near mid-channel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 1,075 feet at the upper limit and 1,200 feet at the lower limit.

(b) *Temporary Anchorages.* Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorages is based on recommendations by the Captain of the Port.

(2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(3) Establishment of each temporary anchorage and any requirement for the temporary anchorage will be published in the Local Notice of Mariners.

(4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(c) *The Regulations.* (1) Anchoring in the Mississippi River below Baton Rouge, LA., including South and Southwest Passes is prohibited outside of established anchorages except in cases of emergency. In an emergency, if it becomes necessary to anchor a vessel outside an established anchorage, the vessel shall be anchored so that it does not interfere with or endanger any facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of winds, currents and the suction of passing vessels.

(5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, LA.

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

Note: Activities conducted within a designated anchorage (e.g. cargo transfer, tank cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and/or environmental regulations prior to engaging in any activity within designated anchorages.

(7) Nothing in this section relieves the owner or person in charge of any vessel from the penalties for obstructing or interfering with navigational aids or for failing to comply with the navigation laws for lights, day shapes, or fog signals and any other applicable laws and regulations.

Dated: March 27, 1996.

C.B. Newlin,

*Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.*

[FR Doc. 96–9433 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

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## 33 CFR Part 165

**[CGD 05–96–015]**

**RIN 2115–AA97**

## Safety Zone: Elizabeth and York Rivers, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary moving safety zone during the movement of a bridge span to be used in the replacement of the Coleman Bridge. The safety zone will consist of all waters area within 500 yards of the tugs and tow moving the bridge span as they transit the thirty miles between Norfolk International Terminals (NIT) on the Elizabeth River and the Coleman Bridge on the York River. The safety zone is needed to ensure the safety of mariners operating in the vicinity and to ensure the safety of all personnel involved with the movement of the bridge spans.

**EFFECTIVE DATES:** This rule is effective from March 26, 1996 to April 24, 1996 unless sooner terminated by the Captain of the Port, Hampton Roads, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Katherine Weathers, Chief, Port Safety and Security Branch, (804) 441–3290.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making (NPRM) was not published for this rule and good cause exists for making it effective less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since the safety zone is necessary to protect those in the maritime community operating in vicinity of this tow and those taking part in the operation. Due to structural design and time restrictions, it was determined by the contractor that the new south suspended span of the Coleman Bridge should be moved to the existing bridge site and anchored in the York River earlier than previously scheduled. The Coast Guard's decision to establish this moving safety zone without an NPRM and less than 30 days after its publication in the Federal Register was based upon this recent change in the contractor's schedule. In a related rulemaking, an NPRM was

published on March 14, 1996 in the Federal Register (61 FR 10493) discussing proposed safety zones for other parts of the Coleman Bridge Replacement Project to begin April 27, 1996.

Background and Purpose

The Coleman Bridge, which crosses the York River, connecting Yorktown, Virginia to Gloucester, Virginia, is scheduled to be dismantled and replaced during April and May 1996. The new bridge is being constructed in six sections at Norfolk International Terminal. These six spans will then be transported via barge thirty miles to the existing bridge site. Prepositioning of these new spans at the bridge site in the York River will help reduce the amount of time the bridge will be closed to vehicle traffic. The bridge spans range between 210 feet long and 559 feet long and will be resting perpendicular to the barges transporting them. On March 26, 1996, the first new bridge section, a 210-foot suspended span, is scheduled to be moved from NIT to the existing bridge site via barge where it will be anchored until May when the bridge is dismantled and replaced. Due to the size of the tow, the distance to be covered, and the busy port area in which the tow will be transiting, a moving safety zone around the bridge span while in transit is necessary to protect those in the maritime community operating in the vicinity and those taking part in the project.

Discussion of Temporary Rule

The Coast Guard is establishing a 500-yard moving safety zone around the tugs and tows transporting the first span, a 210-foot suspended span, to be used in the Coleman Bridge Replacement Project. A tow consisting of two 180-foot barges rigidly connected in a catamaran configuration will be pushed by two tugs. The bridge span will sit perpendicular to the barges atop steel towers simulating the height of the bridge piers. The barges are specially configured for the carriage of this span and will be severely restricted in their ability to maneuver and susceptible to wake damage. Therefore, this moving safety zone will be in effect during the entire thirty mile transit between NIT and the Coleman Bridge until the barges are anchored at their destination in the York River.

Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this temporary rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this temporary rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that under paragraph 2.B.2.e.(34) of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this temporary rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Temporary § 165.T05–015 is added to read as follows:

**§ 165.T05–015 Safety Zone: James River, Elizabeth River, Chesapeake Bay, Port of Hampton Roads, VA.**

(a) *Location*: The following area is a safety zone:

(1) All waters within 500 yards of any tug and tow involved in moving the 210-foot suspended span to be used in the replacement of the Coleman Bridge while this tow transits between Norfolk International Terminals (NIT) located on the Elizabeth River at the Norfolk Harbor Reach and the Coleman Bridge, which crosses the York River connecting Yorktown, Virginia with Gloucester Point, Virginia.

(b) *Definitions:*

*Captain of the Port* means the Captain of the Port of Hampton Roads, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Hampton Roads to act on his behalf.

(c)(1) In accordance with the general provisions in §§ 165.23 and 165.501 of this part, entry into the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port. The general requirements of §§ 165.23 and 165.501 also apply to this section.

(2) Persons or vessels requiring entry into a passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard vessels enforcing the safety zone can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port may be contacted at telephone number (804) 441–3314 or at the Marine Safety Office, Hampton Roads, VA.

(d) The Captain of the Port will notify the public of the safety zone and changes in the status of this zone by Marine Safety Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: March 25, 1996.

Dennis A. Sande,

*Captain, Captain of the Port.*

[FR Doc. 96–9435 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

**33 CFR Part 165**

**[CGD 05–96–016]**

**RIN 2115–AA97**

## Safety Zone: Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base Camp LeJeune, NC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard Captain of the Port, Wilmington, is establishing a safety zone in the Atlantic Intracoastal Waterway (AICW) along Marine Corps Base Camp Lejeune (MCB), North Carolina. The safety zone encompasses the waters of the Atlantic Intracoastal Waterway between the Onslow Beach Swing Bridge and lighted dayboard 65A. The safety zone is needed to protect people, vessels, and property from safety hazards associated with the launching of inert line charges and the construction of a floating bridge in support of amphibious assault training. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**EFFECTIVE DATES:** This rule is effective from 8 p.m. May 9, 1996 to 2 a.m. May 10, 1996; and from 8 a.m. to 12 p.m. (noon) and from 1 p.m. to 5 p.m. May 10, 1996 unless sooner terminated by the Captain of the Port. In the event of adverse weather, the effective dates may be shifted to the following day.

**FOR FURTHER INFORMATION CONTACT:** LTJG K.J. DeLooff, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401–3907. Phone: (910) 343–4895, Extension 108.

**SUPPLEMENTARY INFORMATION:**

Discussion of Regulation

MCB Camp Lejeune will conduct training assaults on a simulated mined beach and constructing a floating bridge for following vehicles. The assault begins by firing inert line charges which clears the simulated minefield. Each inert line charge is propelled by a 5 foot solid fuel rocket from which the inert explosives trail. The rocket is typically prevented from flying its full flight by a cable attached to the firing point. If this cable breaks, the rocket motor, and possibly the inert line charge could impact in the Atlantic Intracoastal Waterway (AICW).

The bridge construction exercise uses a floating bridge that joins several large floating platforms together and obstructs the AICW while the bridge is carrying military vehicles.

The Coast Guard is establishing a safety zone to prevent damage or injury which could result from this training exercise and will prevent vessels from transiting during the firing of the line charge and bridge deployment.

The safety zone will be effective from 8 p.m. May 9 to 2 a.m. May 10, 8 a.m. to 12 p.m. (noon) and 1 p.m to 5 p.m. May 10, 1996 unless sooner terminated by the Captain of the Port (COTP). In the event of adverse weather, the effective dates may be shifted to the following day. The waterway will actually be closed for a four hour period during the period between 8 p.m. May 9 and 2 a.m. May 10. However, the start time is subject to change. The COTP will announce via VHF channel 16 the specific times that this section will be enforced and the waterway will be closed to traffic. Vessels from either the U.S. Coast Guard or U.S. Navy will patrol each end of the safety zone to inform and control vessel traffic.

The safety zone includes:

The waters of the Atlantic Intracoastal Waterway from the Onslow Beach Swing Bridge at approximately 34°34′24.5″ North, 077°16′17″ West to lighted dayboard 65A at approximately 34°32′40.0″ North, 077°19′ West.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential flight of a rocket propelled inert line charge over navigable waters. The final schedule for this event and other related activities was not finalized and communicated to the Coast Guard in sufficient time to allow for a period for comments.

Assessment

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T5016 is added to read as follows:

**§ 165.T5016 Safety Zone: Atlantic Intracoastal Waterway, Marine Corps Base Camp Lejeune, North Carolina.**

(a) *Location*. The following area is a safety zone:

(1) The waters of the Atlantic Intracoastal Waterway from the Onslow Beach Swing Bridge at approximately 34°34′24.5″ North, 077°16′17″ West to lighted dayboard 65A at approximately 34°32′40.0″ North, 077°19′ West. (Datum: NAD83)

(b) No person or vessel may enter the safety zone without the permission of the COTP or his designated representative.

(c) The COTP or his designated representative will announce times during which this section will be enforced.

(d) The COTP or his designated representative may be contacted at the Marine Safety Office, Wilmington, NC by telephone at (910) 343–4895 or by radio on VHF–FM channel 16.

Dated: March 25, 1996.

T.L. Rice,

*Captain, U.S. Coast Guard, Captain of the Port, Wilmington, NC.*

[FR Doc. 96–9434 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–14–M**

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## 33 CFR Part 165

**[CGD 05–96–012]**

**RIN 2115–AA97**

## Safety Zone: Smith Creek, Vicinity of Wilmington, NC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard Captain of this Port, Wilmington, is establishing a safety zone in the Smith Creek and tributaries near the New Hanover International Airport near Wilmington, North Carolina. The safety zone encompasses the waters of the Smith Creek and tributaries between the 23rd Street Bridge and a bend in the creek between the two runways. The safety zone is needed to protect people, vessels, and property from safety hazards associated with a high speed, aerobatic performance by the U.S. Air Force Thunderbirds. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**EFFECTIVE DATES:** From 12 p.m. (noon) to 5 p.m. April 19, 20, and 21, 1996 unless sooner terminated by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** LTJG K.J. DeLooff, USCG, Project Officer, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 272 North Front Street, Wilmington, North Carolina 28401–3907. Phone: (910) 343–4895, Extension 108.

**SUPPLEMENTARY INFORMATION:** K.J. DeLooff, project officer for the project attorney, Fifth Coast Guard District.

### Discussion of Regulation

The New Hanover International Airport hosts a biannual air show on April 20–21, 1996. The U.S. Air Force Thunderbirds will be performing on both days and practicing on April 19, 1996. The maneuvers performed by the Thunderbirds are risky and an extensive area has to be closed of personnel to protect public safety in the event of a crash or other disaster. The Coast Guard is establishing a safety zone to prevent damage or injury which could result from the practice session and performances and will prevent vessels from transiting during the time the Thunderbirds are flying over the area.

The safety zone will be effective from 12 p.m. (noon) to 5 p.m. on April 19, 20, and 21, 1996 unless terminated sooner by the Captain of the Port Wilmington (COTP). The actual times the waterway will be closed may vary depending on the actual times of the performance and practice session, which are weather dependent. Before enforcement of the safety zone, the Captain of the Port will announce via VHF channel 16 that this section will be enforced and the waterway will be closed to traffic. Vessels from either the U.S. Coast Guard or New Hanover County International Airport will patrol the safety zone to inform and control vessel traffic.

The safety zone includes:

The waters of the Smith Creek from the 23rd Street Bridge at approximately 34°15.5′ North, 078°55.2′ West to a bend in Smith Creek between two runways at approximately 34°15.5′ North, 078°54.4′ West.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making this regulation effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying the effective date would be contrary to the public interest since immediate action is needed to protect mariners from potential hazards associated with potential risks of operation of high performance aircraft and the aerobatic maneuvers of the Thunderbirds. The final schedule for this event and other related activities was not finalized and communicated to the Coast Guard in sufficient time to allow for a period for comments.

### Assessment

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34) of Commandant Instruction M16475.1B (amended by 59 FR 38654), this rule is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T5012 is added to read as follows:

**§ 165.T5012 Safety Zone: Smith Creek, Wilmington, North Carolina.**

(a) *Location.* The following area is a safety zone:

(1) The waters of the Smith Creek and tributaries from the 23rd Street Bridge at approximately 34°15.5′ North, 078°55.2′ West to a bend in Smith Creek between two runways at approximately 34°15.5′ North, 078°54.4′ West. (Datum: NAD83) (b) This section is effective from 12 p.m. (noon) to 5 p.m. April 19, 20, and 21, 1996, unless terminated earlier by the Captain of the Port (COTP), Wilmington, NC. (c) No person or vessel may enter the safety zone without the permission of the COTP or his designated representative. (d) The COTP or his designated representative will announce times during which this section will be enforced. (e) The COTP or his designated representative may be contacted at the Marine Safety Office, Wilmington, NC by telephone at (910) 343–4895 or by radio on VHF–FM channel 16.

Dated: March 12, 1996.

T. L. Rice,

*Captain, U. S. Coast Guard, Captain of the Port, Wilmington, NC.*

[FR Doc. 96–9431 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF EDUCATION

### 34 CFR Part 682

**RIN 1840–AC21**

### Federal Family Education Loan Program

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Federal Family Education Loan Program to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

**EFFECTIVE DATE:** These regulations are effective on July 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Patricia Newcombe, FFELP Policy Section Chief, Policy Development Division, Policy, Training, and Analysis Service, U.S. Department of Education, 600 Independence Avenue, SW., (Room 3053, ROB–3), Washington, DC 20202. Telephone (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Final regulations for the Federal Family Education Loan Program were published in the Federal Register on December 1, 1995 (60 FR 61750). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on November 30, 1995. The information collection requirements in these regulations will therefore become effective with all of the other provisions of the regulations on July 1, 1996.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: April 9, 1996.

David A. Longanecker,

*Assistant Secretary for Postsecondary Education.*

The Secretary amends Part 682 of Title 34 of the Code of Federal Regulations as follows:

## PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for Part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

**§ 682.207 [Amended]**

2. Section 682.207 is amended by adding the OMB control number following the section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0538)''

**§§ 682.209, 682.210, 682.211, 682.401, 682.412, 682.603, 682.604, 682.605 [Amended]**

3. Sections 682.209, 682.210, 682.211, 682.401, 682.412, 682.603, 682.604, and 682.605 are amended by republishing the OMB control number following each section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0538)''

[FR Doc. 96–9374 Filed 4–16–96; 8:45 am]

BILLING CODE 4000–01–P

## PANAMA CANAL COMMISSION

### 35 CFR Part 70

**RIN 3207–AA37**

### Procedures for Changing Rules of Measurement or Rates of Tolls Technical Amendment

**AGENCY:** Panama Canal Commission.

**ACTION:** Final rule.

**SUMMARY:** The Panama Canal Commission hereby amends its procedures for changing the rules of measurement and rates of tolls for use of the Panama Canal. The amendment simply removes the President from any formal participation in these procedures. This revision is mandated by a recent Congressional enactment which transferred the President's authority to approve such changes to the Commission. Those portions of the rule providing for notice and public hearing remain the same. Thus, the procedural rights of the users of the Panama Canal are unaffected by this amendment.

**EFFECTIVE DATE:** April 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** John A. Mills, Secretary, Panama Canal Commission, 1825 I Street NW, Suite 1050, Washington, DC 20006–5402; Telephone: (202) 634–6441; Facsimile: (202) 634–6439; or John L. Haines, Jr., General Counsel, Panama Canal Commission, Unit 2300, APO AA 34011–2300; Telephone: 011–507–272–7511; Facsimile: 011–507–272–3748.

**SUPPLEMENTARY INFORMATION:** The Panama Canal Commission hereby amends 35 CFR Part 70 in accordance with the statutory language contained in Subtitle B of Title XXXV of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104–106, which was signed into law on February 10, 1996. Sections 3527 and 3528 of that law amended sections 1601 and 1604 of the Panama Canal Act of 1979, 22 U.S.C. 3791 and 3794, by transferring final authority for effecting changes in the measurement rules and toll rates for use of the Canal from the President to the Canal Commission. This final rule merely implements this statutory mandate by deleting current sections 70.14 and 70.15 which set forth the President's now-terminated role in the toll-setting and measurement-rule procedure and amending section 70.16 to reflect Congress' placement of final authority for such changes with the Commission.

The Commission is proceeding with the issuance of a final rule instead of a proposed rule with a request for comments because the rule merely

eliminates from the regulations formal Presidential participation; as noted, such participation has been eliminated already from the statute by Congress. A request for public comment would suggest that the Commission has some degree of discretion in this matter. Inasmuch as the agency has no choice but to implement the terms of the statute, such an invitation for comments would be misleading. These circumstances bring the agency squarely within the exception to general rulemaking requirements established in 5 U.S.C. 553(b)(B). This section provides that such rulemaking requirements do not apply when the agency for good cause finds that notice and public procedure thereon are unnecessary or contrary to the public interest. Rulemaking which serves to carry out a Congressional mandate has been described as a non-discretionary ministerial action constituting good cause within the meaning of 5 U.S.C. 553(b)(B). In one case, the appellate court held that resorting to the proposed rulemaking procedures in a situation substantially identical to this one was ''unnecessary * * * and might even have been 'contrary to the public interest.' '' *Metzenbaum* v. *Federal Energy Regulatory Commission*, 675 F.2d 1282, 1291 (D.C. Cir. 1982).

Significantly, the Commission must still comply with the procedures of section 1604 of the Panama Canal Act, 22 U.S.C. 3794, which requires publication in the Federal Register of notice of any proposed change in the rates of tolls or rules of measurement; the making available to the public an analysis showing the basis and justification for the change; the provision of an opportunity for interested parties to participate in the toll-setting or measurement-change process through the submission of written comments and appearance at a public hearing; and publication of the final rule not less than 30 days before the effective date of the change. In summary, the public will continue to have the same rights to participate in proposed toll-rate or measurement-rule changes as it has had in the past. The sole difference is that, after such participation, the Commission, rather than the President, will have the final approval authority.

The Commission has been exempted from Executive Order 12866 and, accordingly, the provisions of that directive do not apply to this final rule. Even if the Order were applicable, the change would not constitute a ''rule'' as that term is defined in the Regulatory Flexibility Act [5 U.S.C. 601(2)] because: (1) it concerns ''rates'' and ''practices relating'' thereto; and (2) as noted above, is not a rule for which the agency must publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). Additionally, its implementation would not have a significant economic impact on a substantial number of small entities as defined under that Act.

Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because a notice of proposed rulemaking and opportunity for public comment are not required to be given for this final rule by the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 601), no initial or final regulatory flexibility analysis has to be or will be prepared.

Finally, the Administrator of the Panama Canal Commission certifies that these changes in regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

List of Subjects in 35 CFR Part 70

Measurement, Navigation, Panama Canal, Vessels.

Accordingly, 35 CFR Part 70 is amended as follows:

## PART 70—PROCEDURES FOR CHANGING RULES OF MEASUREMENT OR RATES OF TOLLS

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

Authority: Sections 1601–1604 and 1801, Pub. L. 96–70, 93 Stat. 489–492, 22 U.S.C. 3791–3794, 3811; sections 3527 and 3528, Pub. L. 104–106; EO 12215, 45 FR 36043, 3 CFR, 1981 Comp., p. 257.

### §§ 70.14 and 70.15 [Removed]

2. Sections 70.14 and 70.15 are removed.

### § 70.16 [Redesignated as § 70.14]

3. Section 70.16 is redesignated as § 70.14 and amended by removing the word ''President'' and inserting, in its place, the word ''Commission.''

Dated: April 1, 1996.

Gilberto Guardia F.,

*Administrator, Panama Canal Commission.*

[FR Doc. 96–9462 Filed 4–16–96; 8:45 am]

BILLING CODE 3640–04–P

## UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

## 43 CFR Part 10010

## Policy and Procedures for Implementing the National Environmental Policy Act

**AGENCY:** Utah Reclamation Mitigation and Conservation Commission.

**ACTION:** Final rule.

**SUMMARY:** The Central Utah Project Completion Act established the Utah Reclamation Mitigation and Conservation Commission (Commission) and directed that the Commission be considered a Federal agency for purposes of compliance with the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with NEPA and Council on Environmental Quality (CEQ) regulations, Federal agencies must establish procedures to guide their actions in implementing NEPA. This rule establishes the Commission's policies and procedures regarding NEPA implementation. It defines the procedures that the Commission will follow in preparing environmental documents and in making decisions pursuant to NEPA. The rule also provides information to other agencies and the public regarding how they may participate in the Commission's NEPA activities. The intended effects of this rule are that the Commission will have at its disposal specific guidance on how to fulfill its NEPA responsibilities, and that the public will have a clear understanding of the Commission's NEPA procedures.

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

**FOR FURTHER INFORMATION CONTACT:** Joan Degiorgio, Telephone: 801–524–3146.

**SUPPLEMENTARY INFORMATION:** The Draft NEPA Rule was published in the Federal Register on January 25, 1996, Vol. 61, No. 17. The Final NEPA Rule was adopted by the Commission in public session on March 15, 1996.

Background

The Commission was established by the Central Utah Project Completion Act (Public Law 102–575, October 30, 1992). The Commission's mission is to implement mitigation and conservation measures to offset the effects of Federal reclamation projects in Utah and to take other actions for the conservation of important fish, wildlife, and recreation resources. The Commission was established to focus the authority for reclamation mitigation and to coordinate interagency efforts toward meeting mitigation needs. This rule

provides the Commission, affected Federal agencies, the State of Utah, and the public with the necessary guidance to evaluate the environmental effects of Commission activities and to ensure that these will promote the protection and enhancement of environmental quality. It is adopted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347) and with Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508).

NEPA Rule Content

This rule provides direction on all aspects of the Commission's NEPA process. It establishes general policies, provides guidance on initiating the NEPA process, describes procedures relating to Environmental Assessments (EA) and Environmental Impact Statements (EIS), describes the relationship between NEPA and the Commission's decision making process, and provides guidance on managing the NEPA process.

Relationship to Department of Interior NEPA Procedures

The Commission's NEPA rule is modeled after the U.S. Department of the Interior's (Department) NEPA procedures (Departmental Manual, Part 516) and relevant portions of Appendix I to that Part, which establishes U.S. Fish and Wildlife Service (Service) NEPA procedures. Four factors led the Commission to conclude that it is appropriate to closely follow Department and Service procedures. First, Department and Service reclamation mitigation and resource conservation activities closely parallel those of the Commission and needs relating to NEPA are therefore similar. Second, the Department's Office of the Solicitor is responsible for providing the Commission with legal advice regarding the Commission's NEPA activities and is familiar with the Department's NEPA procedures. Third, the Commission will be involved in numerous interagency activities with the Department, the Service, and other bureaus within the Department, all of whom are familiar with, and bound by, Departmental NEPA procedures. Fourth, other agencies and organizations that will likely participate in Commission sponsored activities, including the Utah Division of Wildlife Resources and the Central Utah Water Conservancy District, have been involved in mitigation and conservation initiatives involving Departmental NEPA procedures and are therefore familiar with these procedures.

The Commission's NEPA rule generally adheres to the language contained in the Department's Manual. Exceptions are as follows. First, references to the Department, the Secretary, the Fish and Wildlife Service, and departmental bureaus have been substituted with ''the Commission'' or other appropriate language. Second, portions of the Departmental procedures that assign responsibilities for NEPA planning and approval processes have been modified to conform to the Commission's authorities and approval process. Third, references to regulatory and enforcement activities are omitted as the Commission is not a regulatory agency. Fourth, references to the activities of specific Department of the Interior bureaus are omitted. Fifth, references to activities and subjects that are outside of the Commission's jurisdiction or that are not applicable to the geographic area subject to Commission actions (for example, marine resources) are omitted. Sixth, a new section is added that references tiering of environmental documents.

Categorical exclusions listed in paragraph (a) of Section 10010.61 are from Part 516 of the Department's Manual. With one addition, categorical exclusions in paragraph (b) of that section are from the Fish and Wildlife Service's appendix to Part 516. The addition is (b)(6), derived from the Bureau of Reclamation's appendix to Part 516, and relates to the Commission's ability to transfer operations and maintenance of facilities.

The rule's format deviates significantly from that of the Departmental Manual in order to be consistent with the format of the Code of Federal Regulations. Minor editorial changes have also been made.

Public Participation

The Commission is committed to open and full public participation in its activities. The Commission has established a planning rule (43 CFR Part 10005) that describes opportunities for the public to become involved in the preparation and implementation of the Commission's mandated five-year plan. The public will also be given ample opportunity to become involved in the evaluation of individual projects that are components of that plan. The procedures for this are described in this NEPA rule.

Rule Preparation and Review

This rule was prepared in consultation with affected Federal and state agencies and other interested parties. The availability of the draft rule was published in the Federal Register January 25, 1996. A forty-five day public comment period was established. No comments were received and the Rule was adopted on March 15, 1996.

Michael C. Weland,

*Executive Director.*

List of Subjects in 43 CFR Part 10010

Administrative practices and procedures, Environmental impact statements, Environmental protection, Intergovernmental relations, Natural resources, Reclamation, Water resources.

For the reasons set out in the preamble, 43 CFR Chapter III is amended by adding a new part 10010 to read as follows:

## PART 10010—POLICIES AND PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

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Authority: 43 U.S.C. 620k (note).

## Subpart A—Protection and Enhancement of Environmental Quality

### § 10010.1 Purpose.

This Subpart establishes the Commission's policies for complying with Title 1 of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347) (NEPA); Section 2 of Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991; and the regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA (40 CFR parts 1500 through 1508).

### § 10010.2 Policy.

It is the policy of the Commission:

(a) To provide leadership in protecting and enhancing those aspects of the quality of the Nation's environment which relate to or may be affected by the Commission's policies, goals, programs, plans, or functions in furtherance of national environmental policy;

(b) To use all practicable means to improve, coordinate, and direct its policies, plans, functions, programs, and resources in furtherance of national environmental goals;

(c) To interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered by the Commission in accordance with the policies of NEPA;

(d) To consider and give significant weight to environmental factors, along with other essential considerations, in developing proposals and making decisions in order to achieve a proper balance between the development and utilization of natural, cultural, and human resources and the protection and enhancement of environmental quality;

(e) To consult, coordinate, and cooperate with other Federal agencies and State, local, and Indian tribal governments in the development and implementation of the Commission's plans and programs affecting environmental quality and, in turn, to provide to the fullest extent practicable, these entities with information concerning the environmental impacts of their respective plans and programs;

(f) To provide, to the fullest extent practicable, timely information to the public to better assist in understanding the Commission's plans and programs affecting environmental quality and to facilitate their involvement in the development of such plans and programs; and

(g) To cooperate with and assist the CEQ.

### § 10010.3 General responsibilities.

The following responsibilities reflect the Commission's decision that the officials responsible for making program decisions are also responsible for taking the requirements of NEPA into account in those decisions and will be held accountable for that responsibility:

(a) Executive Director. (1) Is the Commission's focal point on NEPA matters and is responsible for overseeing the Commission's implementation of NEPA.

(2) Serves as the Commission's principle contact with the CEQ.

(3) Assigns to Commission staff the responsibilities outlined in this part.

(4) Must comply with the provisions of NEPA, E.O. 11514 as amended, the CEQ regulations, and this part.

(5) Will interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under the Commission's jurisdiction in accordance with the policies of NEPA.

(6) Will continue to review the Commission's statutory authorities, administrative regulations, policies, programs, and procedures, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the intent, purpose, and provisions of NEPA and, in consultation with the Department of the Interior Office of the Solicitor, shall take or recommend, as appropriate, corrective actions as may be necessary to bring these authorities and policies into conformance with the intent, purpose, and procedures of NEPA.

(7) Will monitor, evaluate, and control on a continuing basis the Commission's activities so as to protect and enhance the quality of the environment. Such activities will include those directed to conserving and enhancing the environment and designed to accomplish other program objectives which may affect the quality of the environment. The Executive Director will develop programs and measures to protect and enhance environmental quality and assess progress in meeting the specific objectives of such activities as they affect the quality of the environment.

(b) Members of the Commission. (1) Are responsible for compliance with NEPA, E.O. 11514, as amended, the CEQ regulations, and this part.

(2) Will insure that, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under the Commission's jurisdiction are interpreted and administered in accordance with the policies of NEPA.

(c) Department of the Interior Office of the Solicitor. Is responsible for providing legal advice to the Commission regarding compliance with NEPA.

### § 10010.4 Consideration of environmental values.

(a) In Commission management. (1) In the management of the natural, cultural, and human resources under its jurisdiction, the Commission must consider and balance a wide range of economic, environmental, and social objectives at the local, regional, and national levels, not all of which are quantifiable in comparable terms. In considering and balancing these objectives, Commission plans, proposals, and decisions often require recognition of complements and resolution of conflicts among interrelated uses of these natural, cultural, and human resources within

technological, budgetary, and legal constraints.

(2) Commission project reports, program proposals, issue papers, and other decision documents must carefully analyze the various objectives, resources, and constraints, and comprehensively and objectively evaluate the advantages and disadvantages of the proposed actions and their reasonable alternatives. Where appropriate, these documents will utilize and reference supporting and underlying economic, environmental, and other analyses.

(3) The underlying environmental analyses will factually, objectively, and comprehensively analyze the environmental effects of proposed actions and their reasonable alternatives. They will systematically analyze the environmental impacts of alternatives, and particularly those alternatives and measures which would reduce, mitigate, or prevent adverse environmental impacts or which would enhance environmental quality.

(b) In internally initiated proposals. Officials responsible for development or conduct of planning and decision making systems within the Commission shall incorporate to the maximum extent necessary environmental planning as an integral part of these systems in order to insure that environmental values and impacts are fully considered and in order to facilitate any necessary documentation of those considerations.

(c) In externally initiated proposals. Officials responsible for development or conduct of grant, contract, or other externally initiated activities shall require applicants, to the extent necessary and practicable, to provide environmental information, analyses, and reports as an integral part of their applications. This will serve to encourage applicants to incorporate environmental considerations into their planning processes as well as provide the Commission with necessary information to meet its own environmental responsibilities.

**§ 10010.5 Consultation, coordination, and cooperation with other agencies and organizations.**

(a) Commission plans and programs. (1) Officials responsible for planning or implementing Commission plans and programs will develop and utilize procedures to consult, coordinate, and cooperate with relevant State, local, and Indian tribal governments; other Federal agencies; and public and private organizations and individuals concerning the environmental effects of these plans and programs on their jurisdictions and/or interests.

(2) The Commission will utilize, to the maximum extent possible, existing notification, coordination, and review mechanisms established by the Office of Management and Budget, the Water Resource Council, and CEQ. However, use of these mechanisms must not be a substitute for early and positive consultation, coordination, and cooperation with others, especially State, local, and Indian tribal governments.

(b) Other Commission activities. (1) Technical assistance, advice, data, and information useful in restoring, maintaining, and enhancing the quality of the environment will be made available to other Federal agencies, State, local, and Indian tribal governments, institutions, and individuals as appropriate.

(2) Information regarding existing or potential environmental problems and control methods developed as a part of research, development, demonstration, test, or evaluation activities will be made available to other Federal agencies, State, local, and Indian tribal governments, institutions and other entities as appropriate.

(c) Plans and programs of other agencies and organizations. (1) Officials responsible for protecting, conserving, developing, or managing resources under the Commission's jurisdiction shall coordinate and cooperate with State, local and Indian tribal governments, other Federal agencies, and public and private organizations and individuals, and provide them with timely information concerning the environmental effects of these entities' plans and programs.

(2) The Commission will participate early in applicable planning processes of other agencies and organizations in order to ensure full cooperation with and understanding of the Commission's programs and interests in natural, cultural, and human resources.

(3) The Commission will utilize to the fullest extent possible, existing review mechanisms to avoid unnecessary duplication of effort and to avoid confusion by other organizations.

**§ 10010.6 Public involvement.**

The Commission will develop and utilize procedures to ensure the fullest practicable provision of timely public information and understanding of its plans and programs including information on the environmental impacts of alternative courses of action. These procedures will include, wherever appropriate, provision for public meetings or hearings in order to obtain the views of interested parties. The Commission will also encourage State and local agencies and Indian tribal governments to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

**§ 10010.7 Mandate.**

(a) This part provides instructions for complying with NEPA and Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991.

(b) The Commission hereby adopts the regulations of the CEQ, implementing the procedural provisions of NEPA (sec. 102(2)(C)) except where compliance would be inconsistent with other statutory requirements. In the case of any apparent discrepancies between these procedures and the mandatory provisions of the CEQ regulations the regulations shall govern.

(c) Instructions supplementing the CEQ regulations are provided in subparts B through G of this part. Citations in brackets refer to the CEQ regulations. In addition, the Commission may prepare a handbook or other technical guidance, or adopt an appropriate handbook or guidance prepared by another agency, for its personnel on how to apply this part to principal programs.

## Subpart B—Initiating the NEPA Process

**§ 10010.8 Purpose.**

This subpart provides supplemental instructions for implementing those portions of the CEQ regulations pertaining to initiating the NEPA process (40 CFR Parts 1501 through 1506).

**§ 10010.9 Apply NEPA early.**

(a) The Commission will initiate early consultation and coordination with other Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, and with appropriate Federal, State, local and Indian tribal agencies authorized to develop and enforce environmental standards.

(b) The Commission will also consult early with interested private parties and organizations, including when the Commission's own involvement is reasonably foreseeable in a private or non-Federal application.

(c) The Commission will insure that applicants are informed of any environmental information required, to be included in their applications and of any consultation with other Federal agencies, and State, local or Indian

tribal governments required prior to making the application.

**§ 10010.10 Whether to prepare an EIS.**

(a) Categorical exclusions (CX) (40 CFR 1508.4).

(1) The following criteria will be used to determine categories of actions to be excluded from preparation of an EA or EIS:

(i) Analysis or experience shows that the action or group of actions would have no significant effect on the quality of the human environment; and

(ii) The action or group of actions would not involve unresolved conflicts concerning alternative uses of available resources.

(2) Based on the criteria in paragraph (a)(1) of this section, the categories of actions listed in subpart G of this part are excluded from the preparation of an EA or EIS.

(3) The exceptions listed in subpart G of this part apply to individual actions subject to CX. Appropriate environmental documents must be prepared for any actions involving these exceptions.

(4) Notwithstanding the criteria, exclusions, and exceptions in paragraphs (a)(1) through (3), extraordinary circumstances may dictate or a responsible Commission official may decide to prepare an environmental document to assist with decision-making.

(b) Environmental Assessment (EA) (40 CFR 1508.9). Procedures regarding preparation of an EA are addressed in subpart C of this part.

(c) Finding of No Significant Impact (FONSI) (40 CFR 1508.13). A FONSI will be prepared as a separate document based upon analysis of an EA and a determination that the proposed action will have no significant environmental impact.

(d) Notice of Intent (NOI) (40 CFR 1508.22). A NOI will be prepared as soon as practicable after a decision to prepare an environmental impact statement and shall be published in the Federal Register and made available to the affected public in accordance with 40 CFR 1506.6. Publication of a NOI may be delayed if there is proposed to be more than three (3) months between the decision to prepare an environmental impact statement and the time preparation is actually initiated. The Commission will periodically publish a consolidated list of these notices in the Federal Register.

(e) Environmental Impact Statement (EIS) (40 CFR 1508.11). Decisions/actions which would normally require the preparation of an EIS are identified in subpart G of this part. Procedures regarding preparation of an EIS are addressed in subpart D of this part.

**§ 10010.11 Lead agencies.**

(a) The Commission will serve as lead, or, as appropriate, joint-lead agency for any NEPA procedure that is sponsored by or otherwise significantly involves the Commission.

(b) The Commission will inform the Office of the Solicitor of any agreements to assume lead or joint-lead agency status.

(c) A non-Federal agency may be designated as a joint lead agency if it has a duty to comply with a local or State environmental review requirement. Any non-Federal agency may be a cooperating agency by agreement. The Commission will consult with the Office of the Solicitor in cases where such non-Federal agencies are also applicants before the Commission to determine joint-lead agency responsibilities.

**§ 10010.12 Cooperating agencies.**

(a) The Commission will adhere to CEQ directives both in the designation of cooperating agencies for Commission sponsored NEPA procedures and in seeking designation as a cooperating agency for procedures sponsored by others. Any non-Federal agency may be a cooperating agency in Commission NEPA proceedings by agreement. The Commission will consult with the Office of the Solicitor in cases where such non-Federal agencies are also applicants before the Commission to determine cooperating agency responsibilities.

(b) The Commission will inform the Office of the Solicitor of any agreements to assume cooperating agency status or any declinations pursuant to 40 CFR 1501.6 (c).

**§ 10010.13 Scoping.**

(a) The invitation requirement in 40 CFR 1501.7(a)(1) may be satisfied by including such an invitation in the NOI.

(b) If a scoping meeting is held, consensus is desirable; however, the lead agency is ultimately responsible for the scope of an EIS. In the case of procedures involving joint-lead agencies, all joint-lead agencies share this responsibility.

**§ 10010.14 Time limits.**

When time limits are established to prepare an environmental document they should reflect the availability of personnel and funds.

## Subpart C—Environmental Assessments

**§ 10010.15 Purpose.**

This subpart provides supplemental instructions for implementing those portions of the CEQ regulations pertaining to environmental assessments (EA).

**§ 10010.16 When to prepare.**

(a) An EA will be prepared for all actions, except those categories of action excluded from documentation or addressed adequately by a previous environmental document, or for those actions for which a decision has already been made to prepare an EIS. The purpose of such an EA is to allow the responsible official to determine whether to prepare an EIS.

(b) In addition, an EA may be prepared on any action at any time in order to assist in planning and decision making.

**§ 10010.17 Public involvement.**

(a) The public may be involved in the EA process when appropriate. Public notification will be made of the availability of an EA document (40 CFR 1506.6).

(b) The scoping process may be applied to an EA (40 CFR 1501.7).

**§ 10010.18 Content.**

(a) At a minimum, an EA will include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) of NEPA, of the environmental impacts of the proposed action and such alternatives, and a listing of agencies and persons consulted (40 CFR 1508.9(b)).

(b) In addition, an EA may be expanded to more fully describe the proposal and a broader range of alternatives if this facilitates planning and decision making.

(c) The level of detail and depth of impact analysis should normally be limited to that needed to determine whether there are significant environmental effects.

(d) An EA will contain objective and credible analyses which support its environmental impact conclusions. It will not, in and of itself, conclude whether or not an EIS will be prepared. This conclusion will be made upon review of the EA by the responsible official and documented in either a NOI or FONSI.

**§ 10010.19 Format.**

(a) An EA may be prepared in any format useful to facilitate planning and decision making.

(b) An EA may be combined with any other planning or decision making

document; however, that portion which analyzes the environmental impacts of the proposal and alternatives will be clearly and separately identified and not spread throughout or interwoven into other sections of the document.

**§ 10010.20 Adoption.**

(a) An EA prepared for a proposal before the Commission by another agency, entity or person, including an applicant, may be adopted if, upon independent evaluation by the responsible Commission official, it is found to comply with this part and relevant provisions of the CEQ regulations.

(b) When appropriate and efficient, a responsible Commission official may augment such an EA when it is essentially, but not entirely, in compliance in order to make it so.

(c) If an EA or augmented EA is adopted, the responsible Commission official must prepare his/her own NOI or FONSI which also acknowledges the origin of the EA and takes full responsibility for its scope and content.

## Subpart D—Environmental Impact Statements

**§ 10010.21 Purpose.**

This subpart provides supplemental instructions for implementing those portions of the CEQ regulations pertaining to environmental impact statements (EIS).

**§ 10010.22 Statutory requirements.**

NEPA requires that an EIS be prepared by the responsible Federal official. This official is normally the lowest-level official who has overall responsibility for formulating, reviewing, or proposing an action or, alternatively, has been delegated the authority or responsibility to develop, approve, or adopt a proposal or action. Preparation at this level will ensure that the NEPA process will be incorporated into the planning process and that the EIS will accompany the proposal through existing review processes.

**§ 10010.23 Timing.**

(a) The feasibility analysis (go/no-go) stage, at which time an EIS is to be completed, is to be interpreted as the stage prior to the first point of major commitment to the proposal.

(b) An EIS need not be commenced until an application is essentially complete; e.g., any required environmental information is submitted, any consultation required with other agencies has been conducted, and any required advance funding is paid by the applicant or other appropriate party.

**§ 10010.24 Page limits.**

An EIS should be as brief as possible and still convey the required information. Normally this should be accomplished in less than 150 pages, though documents of up to 300 pages are acceptable for more comprehensive issues. Where the text of an EIS for a complex proposal or group of proposals appears to require more than the normally prescribed limit of 300 pages, the Commission will ensure that the length of such statements is no greater than necessary to comply with NEPA, the CEQ regulations, and this part.

**§ 10010.25 Supplemental environmental impact statements.**

(a) Supplement Environmental Impact Statements (SEIS) are only required if such changes in the proposed action or alternatives, new circumstances, or resultant significant effects are not adequately analyzed in the previously prepared EIS.

(b) The Commission will consult with the Office of the Solicitor prior to proposing to CEQ to prepare a final supplement without preparing an intervening draft.

(c) If, after a Record of Decision has been executed based on a final EIS, a described proposal is further refined or modified and if there are only minor changes in effects or they are still within the scope of the earlier EIS, an EA and FONSI may be prepared for subsequent decisions rather than a SEIS. As identified in Sec. 10010.61(b)(1)(i), changes having no potential for significant environmental impact are categorically excluded from environmental documentation requirements.

**§ 10010.26 Format.**

(a) Proposed departures from the standard format described in the CEQ regulations and this part must be approved by the Executive Director.

(b) The section listing the preparers of the EIS will also include other sources of information, including a bibliography or list of cited references, when appropriate.

(c) The section listing the distribution of the EIS will also briefly describe the consultation and public involvement processes utilized in planning the proposal and in preparing the EIS, if this information is not discussed elsewhere in the document.

(d) If CEQ's standard format is not used or if the EIS is combined with another planning or decision making document, the section which analyzes the environmental consequences of the proposal and its alternatives will be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

**§ 10010.27 Cover sheet.**

The cover sheet will indicate whether the EIS intended to serve any other environmental review or consultation requirements pursuant to 40 CFR 1502.25.

**§ 10010.28 Summary.**

The emphasis in the summary should be on those considerations, controversies, and issues which significantly affect the quality of the human environment.

**§ 10010.29 Purpose and need.**

The purpose and need section may introduce a number of factors, including economic and technical considerations and Commission statutory missions, which may be outside the scope of the EIS. Care should be taken to insure an objective presentation and not a justification.

**§ 10010.30 Alternatives including the proposed action.**

(a) As a general rule, the following guidance will apply:

(1) For internally initiated proposals; i.e., for those cases where the Commission conducts or controls the planning process, both the draft and final EIS shall identify the Commission's proposed action, or preferred alternative.

(2) For externally initiated proposals; i.e., for those cases where the Commission is reacting to an application or similar request, the draft and final EIS shall identify the applicant's proposed action and the Commission's preferred alternative unless another law prohibits such an expression.

(3) Proposed departures from this guidance must be approved by the Executive Director and the Office of the Solicitor.

(b) Mitigation measures to offset adverse effects of the proposed action or its alternatives are not necessarily independent of these actions and should be incorporated into and analyzed as a part of the proposal and appropriate alternatives. Where appropriate, major mitigation measures may be identified and analyzed as separate alternatives in and of themselves where the environmental consequences are distinct and significant enough to warrant separate evaluation.

**§ 10010.31 Appendix.**

If an EIS is intended to serve other environmental review or consultation requirements pursuant to 40 CFR 1502.25, any more detailed information

needed to comply with these requirements may be included as an appendix.

**§ 10010.32 Tiering.**

An environmental document prepared by or for the Commission may incorporate by reference, either in part or in its entirety, an earlier environmental impact statement or environmental assessment when the subject matter of the earlier document is directly applicable. The Commission may also choose to prepare, or cause to have prepared, a broad environmental document to cover an entire program or, alternatively, a series of projects within a distinct geographic area, with the intent of later undertaking project-specific documentation and ''tiering'' to the more general statement or assessment.

**§ 10010.33 Incorporation by reference of material into NEPA documents.**

Citations of specific topics will include the pertinent page numbers. All literature references will be listed in the bibliography.

**§ 10010.34 Incomplete or unavailable information.**

The references to overall costs in 40 CFR 1502.22 of the CEQ regulations are not limited to market costs, but may also include other costs such as social costs due to delay.

**§ 10010.35 Methodology and scientific accuracy.**

Conclusions about environmental effects will be preceded by an analysis that supports that conclusion unless explicit reference by footnote is made to other supporting documentation that is readily available to the public.

**§ 10010.36 Environmental review and consultation requirements.**

(a) The Commission will maintain a list of applicable environmental review and consultation requirements pursuant to other federal or state laws and regulations and will make this available to interested parties.

(b) If the EIS is intended to serve as the vehicle to fully or partially comply with the requirements of other federal or state laws and regulations, the associated analyses, studies, or surveys will be identified as such and discussed in the text of the EIS and the cover sheet will so indicate. Any supporting analyses or reports to the NEPA documents will be incorporated by reference or included as an appendix and shall be sent to reviewing agencies as appropriate in accordance with applicable regulations or procedures.

**§ 10010.37 Inviting comments.**

(a) Comments from State agencies will be requested through procedures established by the Governor pursuant to Executive Order 12372, and may be requested from local agencies through these procedures to the extent that they include the affected local jurisdictions.

(b) When the proposed action may affect the environment of an Indian reservation, comments will be requested from the Indian tribe through the tribal governing body, unless the tribal governing body has designated an alternate review process.

**§ 10010.38 Response to comments.**

(a) Preparation of a final EIS need not be delayed in those cases where a Federal agency, from which comments are required to be obtained (40 CFR 1503.1(a)(l)), does not comment within the prescribed time period. Informal attempts will be made to determine the status of any such comments and every reasonable attempt should be made to include the comments and a response in the final EIS.

(b) When other commentors are late, their comments should be included in the final EIS to the extent practicable.

**§ 10010.39 Elimination of duplication with state and local procedures.**

The Commission will incorporate in its appropriate program regulations provisions for the preparation of an EIS by a State agency to the extent authorized in section 102(2)(D) of NEPA.

**§ 10010.40 Combining documents.**

Incorporating documentation requirements of other environmental regulations into an EIS is both acceptable and desirable. If the EIS is combined with another planning or decision making document, the section which analyzes the environmental consequences of the proposal and its alternatives will be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

**§ 10010.41 Commission responsibility.**

A Commission sponsored environmental document may be prepared by the Commission, a joint-lead agency, a contractor selected or approved by the Commission, or, when appropriate, a cooperating agency. Regardless, the Commission has the responsibility to independently evaluate and draw appropriate conclusions. Following the Commission's preparation or independent evaluation of and assumption of responsibility for an environmental document, an applicant may print it provided the applicant is bearing the cost of the document pursuant to other laws.

**§ 10010.42 Public involvement.**

The Commission will adhere to CEQ requirements regarding the use of public notices, public meetings, public review of NEPA documents, and other techniques to ensure that the public has ample opportunity to provide input into the proceedings and to ensure that the Commission will give due consideration to this input.

**§ 10010.43 Further guidance.**

The Commission may provide further guidance concerning NEPA pursuant to its organizational responsibilities and through supplemental directives.

**§ 10010.44 Proposals for legislation.**

(a) When appropriate, the Commission shall identify in the annual submittal to the Office of Management and Budget of the Commission's proposed legislative program any requirements for and the status of any environmental documents.

(b) When required, the Commission shall ensure that a legislative EIS is included as a part of the formal transmittal of a legislative proposal to the Congress.

**§ 10010.45 Time periods.**

(a) The minimum review period for a draft EIS will be sixty (60) days from the date of transmittal to the Environmental Protection Agency.

(b) The Commission will be responsible for consulting with the Environmental Protection Agency and/or CEQ about any proposed reductions in time periods or any extensions of time periods proposed by those agencies.

## Subpart E—Relationship to Decision-Making

**§ 10010.46 Purpose.**

This subpart provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to decision-making.

**§ 10010.47 Pre-decision referrals to CEQ.**

(a) Upon receipt of advice that another Federal agency intends to refer a Commission matter to CEQ, the Commission will immediately meet with that Federal agency to attempt to resolve the issues raised.

(b) Upon any referral of a Commission matter to CEQ by another Federal agency, the Executive Director will be responsible for coordinating the Commission's position.

**§ 10010.48 Decision-making procedures.**

(a) Procedures by which the Commission makes decisions are specified in 43 CFR part 10000.

(b) The Commission will incorporate in its formal decision-making procedures provisions for consideration of environmental factors and relevant environmental documents. The major decision points for principal programs likely to have significant environmental effects will be clearly identified.

(c) Relevant environmental documents, including supplements, will be included as part of the record in formal rule making or adjudicatory proceedings.

(d) Relevant environmental documents, comments, and responses will accompany proposals through existing review processes so that Commission officials use them in making decisions.

(e) The decision-maker will consider the environmental impacts of the entire range of alternatives described in any relevant environmental document; the range of these alternatives must encompass the actual alternatives considered by the decision-maker.

**§ 10010.49 Record of decision.**

(a) Any decision documents prepared for proposals involving an EIS may incorporate all appropriate provisions of 40 CFR 1505.2 (b) and (c).

(b) If a decision document incorporating these provisions is made available to the public following a decision, it will serve the purpose of a record of decision.

**§ 10010.50 Implementing the decision.**

The terms ''monitoring'' and ''conditions'' in 40 CFR 1505.3 of the CEQ regulations will be interpreted as being relevant to factors affecting the quality of the human environment.

**§ 10010.51 Limitations on actions.**

The Executive Director will notify the Chairman of the Commission and the Office of the Solicitor of any situations where Commission or applicant action would, if taken prior to completion of a NEPA proceeding, potentially have an adverse environmental impact or limit the choice of reasonable alternatives.

**§ 10010.52 Timing of actions.**

The Commission will consult with the Office of the Solicitor before making any request for reducing the time period before a decision or action.

**§ 10010.53 Emergencies.**

In the event of an unanticipated emergency situation, the Commission will immediately take any necessary action to prevent or reduce risks to public health or safety or serious resource losses and then expeditiously consult with the Office of the Solicitor about compliance with NEPA. The Commission will also be responsible for consulting with CEQ.

## Subpart F—Managing the NEPA Process

**§ 10010.54 Purpose.**

This subpart provides supplemental instruction for implementing those provisions for the CEQ regulations pertaining to procedures for implementing and managing the NEPA process.

**§ 10010.55 Organization for environmental quality.**

(a) Executive Director. The Executive Director is responsible for providing advice and assistance to the Commission on matters pertaining to environmental quality and for overseeing and coordinating the Commission's compliance with NEPA, Executive Order 11514 as amended by Executive Order 11991, the CEQ regulations, and this part.

(b) NEPA Coordinator. The Executive Director will designate organizational elements or individuals, as appropriate, to be responsible for overseeing matters pertaining to the environmental effects of the Commission's plans and programs. The individual(s) assigned these responsibilities should have management experience or potential, understand the Commission's planning and decision making processes, and be well trained in environmental matters, including the Commission's policies and procedures so that his/her/their advice has significance in the Commission's planning and decisions.

**§ 10010.56 Approval of EISs.**

The Chairman of the Commission (Chairman), acting on the part of the full Commission, is authorized to approve an EIS. The Chairman may further assign the authority to approve the EIS if he or she chooses. The Executive Director will make certain that there are adequate safeguards to assure that EISs and other environmental documents comply with NEPA, the CEQ regulations, this part, and other relevant Commission procedures.

**§ 10010.57 List of specific compliance responsibilities.**

(a) The Commission staff shall:

(1) As deemed necessary, prepare a NEPA handbook or adapt applicable materials prepared by other agencies, providing guidance on how to implement NEPA in principal program areas.

(2) Prepare program regulations or directives for applicants.

(3) Propose categorical exclusions.

(4) Prepare EAs.

(5) Recommend whether to prepare an EIS.

(6) Prepare NOIs and FONSIs.

(7) Prepare EISs.

(b) The Executive Director shall:

(1) Approve agency handbooks and other NEPA guidance.

(2) Approve regulations or directives for applicants.

(3) Approve categorical exclusions.

(4) Approve EAs.

(5) Decide whether to prepare an EIS.

(6) Approve NOIs and FONSIs.

(7) Make recommendations regarding the adequacy of EISs.

(c) The Chairman of the Commission, acting on behalf of the full Commission, shall:

(1) Concur with regulations or directives for applicants.

(2) Concur with EAs.

(3) Approve EISs.

**§ 10010.58 Information about the NEPA process.**

The Executive Director will identify staff contacts where information about the NEPA process and the status of EISs may be obtained.

## Subpart G—Actions Requiring an EIS and Actions Subject to Categorical Exclusion

**§ 10010.59 Purpose.**

This subpart provides supplemental instruction for determining major actions requiring an EIS and for determining actions that are categorically excluded from NEPA.

**§ 10010.60 Actions normally requiring an EIS.**

(a) The following proposals will normally require the preparation of an EIS:

(1) Establishment of major new refuges or wildlife management areas, fish hatcheries, and major additions to such installations.

(2) Master development and/or management plans for major new installations.

(3) Management plans for established installations where major new developments or substantial changes in management practices are proposed.

(b) If for any of these proposals it is initially decided not to prepare an EIS, an EA will be prepared in accordance with 40 CFR 1501.4(e)(2).

**§ 10010.61 Actions subject to categorical exclusion.**

(a) General categorical exclusions. The following actions are categorical

exclusions (CX). However, environmental documents will be prepared for individual actions subject to CX if the exceptions listed in Sec. 10010.62 apply.

(1) Personnel actions and investigations and personnel services contracts.

(2) Internal organizational charges and facility and office reductions and closings.

(3) Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.

(4) Legal transactions, including such things as investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, settlement, appeal or compliance.

(5) Monitoring actions, including inspections, assessments, administrative hearings and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licences, etc.) have previously been covered by the NEPA process or exempt from it.

(6) Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, and research activities.

(7) Routine and continuing government business, including such things as supervision, administration, activities having limited context and intensity, for example, activities of limited size and magnitude of short-term effects.

(8) Management formulation, allocation, transfer and reprogramming of the Commission's budget at all levels. This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.

(9) Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.

(10) Policies, directives, regulations, and guidelines of an administrative, financial, legal, technical, or procedural nature; or the environmental effects of which are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.

(11) Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.

(12) Cooperative agreements and interagency agreements.

(b) Specific categorical exclusions. The following actions are categorical exclusions (CX).

(1) General:

(i) Changes or amendments to an approved action when such changes have no potential for causing substantial environmental impact.

(ii) Personnel training, environmental interpretation, public safety efforts and other educational activities.

(iii) The issuance and modification of procedures, including manuals, orders and field rules, when the impacts are limited to administrative or technological effects.

(iv) The acquisition of land or water rights in accordance with the Commission's procedures, when the acquisition is from a willing seller, the acquisition planning process has been performed in coordination with the affected public and essentially the existing use will be continued.

(2) Resource management:

(i) Research, inventory and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, and no introduction of either exotic organisms or contaminants.

(ii) The operation, maintenance and management of existing facilities and improvements (i.e. structures, roads), including renovations and replacements which result in no or only minor changes in the capacity, use or purpose of the affected facilities.

(iii) The addition of small structures or improvements in the area of existing facilities, which result in no or only minor changes in the capacity, use or purpose of the affected area.

(iv) The reintroduction (stocking) of native or established species into suitable habitat within their historic or established range.

(v) Minor changes in the amounts or types of public use on Commission managed land or land acquired with Commission funds, in accordance with existing regulations, management plans and procedures.

(vi) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.

(3) Use of Commission-managed or funded lands:

(i) The issuance of special approvals for public use of Commission-managed land or land acquired with Commission funds, which maintains essentially the same level of use and does not continue a level of use that has resulted in adverse environmental effects.

(ii) Permitting a limited additional use of an existing right-of-way over Commission-managed land or land acquired with Commission funds, such as the addition of new power or telephone lines where no new structures or improvements are required, or the addition of buried lines.

(iii) The issuance or reissuance of rights-of-way and special use approvals for Commission-managed land or land acquired with Commission funds that result in no or negligible environmental effects.

(iv) The reissuance of grazing or agricultural use approvals for Commission-managed land or land acquired with Commission funds which do not increase the level of use nor continue a level of use that has resulted in adverse environmental effects.

(4) Funding for activities by others:

(i) Planning grants or other funding for planning activities and the administrative determination that plans were prepared in accordance with prescribed standards. However, when the plan is submitted to the Commission for implementation, the program proposed by the plan is subject to the NEPA process.

(ii) Grants or other funding for categorically excluded actions listed in paragraphs (b) (1) through (3) of this section.

(5) Inter-agency Initiatives: Actions where the Commission has concurrence or co-approval with another agency and the action is a categorical exclusion for that agency.

(6) Transfer of the operations and maintenance of Federal lands, water, or facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract or a memorandum of agreement, follow approved Commission policy, and no major change in operation and maintenance is anticipated or a proposed major change in operation and maintenance has previously been the subject of an appropriate NEPA document.

**§ 10010.62 Exceptions to categorical exclusions.**

The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

(a) Have significant adverse effects on public health or safety.

(b) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department of the Interior's National Register of Natural Landmarks.

(c) Have highly controversial environmental effects.

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

(f) Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

(g) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

(h) Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.

(i) Require compliance with Executive Order 12988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act. However, an action may be categorically excluded following applicable reviews if the action is found to be in conformance with the applicable law or executive order.

(j) Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

[FR Doc. 96–8191 Filed 4–16–96; 8:45 am]

BILLING CODE 4310–05–P

# Proposed Rules

Federal Register
Vol. 61, No. 75
Wednesday, April 17, 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.

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 23 CFR Parts 1325 and 1327

**[Docket No. 84–02; Notice 10]**

**RIN 2127–AG21**

### Procedures for Transition to New National Driver Register

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to remove the agency's regulation on procedures for transition to the new National Driver Register (NDR). It also proposes to amend portions of the agency's regulation on participating in the NDR Problem Driver Pointer System (PDPS). These portions pertain to the steps that States were to follow to notify the NDR of their interest in participating in the NDR under PDPS. All States have already notified the NDR of their interest in participating in the NDR under PDPS, and it is expected that the transition from the old NDR to the new PDPS will be completed no later than November 4, 1996. These provisions will be obsolete at that time. Consistent with President Clinton's regulatory reform initiative, NHTSA proposes to remove these provisions when the transition to the new NDR has been completed.

**DATES:** Comments must be received by June 3, 1996.

**ADDRESSES:** Written comments should refer to the docket number and the number of this notice and be submitted to (preferably in ten copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

**FOR FURTHER INFORMATION CONTACT:** Mr. William Holden, Chief, National Driver Register (NTS–24), 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–4800 or Ms. Heidi L. Coleman, Assistant Chief Counsel for General Law (NCC–30), 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–1834.

**SUPPLEMENTARY INFORMATION:** The National Driver Register (NDR) functions as a central, computerized index of State reports on drivers whose driving privileges have been denied, cancelled, suspended or revoked, for cause, or who have been convicted of certain serious traffic violations. It was designed to address the problem that arises when traffic law violators, after losing their license in one State, attempt to obtain a license in another State.

States participate by sending records of covered licensing actions and convictions to the NDR, and by querying the NDR before they issue licenses to applicants. In this way, States can avoid issuing licenses to persons whose driving records contain violations or licensing actions that should keep them off the road.

Originally established by law in 1960 (Pub.L. 86–660), the NDR was made a part of the Highway Safety Act of 1966 (Pub.L. 89–564) and has been operated since that time by the National Highway Traffic Safety Administration (NHTSA).

The NDR Act of 1982 (Pub.L. 97–364) called for the establishment of an improved NDR. The new NDR system (the Problem Driver Pointer System, or PDPS) differs from the old NDR system in that it no longer maintains full substantive records on adverse actions taken against problem drivers. Instead, it maintains only identification data on problem drivers and ''points'' to the State of record where the substantive adverse action data can be obtained. In addition, the new PDPS is fully automated and enables State driver licensing officials to determine virtually instantly whether another State has taken an adverse action or convicted a driver license applicant of a serious traffic offense.

Part 1325—Transition Procedures

On July 11, 1985 (50 FR 28191), NHTSA established a regulation on the Procedures for the Transition from the Old to the New NDR System (23 CFR Part 1325). The regulation established procedures for the orderly transition from the NDR system established in Pub.L. 86–660 as amended, to the NDR system established in Pub.L. 97–364. The regulation provided that its purpose was to ensure that participating States understood their rights and obligations during the transition period, which was to last until such time as all States that are participating in the NDR are doing so under the PDPS.

Part 1327—Procedures for Participating

On August 20, 1991 (56 FR 41394), NHTSA established a regulation on the Procedures for Participating in and Receiving Data from the NDR PDPS (23 CFR Part 1327). The regulation established procedures for States to participate in the NDR PDPS, and for other authorized parties to receive information from the NDR. It also established procedures for States to notify NHTSA of their intention to be bound by the requirements of the PDPS NDR system and for States to notify NHTSA in the event it becomes necessary to withdraw from participation.

The procedures provide that only States that have been certified as ''participating States'' may participate in the NDR after the transition period ends (no later than April 30, 1995). They provide, however, that States that have not been certified as ''participating States'' by April 30, 1995, that wish to continue participating in the NDR, may request an extension of time.

Current Status on Notification and NDR Participation

In accordance with Part 1327, all 50 States and the District of Columbia have notified NHTSA of their intention to be bound by the requirements of the PDPS NDR system.

As of the date of the publication of this notice of proposed rulemaking, 38 States have completed their transition to PDPS. The remaining States have requested and been granted extensions of time. It is expected that all States will have converted their NDR operations from the old system to the new system no later than November 4, 1996. At that time, the transition from the old NDR system to the new NDR PDPS will be complete. Part 1325 of 23 CFR will then no longer be necessary and section 1327.4 of 23 CFR will require modification. NHTSA proposes to make these changes.

Regulatory Analyses and Notices

*Executive Order 12778 (Civil Justice Reform)*

This proposed rule would not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply proposes to revise and eliminate outdated or burdensome provisions in the agency's regulations. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

*Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

The agency has determined that this proposed action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. This proposed rule would not impose any additional burden on the public. It is technical in nature and would not change the requirements of the program. It is anticipated that there would be no economic impact as a result of this rulemaking. Accordingly, a full regulatory evaluation is not required.

*Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), NHTSA has evaluated the effects of this proposed action on small entities. Based on the evaluation, the agency certifies that this proposed action would not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

*Paperwork Reduction Act*

This proposed action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

*National Environmental Policy Act*

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

*Executive Order 12612 (Federalism Assessment)*

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this proposed action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Accordingly, the preparation of a Federalism Assessment is not warranted.

Comments to the Docket

NHTSA is providing a 45-day comment period for interested parties to present data, views, and arguments on the proposed action. The agency invites comments on the issues raised in this notice and any other issues commenters believe are relevant to this action. All comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to these submissions without regard to the 15-page limit.

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

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

List of Subjects

*23 CFR Part 1325*

Highway safety, Intergovernmental relations.

*23 CFR Part 1237*

Highway safety, Intergovernmental relations, Reporting and recordkeeping requirements.

Under the authority of 49 CFR Part 1.50, the Administrator of the National Highway Traffic Safety Administration proposes to amend title 23 of the Code of Federal Regulations, chapter III, as follows:

## PART 1325—[REMOVED]

Part 1325 is removed.

## PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

1. The authority citation for part 1327 continues to read as follows:

Authority: Pub.L. 97–364, 96 Stat. 1740, as amended (49 U.S.C. 30301, et seq.); delegation of authority at 49 CFR 1.50.

2. Section 1327.4 is revised to read as follows:

### § 1327.4 Certification, termination and reinstatement procedures.

(a) Certification requirement. Only States that have been certified by NHTSA as participating States under PDPS may participate in the NDR. NHTSA will remove all records on file and will not accept any inquiries or reports from a State that has not been certified as a participating State.

(b) Termination or cancellation. (1) If a State finds it necessary to discontinue participation, the chief driver licensing official of the participating State shall notify NHTSA in writing, providing the reason for terminating its participation.

(2) The effective date of termination will be no less than 30 days after notification of termination.

(3) NHTSA will notify any participating State that changes its operations such that it no longer meets statutory and regulatory requirements, that its certification to participate in the NDR will be withdrawn if it does not come back into compliance within 30 days from the date of notification.

(4) If a participating State does not come back into compliance with statutory and regulatory requirements within the 30-day period, NHTSA will send a letter to the chief driver licensing official cancelling its certification to participate in the NDR.

(5) NHTSA will remove all records on file and will not accept any inquiries or reports from a State whose participation in the NDR has been terminated or cancelled.

(6) To be reinstated as a participating State after being terminated or cancelled, the chief driver licensing official shall follow the notification procedures in subparagraphs (c) (1) and (3) of this section and must be re-certified by NHTSA as a participating State under PDPS, upon a determination by NHTSA that the State complies with the statutory and regulatory

requirements for participation, in accordance with paragraphs (c) (2) and (4) of this section.

(c) Reinstatement. (1) The chief driver licensing official of a State that wishes to be reinstated as a participating State in the NDR under the PDPS, shall send a letter to NHTSA certifying that the State wishes to be reinstated as a participating State and that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and § 1327.5 of this part. It shall also describe the changes necessary to meet the statutory and regulatory requirements of PDPS.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt of the State's certification to be reinstated.

(3) The chief driver licensing official of a State that has notified NHTSA of its intention to be reinstated as a participating State will, at such time as it has completed all changes necessary to meet the statutory and regulatory requirements of PDPS, certify this fact to the agency.

(4) Upon receipt, review and approval of certification from the State, NHTSA will recertify the State as a participating State under PDPS.

Issued on: April 10, 1996.

Ricardo Martinez,

*Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 96–9368 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–59–P**

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## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 935

**[OH–236–FOR]**

## Ohio Abandoned Mine Land Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Ohio abandoned mine land reclamation plan (hereinafter the ''Ohio plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment consists of changes to provisions of the Ohio plan pertaining to the acid mine drainage set-aside program, water quality improvement, project eligibility, and remining incentives. The amendment is intended to revise the Ohio plan to be consistent with SMCRA, as amended.

**DATES:** Written comments must be received by 4:00 p.m., [E.S.T.], May 17, 1996. If requested, a public hearing on the proposed amendment will be held on May 13, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [E.S.T.], on May 2, 1996.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Copies of the Ohio plan, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center

Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153

Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio, 43224, Telephone: (614) 265–1076

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Telephone: (412) 937–2153.

**SUPPLEMENTARY INFORMATION:**

### I. Background on the Ohio Plan

On August 10, 1982, the Secretary of the Interior approved the Ohio plan. Background information on the Ohio plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the April 15, 1994, Federal Register (59 FR 17930). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.25.

### II. Description of the Proposed Amendment

By letter dated March 19, 1996, (Administrative Record No. OH–2163) Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. The provisions of the Ohio plan that it proposes to amend are: acid mine drainage set-aside program, water quality improvement, project eligibility, and remining incentives.

Specifically, Ohio proposes the following changes. At section 4.1, subsection G is added to (1) provide for the reclamation of areas causing acid mine drainage (AMD) such that: AMD problems are eliminated as a component of a high priority reclamation project; AMD areas causing a ''general welfare'' impact to the public will be eligible for abatement; and AMD areas impacting watersheds will be abated in accordance with AMD set-aside criteria; and (2) encourage the remining of areas causing AMD within certain areas through the funding of AMD remediation projects and studies necessary to authorize mining activities on certain previously mined areas.

At section 4.5, the requirement that research and demonstration projects be submitted to OSM independent of work plan submissions is deleted. At section 4.5.3, the project selection process is revised to include AMD projects under certain conditions, such as the AMD set-aside, AMD associated with other high priority projects, AMD associated with general welfare, and AMD associated with remining operations.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio plan.

*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.S.T.] on May 2, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the

public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

*Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

*Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

*Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamations plan and revisions since each plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans submitted by a State or Tribe must be based solely on a determination of whether the submittal is consistent with Title IV of SMCRA (30 U.S.C. 1231–1243) and whether the other requirements of 30 CFR Parts 884 and 888 have been met.

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 4, 1996.

Allen D. Klein,

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 96–9429 Filed 4–16–96; 8:45 am]

BILLING CODE 4310–05–M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 100

**[CGD 95–054]**

**RIN 2115–AF17**

## Regattas and Marine Parades

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In keeping with the National Performance Review and the President's Regulatory Reinvention Initiative, the Coast Guard examined its program for permitting regattas and other marine events. This proposal would more precisely identify which events require a permit, which events require only notice to the Coast Guard, and which events require neither. These changes are proposed to maintain safety of life during events, while dramatically reducing the burden imposed on the public.

**DATES:** Comments must be received on or before May 17, 1996.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 95–054), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlton Perry, Auxiliary, Boating, and Consumer Affairs Division, (202) 267–0979. A copy of this notice may be obtained by calling the Coast Guard Customer Infoline at 1–800–368–5647 or, in Washington, DC, 267–0780.

**SUPPLEMENTARY INFORMATION:**

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting

comments should include their names and addresses, identify this rulemaking (CGD 95–054) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal after review of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

## Regulatory History

On December 26, 1995, the Coast Guard published a notice withdrawing a rule entitled ''Regattas and Marine Parades'' (60 FR 66772) (CGD 87–087). That rulemaking, CGD 87–087, had focused only on determining how far in advance of an event an application should be submitted and how far in advance of the event a permit should be issued. In keeping with the National Performance Review, CGD 87–087 has been replaced with the present rulemaking (CGD 95–054), which addresses a broader range of issues, including whether permitting could be reduced or eliminated altogether.

Accordingly, on December 26, 1995, the Coast Guard also published an advance notice of proposed rulemaking (CGD 95–054) (ANPRM) entitled ''Regattas and Marine Parades; Permit Application Procedures'' in the Federal Register (60 FR 66773). The ANPRM requested comments on how the existing program could be improved and to what extent permitting should be required. Most of the comments received responded to the question of how much time before the scheduled date of an event must an application for a permit be submitted.

## Background and Purpose

The Coast Guard is authorized, in its discretion, to issue regulations to promote safety of life on navigable waters during regattas and marine parades (33 U.S.C. 1233). Though not required by Congress to do so, the Coast Guard chose to exercise this discretionary authority by implementing a permitting system for regattas or marine parades and, in certain instances, issuing temporary local regulations in conjunction with those permits. Under the current regulations (33 CFR part 100), the sponsors of an organized water event of limited duration which is conducted according to a prearranged schedule must submit an application for a regatta or marine parade permit. The District Commander then decides whether the event will introduce extra or unusual hazards to the safety of life on navigable waters and, if it will, requires a permit. The Coast Guard issued approximately 3,100 permits in 1995. Only about three permit applications were denied. For any event not found to require a permit, the application was so noted and returned to the applicant.

In keeping with the President's Regulatory Reinvention Initiative, the Coast Guard is engaged in a comprehensive review of its regulations to eliminate overly burdensome, unnecessary, and obsolete requirements. On review of the regatta and marine parade regulations in 33 CFR part 100, the Coast Guard identified several areas for improving customer service and efficiency.

The Coast Guard believes it can better serve the public by focusing more precisely on traditional Coast Guard tools to protect our waterways, enforce our laws, ensure the safety of our ports and waterways, search for and rescue persons in distress, and maintain maritime aids to navigation. By focusing more precisely on its unique capabilities and using the tools with which it is most familiar, the Coast Guard believes it will improve its ability to promote the safety of life during marine events, without imposing the burden of extensive paperwork and administrative responsibilities that result from permitting requirements.

Under the law, the Coast Guard is authorized to issue the regulations it deems necessary to promote safety of life during regattas and marine parades. The law neither mentions nor mandates permits as the necessary or appropriate procedure to be used. Permitting has become costly and time consuming for applicants and the Coast Guard. Based on its past experience with near universal permit approval, the Coast Guard does not believe continuing the use of this tool is consistent with either the President's Regulatory Reinvention Initiative or other National Performance Review recommendations. Moreover, it is not necessary to achieve the statutory purpose. Instead, the Coast Guard believes it can more effectively promote its primary role in regattas (i.e., protecting the safety of life) by exercising its authority to control navigation under the Ports and Waterway Safety Act (33 U.S.C. 1221–1232), by issuing temporary regulations, or, when practicable, by deploying its own vessels and aircraft to enforce the law, rather than by issuing permits which in themselves do not ensure safety.

The permit program has grown large, vague, and unwieldy. The existing regulations are not clear as to which events require a permit. By their terms, the existing regulations apply to ''organized water events of limited duration which are conducted according to a prearranged schedule.'' In application, however, they have been applied to a broad array of water-related activities, including fireworks displays and swimming events, which seem to be outside the traditional concept of a regatta or marine parade. The Coast Guard is concerned that the categories of events being issued permits may have grown beyond the scope envisioned by Congress when it focused the statute on ''regattas and marine parades.'' The result is that some sponsors incur the costs and burdens of preparing and submitting an application only to find out later that one is not required.

Moreover, with the enactment of the National Environmental Policy Act (NEPA) (42 U.S.C. *et seq.*), the Coast Guard's role in marine events has shifted away from its sole statutory obligation of protecting safety of life. Instead, the act of issuing permits has had the legal effect of making these essentially private events subject to time consuming analysis designed to ensure that the Coast Guard complies with the NEPA requirements applicable to major Federal actions. Before the Coast Guard issues a requested permit, which it almost always does, it must assess the environmental impact of the proposed event and prepare the appropriate documentation. Compliance with NEPA can delay approval of a permit for up to 120 days or more.

If the Coast Guard is not issuing a permit, there is no major Federal action triggering the Coast Guard's obligation to meet the requirements of NEPA. Notwithstanding the fact that the Coast Guard would no longer have duties under NEPA, environmental requirements would still be appropriately addressed. First, event sponsors and participants are still required to comply with all applicable environmental laws, apart from the Coast Guard's approval of a permit. The

fact is that while eliminating the need for a permit means that there would be no Federal pre-event review of the environmental effect of a regatta, assessments under NEPA require only that a Federal decision-maker be informed of the environmental consequences, but do not mandate that a particular result be chosen. Therefore, removing this step from the process is not expected to have any adverse environmental effect. Indeed, the minimal number of regatta permits that the Coast Guard has denied, on any grounds, supports this expectation. Nevertheless, the Coast Guard is conducting an environmental analysis of this proposal, as discussed later in this preamble.

Because the Coast Guard's review of its regatta permit program indicates that virtually all applications for permits are approved (some after consultation with the Coast Guard), the Coast Guard believes most events are conducted in a safe and responsible manner, not because a permit was issued but, rather, because sponsors of these events are inherently law abiding people who routinely consult with the Coast Guard to ensure their events are conducted safely. Requiring a long and complex process, leading to additional Federal evaluations and paperwork, for even small events is not warranted. Instead, the Coast Guard believes it can fulfill its statutory mandate with a much simpler process that both reduces the burden on the public and allows the Coast Guard to do what it does best. It is therefore proposing a much simpler method for regulating these events.

## Discussion of Proposed Rule

The objective of this proposal is to promote safety of life during marine events, while eliminating unnecessarily burdensome regulations. This proposal would amend 33 CFR part 100 as necessary to accomplish the following:

(1) Continue with permitting only when it is needed to advance the statutory purpose of promoting safety of life during marine events. The Coast Guard receives and reviews more than 3,000 permit applications in a typical year and approves all but about 3 of them. Obviously, this is a great burden on the legal and environmental resources of the Coast Guard, as well as the public. This rulemaking would remove the need for unnecessary applications and provide a clearer guide, to District Commanders and the few remaining applicants, as to what major events threaten safety of life to the extent that they require the review and preparation inherent in issuing a permit. This rulemaking should require substantially fewer permits each year, very possibly fewer than 20 per year nationwide. As necessary, factors relating to the permitting procedure; such as information required to be submitted and minimum time needed to process a permit, would be adjusted to adequately handle this more precisely defined category.

(2) Identify a second category of events that are not large enough to raise a clear question regarding their safety, but indicate the need for the Coast Guard to be informed. The sponsor of an event in this category need only give the Coast Guard advance notice of the event in writing. In response, the Coast Guard may decide whether any of its operational resources should be allocated to protect the safety of life and property at the event, whether it should issue general regulations or Captain of the Port orders under the Ports and Waterways Safety Act, or whether it should disseminate information to waterway users by such means as local or broadcast Notices to Mariners.

(3) Identify a third category of events that are of such a nature or minimal size that the risk of the event leading to a loss of life is truly minimal, thereby obviating the need for the Coast Guard to take any action. Neither a permit nor notice to the Coast Guard would be required.

*Subparts A and B.* The proposal would divide part 100 into subpart A (general) consisting of §§ 100.01 through 100.50 and subpart B (special local regulations issued by District Commanders) consisting of § 100.100 to the end of the part.

*Proposed § 100.15.* This section is new and would specify that all marine events must be conducted in a safe and lawful manner.

*Proposed §§ 100.17 and 18.* These new sections would replace existing §§ 100.15 and 100.20 on permitting procedure. Section 100.17 would require that the Coast Guard be notified in writing of all events involving over 50 participating vessels. If, after reviewing the information submitted for the notice under § 100.17, the District Commander determines that a permit is required, the additional information in § 100.18 concerning safety measures and potential environmental impact must be submitted. The vast majority of events would fall into the notice-only category, with only about 20 a year nationwide expected to fall into the permit category.

*Proposed § 100.19.* This new section would provide a procedure for appeals of decisions by the District Commander on permitting under § 100.18.

*Proposed § 100.50.* This section on penalties refers to the statute (33 U.S.C. 1236). The penalties that may be assessed for violating a provision of this part or a regulation or order issued under this part have been statutorily increased from $250/$500 to $2,500/$5,000.

## Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

For events no longer required to have a permit, this proposal would eliminate the cost of preparing and submitting an application. Even for events that just require written notice to the Coast Guard, the only cost incurred in submitting the readily available information called for would be the cost of postage. For the few events that would require a permit, there would be an increase in the amount of information that must be included in the application. However, this additional information would allow the Coast Guard to conduct the necessary NEPA analysis in a more timely manner. Because of the drastic decrease in the number of permits, the additional information required for a permit would still lead to a markedly reduced burden on most sponsors. This information concerns the potential impact of the event on the environment and is needed to assist the Coast Guard in analyzing those impacts and evidencing compliance with environmental laws. The cost of compiling this information would vary greatly depending on the nature and location of the event.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) government jurisdictions with populations of less than 50,000.

As this proposal would affect entities large and small, the assessment under the ''Regulatory Evaluation'' section of this preamble applies to small entities as well.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.* ), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This proposal would reduce the number of respondents (sponsors of events) required to provide information to the Coast Guard from about 3,100 a year to less than 1,500 a year. This reduction would result from the proposed requirement limiting written notice only to events involving more than 50 participating vessels (proposed § 100.17(a)). For the 1,500 respondents required to give notice, the collection-of-information burden would remain about the same as under the existing permit application requirements in § 100.15(c). Of these, only about 20 would be required to provide the additional information in proposed § 100.18.

This proposal contains new collection-of-information requirements in §§ 100.17, 100.18, and 100.19. The following particulars apply to the increase in the OMB-approved burden that would result from collection of additional environmental information by the 20 or so applicants for a permit under proposed § 100.18:

*DOT No:* 2115.

*OMB Control No.:* 2115–0017.

*Administration:* U.S. Coast Guard.

*Title:* Regattas and Marine Parades.

*Need for Information:* To comply with various environmental laws.

*Proposed Use of Information:* To assist in the preparation of environmental documentation required before the Coast Guard may issue a permit.

*Frequency of Response:* Once of each event requiring a permit.

*Burden Estimate:* The burden would be in preparing and submitting the additional environmental information required, the impact of which would vary with the event.

*Respondents:* Sponsors of events. Approximately 20 per year nationwide.

*Form(s):* None required. Existing Form CG–4423 (Application for Approval of Marine Event) would no longer be used.

*Average Burden Hours Per Respondent:* This would vary depending under the potential environmental impact of the event.

The Coast Guard has submitted the requirements to OMB for review under section 3504(g) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES.**

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard is preparing an Environmental Assessment of this proposal. It will be announced by notice of availability in the Federal Register and made available in the rulemaking docket for inspection or copying where indicated under **ADDRESSES.** If the environmental assessment indicates that the proposal could have a significant impact on the environment, certain measures may be incorporated into the final rule to mitigate any potentially adverse environmental effect.

The Coast Guard is specifically interested in receiving specific data and comments regarding any anticipated impact that this rule and the accompanying reduction in Coast Guard's obligations under NEPA may have on environmentally sensitive areas including, but not limited to, those areas having natural, historical, or cultural significance. Anecdotal observations are not solicited. However, the Coast Guard specifically requests documented example and suggestions as to what actions can or should be taken to mitigate any anticipated adverse impact.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR chapter I, subchapter G, as follows:

## PART 100—[AMENDED]

1. The heading to subchapter G is revised to read as follows:

### SUBCHAPTER G—MARINE EVENTS

2. The authority citation for part 100 is revised to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

3. The heading for part 100 is revised to read as follows:

## PART 100—MARINE EVENTS

4. Before § 100.01, add a subpart heading to read as follows:

## Subpart A—General

5. Sections 100.01 and 100.05 are revised to read as follows:

### § 100.01 Purpose.

This part prescribes the requirements for holding a marine event in the navigable waters of the United States.

### § 100.05 Definitions.

As used in this part—

*District Commander* means the Commander of the Coast Guard district in which the marine event will be held.

*Marine event* or *event* means an organized event of limited duration held on the water according to a prearranged schedule.

*Regatta* or *marine parade* means a marine event.

*State authority* means an official or agency of a State having power under the laws of the State to regulate marine events on waters over which the State has jurisdiction.

6. Section 100.15 is revised to read as follows:

### § 100.15 General requirements for events.

No marine event may be conducted in such a manner that its participants violate the navigational rules that apply in the location where the event is held.

7. Sections 100.17, 100.18, and 100.19 are added to read as follows:

### § 100.17 Notice of event.

(a) The sponsor of a marine event shall notify the Coast Guard of the event if it involves more than 50 participating vessels.

(b) The notice must be in writing and contain the following information:

(1) The name of the sponsor of the event.

(2) Name, address, and telephone number of the person in charge of the event.

(3) The date and time the event is scheduled to begin and end.

(4) The nature of the event (for example, marine parade, powerboat race, or sailboat race).

(5) The location of the event as shown on a chart or drawing.

(6) The number of watercraft expected, including watercraft of spectators.

(7) An explanation of why the event is not likely to endanger human life and what steps will be taken to ensure that result.

(c) The notice must be submitted to the District Commander at least 120 days before the event is scheduled to begin.

(d) If, after reviewing the notice, the District Commander determines that the event is likely to result in the loss of human life unless special precautions are taken, that officer may prohibit the sponsor from conducting the event unless that officer first grants the sponsor a permit.

**§ 100.18 Additional information required.**

(a) When a permit is required under § 100.17(d), the sponsor of the event shall submit the following additional information to the District Commander at least 120 days before the event is scheduled to begin:

(1) A detailed plan of how the sponsor plans to conduct the event without loss of life.

(2) A statement of whether the event will be held in or near the critical habitat of any endangered or threatened species and, if so, what steps will be taken to avoid adverse impacts on any member of the species.

(3) A statement of whether the event will be held in or near an area designated as environmentally sensitive by a Federal, State, or local environmental agency and, if so, what adverse impacts it will have on the area and what steps will be taken to avoid or mitigate the impacts.

(4) Evidence of coordination and consultation about the event with all Federal, State, or local environmental agencies to identify critical habitats and environmentally sensitive areas, to identify whether any agency indicated the event will have an adverse impact on the environment, and to identify any steps an agency recommended to avoid or reduce the adverse impact.

(5) A statement that the event will be conducted in compliance with all requirements under the Clean Air Act (42 U.S.C. 1857 *et seq.*), the Clean Water Act (33 U.S.C. 1321), and the Noise Control Act (42 U.S.C. 4901 *et seq.*).

(6) A statement of whether the event is to be located on or near any sites or properties of historic or archaeological importance or significance to Native Americans.

(7) If the State in which the event will be held has an approved coastal zone management plan, a determination from the event's sponsor that the event is consistent with the enforceable policies of that plan, as well as evidence showing that the State has either concurred, or been asked to concur, in that determination.

(8) A statement of the consideration of the potential adverse effects of the event on critical habitats, environmentally sensitive areas, historic and archaeological sites, sites of importance to Native Americans, and the manner in which the event has been planned to avoid or reduce those adverse effects.

(9) Any other information deemed necessary by the District Commander, such as information to assist the Coast Guard in preparing required environmental documents on the event, including, when appropriate, an agreement to implement any mitigation measures suggested by an agency of the Federal, State, or local government charged with protecting natural resources.

(b) After review of the information submitted, the District Commander issues a permit to the sponsor or notifies the sponsor of the reasons why the event, as planned, does not qualify for a permit. If, after consultation with the Coast Guard, the sponsor modifies the event to qualify for a permit, the District Commander issues a permit to the sponsor. Otherwise, the District Commander notifies the sponsor that the request for a permit is denied.

**§ 100.19 Appeals.**

Any person adversely affected by a determination of a District Commander under § 100.18(b) may submit a petition to Chief, Office of Navigation Safety and Waterway Services, Commandant (G–N), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 within 7 days of the date of the determination. After considering all relevant material presented, the Coast Guard notifies the petitioner of the decision. The decision by the Commandant (G–N) is final agency action.

**§§ 100.25 and 100.30 [Removed]**

8. Sections 100.25 and 100.30 are removed.

9. Section 100.35 is revised to read as follows:

**§ 100.35 Special local regulations.**

(a) The District Commander may issue regulations to promote safety of life on the navigable waters immediately before, during, and immediately after a marine event.

(b) The regulations may establish an area within which vessels are excluded, their entry is limited, or their movement is restricted.

(c) The District Commander may provide notice of the regulations by means of broadcast or local notices to mariners.

10. Section 100.50 is revised to read as follows:

**§ 100.50 Penalties.**

For violating a provision of this part or a regulation or order issued under this part, the person or organization is subject to penalties under 33 U.S.C. 1236.

11. Before § 100.101, add a new subpart B heading and § 100.100 to read as follows:

## Subpart B—Special Local Regulations

**§ 100.100 Purpose of subpart.**

(a) This subpart prescribes regulations for particular recurring marine events.

(b) Geographical coordinates used in this subpart are not intended for plotting on maps and charts referenced to the North American Datum of 1983 (NAD 83), unless the coordinates are labeled NAD 83. Coordinates without an NAD 83 reference may be plotted on maps or charts with an NAD 83 reference only after application of the appropriate corrections published on the map or chart.

Dated: April 11, 1996.

Rudy K. Peschel,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.*

[FR Doc. 96–9436 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

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## 33 CFR Part 117

**[CGD13–96–004]**

## Drawbridge Operation Regulations; Oregon Slough, OR

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Burlington Northern Santa Fe Railroad, the Coast Guard is proposing a change to the regulations governing the operation of the railroad swingspan bridge across Oregon Slough, Portland,

Oregon. The proposed change would increase the advance notice required for opening of the swingspan from one half hour to one hour so that sufficient time is available for the bridge operator to travel to the bridge during periods of heavy traffic congestion on area roads and highways.

**DATES:** Comments must be received on or before June 17, 1996.

**ADDRESSES:** Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067. The comments and other materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3410, Seattle, Washington. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220–7270).

**SUPPLEMENTARY INFORMATION:**

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD13–95–011) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Thirteenth Coast Guard District at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Background and Purpose

The proposed change would allow the operator more time to arrive at the drawbridge. The operating regulations currently in effect require only one half hour notice for requesting openings. However, even when land traffic conditions on roads in the vicinity of the bridge are at their best, one half hour barely provides the operator enough time to travel to the bridge and commence operations. Land traffic volumes near the bridge have increased in the Portland area since the current regulations went into effect. A one hour notice period would allow the operator sufficient travel time to arrive at the bridge and open it in a timely fashion. The bridge averages 1–2 openings per day in months of frequent use and in other months considerably fewer openings. Vessels which require openings of the swingspan include tugs, fishing vessels, and sailboats.

Discussion of Proposed Rule

The proposed rule would amend 33 CFR 117.887 to state that the draw shall open on signal if at least one hour notice is given.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This expectation is based on the fact that the current notice period would only be increased by one half hour under the proposed amendment.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant effect on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a significant number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.B, this proposal is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); § 117.225 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.887 is revised to read as follows:

**§ 117.887 Oregon Slough (North Portland Harbor).**

The draw of the Burlington Northern Santa Fe Railroad Bridge, mile 3.2 at Portland, Oregon, shall open on signal if at least one hour notice is given.

Dated: April 2, 1996.

J.W. Lockwood,

*Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.*

[FR Doc. 96–9437 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

**[KY81–1–6855; FRL–5459–6]**

### Approval and Promulgation of Air Quality Implementation Plans; The Commonwealth of Kentucky—Proposed Disapproval of the Request To Redesignate the Kentucky Portion of the Cincinnati-Northern Kentucky Moderate Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to disapprove the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet's (Cabinet) request to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate ozone nonattainment area to attainment and the associated maintenance plan as a revision to the state implementation plan (SIP). The EPA determined that the area registered a violation of the ozone national ambient air quality standard (NAAQS). As a result, the Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS.

**DATES:** Comments on this proposed action must be received in writing by May 17, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Kay Prince at the Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file KY–81–1–6855. The Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365. Kay Prince, (404) 347–3555 extension 4221.

Division of Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601 (502) 573–3382.

**FOR FURTHER INFORMATION CONTACT:** Kay Prince at (404) 347–3555 extension 4221.

**SUPPLEMENTARY INFORMATION:** On November 11, 1994, the Cabinet submitted a request to EPA to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment. On that date, the Cabinet also submitted a maintenance plan for the area as a revision to the Kentucky SIP.

According to section 107(d)(3)(E) of the Clean Air Act (CAA), 42 U.S.C. 7407(d)(3)(E), redesignation requests must meet five specific criteria in order for EPA to redesignate an area from nonattainment to attainment:

1. The Administrator determines that the area has attained the ozone NAAQS;
2. The Administrator has fully approved the applicable implementation plan for the area under section 110(k);
3. The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollution control regulations and other permanent and enforceable reductions;
4. The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and
5. The State containing such area has met all requirements applicable to the area under section 110 and part D.

The Northern Kentucky area appeared to have attained the NAAQS, based on air quality data monitored from 1992 through 1994. The Cabinet's November 11, 1994, request for redesignation and its submittal of a maintenance plan SIP revision for the Northern Kentucky area were evaluated by EPA and determined to have satisfied the five criteria listed above. However, after review of the 1995 ambient air quality data, EPA determined that the area registered a violation of the ozone NAAQS. The ambient data has been quality assured according to established procedures for validating such monitoring data. The Cabinet does not contest that the area violated the NAAQS for ozone during the 1995 ozone season. As a result, the Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS found in section 107(d)(3)(E)(i) of the CAA.

The maintenance plan SIP revision is not approvable because its demonstration is based on a level of ozone precursor emissions in the ambient air thought to represent an inventory of emissions that would provide for attainment and maintenance. That underlying basis of the maintenance plan's demonstration is no longer valid due to the violation of the NAAQS that occurred during the 1995 ozone season.

Proposed Action

EPA is proposing to disapprove the Commonwealth's November 11, 1994 redesignation request and maintenance plan SIP revision.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the person listed in the **ADDRESSES** section.

The agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the CAA. The Agency has determined that this action does not conform with the statute as amended and should be disapproved.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

EPA's denial of the State's redesignation request under section 107(d)(3)(E) does not affect any existing requirements applicable to small

entities nor does it impose new requirements. The area retains its current designation status and will continue to be subject to the same statutory requirements. To the extent that the area must adopt regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits those regulations. Therefore, I certify that denial of the redesignation request will not affect a substantial number of small entities.

List of Subjects

*40 CFR Part 52*

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record keeping requirements, Sulfur oxides.

*40 CFR Part 81*

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 25, 1996.

Phyllis Harris,

*Acting Regional Administrator.*

[FR Doc. 96–9464 Filed 4–16–96; 8:45 am]

**BILLING CODE 6560–50–P**

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## 40 CFR Part 85

**[FRL–5458–3]**

## Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Public Review of a Notification of Intent To Certify Equipment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of agency receipt of a notification of intent to certify equipment and initiation of 45 day public review and comment period.

**SUMMARY:** Detroit Diesel Corporation (DDC) has submitted to the Agency a notification of intent to certify urban bus retrofit/rebuild equipment pursuant to 40 CFR Part 85, Subpart O. The notification describes equipment consisting of fuel injectors, cylinder kits, camshafts, blower, turbocharger, cylinder heads , and associated gaskets, which operators could use at the time of engine rebuild to upgrade certain 1988–90 model year DDC 6V92TA DDEC II engines to a 1991 model year configuration. Pursuant to § 85.1407(a)(7), today's Federal Register document summarizes the notification, announces that the notification is available for public review and comment, and initiates a 45-day period during which comments can be submitted. The Agency will review this notification of intent to certify, as well as any comments it receives, to determine whether the equipment described in the notification of intent to certify should be certified. If certified, the equipment can be used by urban bus operators to reduce the particulate matter of urban bus engines.

The notification of intent to certify, as well as other materials specifically relevant to it, are contained in Category XII of Public Docket A–93–42, entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment''. This docket is located at the address listed below.

Today's document initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment included in this notification of intent to certify should be certified. Comments should be provided in writing to Public Docket A–93–42, Category XII, at the address below, and an identical copy should be submitted to Tom Stricker, also at the address below.

**DATES:** Comments must be submitted on or before June 3, 1996.

**ADDRESSES:** Submit separate copies of comments to each of the two following addresses:

1. U.S. Environmental Protection Agency, Public Docket A–93–42 (Category XII), Room M–1500, 401 M Street SW., Washington, DC 20460.
2. Tom Stricker, Engine Programs and Compliance Division (6403J), 401 ''M'' Street SW., Washington, DC 20460.

The DDC notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Tom Stricker, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460. Telephone: (202) 233–9322.

**SUPPLEMENTARY INFORMATION:**

I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended to reduce the ambient levels of particulate matter (PM) in urban areas and is limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance options: Program 1 sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program 2 is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet.

A key aspect of the program is the certification of retrofit/rebuild equipment. To meet either of the two compliance options, operators of the affected buses must use equipment which has been certified by the Agency. Emissions requirements under either of the two compliance options depend on the availability of retrofit/rebuild equipment certified for each engine model. To be used for Program 1, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or as achieving at least a 25 percent reduction in PM. Equipment used for Program 2 must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For Program 1, information on life cycle costs must be submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of $7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of $2,000 or less for 25 percent or greater reduction in PM. Both of these values are based on 1992 dollars.

II. Notification of Intent To Certify

By a notification of intent to certify dated January 2, 1996, DDC has applied for certification of equipment applicable to it's 6V92TA model engines having electronically controlled fuel injection (Detroit Diesel Electronic Control II—DDEC II) that were originally manufactured between January 1, 1988 and December 31, 1990. The notification of intent to certify states that the candidate equipment will reduce PM emissions 25 percent or more, on petroleum-fueled diesel engines that have been rebuilt to DDC specifications. Further, transit pricing level has been

submitted with the notification, along with a guarantee that the equipment will be offered to all affected operators for less than the incremental life cycle cost ceiling. EPA notes that the program requirement, applicable to operators choosing to comply with program 1, to reduce PM levels by at least 25 percent when these engines are rebuilt or replaced, has already been triggered by Englehard Corporation with certification of their catalytic-converter muffler (CCM).[1] Nevertheless, EPA plans to review available information and comments related to the cost of the DDC upgrade kit and, if appropriate, to certify the DDC upgrade kit on the basis of being available to all affected operators for less than the life-cycle cost ceiling of $2,000 (1992 dollars). Any equipment certified as meeting both the emission and cost requirements can be considered by EPA when updating the post-rebuild PM levels used by transit operators choosing to comply with program 2.[2]

The candidate equipment upgrades older engines to a configuration virtually identical to a later model year configuration. All components of the candidate equipment are contained in two basic types of kits. One of each basic type of kit is required for the rebuild of an engine. Three combinations of the two basic types of kits are relevant to certification—the specific combination to be used with a particular engine depends upon engine rotation direction, orientation of the engine block and, cam gear mounting technique. One basic type of kit includes a gasket kit, cylinder kit, and fuel injectors. The other basic type of kit includes camshafts, blower assembly, turbocharger, and head assemblies. The components in the latter kit are remanufactured components..

To determine particulate matter (PM) reduction of the candidate equipment under the urban bus retrofit/rebuild program, DDC presents exhaust emission data that were developed for the relevant engine configuration in EPA's new engine certification program. EPA believes use of existing new engine certification data is appropriate as discussed in the preamble to the final rule for the urban bus program at 58 FR 21378 (April 21, 1993). The data show a 31 percent reduction in PM emissions between the baseline engine configuration and the upgraded engine configuration. Consistent with the requirements associated with new engine certification, the test data indicate that the emissions of hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen ($NO_X$) for the candidate equipment are less than applicable standards. Fuel consumption is increased approximately 5 percent with the candidate equipment installed. DDC presents smoke emission measurements for the engine which indicate compliance with applicable standards.

DDC states that the candidate equipment will be offered to all affected operators for less than a life cycle cost of $2,000 (1992 dollars), and has submitted life cycle cost information. DDC presents cost data indicating that the cost of a standard rebuild, if the parts were purchased separately, is $6,966.27. The cost of the candidate equipment is less than this amount, indicating that the candidate equipment has a negative incremental purchase price. DDC presents data showing that the fuel consumption increase results in a $1440 life-cycle fuel penalty. DDC states there is no incremental installation cost or maintenance cost compared to the currently available standard rebuild.

Certification of the candidate DDC equipment would affect operators as follows. EPA has previously certified equipment which triggered the requirement to use equipment certified to reduce PM by at least 25 percent if these engines are rebuilt or replaced after December 1, 1995. Therefore, under Program 1, operators who rebuild or replace 1988–90 model year DDC 6V92TA DDEC II engines are currently required to use equipment certified to provide at least a 25 percent reduction in PM.[3] If the candidate DDC kit is certified to reduce PM by at least 25 percent, then its use under program 1 will meet this requirement. This requirement will continue for the applicable engines until such time that equipment is certified to trigger the 0.10 g/bhp-hr emission standard for less than a life cycle cost of $7,940 (in 1992 dollars). If the Agency certifies the candidate DDC equipment, then operators who choose to comply with Program 2 and install this equipment, will use the PM emission level(s) established during the certification review process, in their calculations for target or fleet level as specified in the program regulations. DDC projects a post-rebuild PM level of 0.23 g/bhp-hr with the equipment installed on model year 1988 through 1990 6V92TA DDEC II engines. (This discussion concerns the use of *certified* equipment to meet program requirements; it does not apply to the use of components which are not part of a *certified* package.).

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) the certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify, including whether the data provided by DDC complies with the life cycle cost requirements.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment described in the DDC notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45-day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45 day period.

Dated: April 3, 1996.

Mary D. Nichols,

*Assistant Administrator.*

[FR Doc. 96–9466 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–P

[1] 60 FR 28402, May 31, 1995.

[2] See 40 CFR § 85.1403 (c)(1).

[3] The Englehard CCM certification triggered program requirements for, among others, the 1988–90 model year DDC 6V92TA DDEC II engine.

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## 40 CFR Part 180

**[PP 0E3821/P649; FRL–5356–6]**

**RIN 2070–AB18**

## Sodium Salt of Acifluorfen; Pesticide Tolerance

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA proposes to establish a tolerance for combined residues of the herbicide sodium salt of acifluorfen (also referred to in this document as acifluorfen) in or on the raw agricultural commodity strawberry. The proposed regulation to establish a maximum permissible level for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

**DATES:** Comments, identified by the document control number [PP 0E3821/P649], must be received on or before May 17, 1996.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 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 22202.

Comments and data may also be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 0E3821/P649]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the ''SUPPLEMENTARY INFORMATION'' section of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, 703–308–8783.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 0E3821 to EPA on behalf of the Agricultural Experiment Stations of Alabama, Arkansas, California, Connecticut, Florida, Indiana, Maryland, Michigan, New York, North Carolina, Oklahoma, Oregon, Tennessee, Virginia, and Washington. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)) propose the establishment of a tolerance for combined residues of the sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid, methyl ester and amino analogues) in or on the raw agricultural commodity strawberry at 0.05 part per million (ppm).

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A 2–year feeding study in dogs fed diets containing 0, 50, 300, or 1,800 ppm with a no-observed-effect-level (NOEL) of 50 ppm (equivalent to 1.25 mg/kg/day). Blood coagulation was observed in test animals at the 300 ppm dose level.

2. A 2–generation reproduction study in rats fed diets containing 0, 25, 500 or 2,500 ppm with no adverse effect on adult reproductive performance observed under the conditions of the study. The NOEL was established at 25 ppm (equivalent to 1.25 mg/kg of body weight/day) based on decreased viability and increased incidence of kidney lesions in high dose offspring.

3. A developmental toxicity study in rabbits given oral gavage doses of 0, 3, 12, or 36 mg/kg/day with no developmental toxicity observed at any of the dose levels tested.

4. A developmental toxicity study in rats given oral gavage doses of 0, 20, 90, or 180 mg/kg/day with a NOEL for developmental toxicity (reduced mean fetal weight) of 20 mg/kg/day. The NOEL for maternal toxicity was established at 90 mg/kg/day based on reduced body weight at the highest dose tested.

5. A 2–year carcinogenicity study in rats fed diets containing 0, 25, 150, 500, 2,500, or 5,000 ppm with a NOEL of 500 ppm (equivalent to 25 mg/kg/day). The lowest-observed-effect level was established at 2,500 ppm (equivalent to 125 mg/kg/day) based on increased liver enzyme changes in male and female rats and renal changes (nephritis) in male rats.

6. Acifluorfen produced positive results for gene mutation in a mitotic recombination assay in yeast cells and a dominant lethal assay in fruit fly. The chemical was negative in a structural chromosome aberration test in bone marrow cells and an unscheduled DNA synthesis test in rat hepatocytes.

7. A metabolism study in mice shows that acifluorfen is excreted primarily as the parent compound within 4 days of ingestion.

8. An 18–month carcinogenicity study in B6C3F1 mice fed diets containing 0, 625, 1,250, or 2,500 ppm with statistically significant positive trends for liver tumors (adenomas, carcinomas, and adenomas/carcinomas combined) and stomach tumors (papillomas) in both male and in female mice. These tumor types were significantly increased at the highest dose level tested (2,500 ppm) in male and female mice, and liver tumors were also significantly increased at the lowest dose level tested (625 ppm) in male mice.

9. A 2–year carcinogenicity study in CD-1 mice fed diets containing 0, 7.5, 45, or 270 ppm with a statistically significant increase in the total number of liver tumors (primarily adenomas) in high dose (270 ppm) female mice. No significant increase in liver tumors were observed in male mice at any feeding level tested. The highest dose tested (270 ppm) did not approximate a maximum tolerated dose in male and female mice.

Based on a weight-of-evidence determination, OPP's Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) has classified acifluorfen as Group B2 carcinogen (probable human carcinogen). This decision, which is in accordance with proposed Agency guidelines published in the Federal Register of November 23, 1984 (49 FR 46294), was based primarily on evidence of an increased number of malignant, or combined benign and malignant, liver tumors in multiple experiments involving two different strains of mice. Acifluorfen also produced uncommon stomach tumors in male and female B6C3F1 mice. Other structurally related diethyl-ether pesticides have been shown to

produce liver tumors in mice. In addition, mutagenicity studies show evidence of mutagenic activity, but not in mammalian cell systems.

The upper-bound carcinogenic risk from dietary exposure to acifluorfen was calculated using a potency factor ($Q^*$) of 0.107 $(mg/kg/day)^{-1}$ and dietary exposure as estimated by the Anticipated Residue Contribution (ARC) for existing tolerances and the proposed tolerance for strawberry. The upper-bound carcinogenic risk from established and proposed uses is calculated at $5.6 \times 10^{-7}$. The proposed use on strawberry accounts for $1.9 \times 10^{-8}$ of the total cancer risk, which is a negligible increase in risk.

The RfD for acifluorfen is established at 0.013 mg/kg of body weight/day, based on a NOEL of 1.25 mg/kg body weight/day and an uncertainty factor of 100. The NOEL is taken from the 2–generation rat reproduction study in which decreased survival and increased incidence of kidney lesions were observed in the offspring of rats fed higher dose levels. The ARC for the overall U.S. population from established tolerances and the proposed use on strawberry utilizes less than 1 percent of the RfD. In addition, less than 1 percent of the RfD is utilized for all population subgroups for which EPA has dietary consumption data. EPA generally has no cause for concern for exposures below 100 percent of the RfD.

The nature of the residue is adequately understood for the purpose of the proposed tolerance and an adequate analytical method, gas chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the *Pesticide Analytical Manual* (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since strawberry are not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 0E3821/P649] (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 information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 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:

opp-Docket@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 rulemaking, 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 rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.383, the table is amended by adding alphabetically the commodity strawberry, to read as follows:

**§ 180.383 Sodium salt of acifluorfen; tolerances for residues.**

* * *

| Commodities | Parts per million |
|---|---|
| * * * * | * |
| Strawberry | 0.05 |

[FR Doc. 96–9471 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

## 40 CFR Part 180

**[PP 5F4469/P650; FRL–5357–5]**

**RIN 2070–AB18**

## Prosulfuron; Pesticide Tolerance

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish time-limited tolerances for residues of the herbicide prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea in or on the raw agricultural commodities cereal grains group (except rice and wild rice), grain at 0.01 part per million (ppm); cereal grains group (except rice and wild rice), forage at 0.10 ppm; cereal grains group (except rice and wild rice), fodder at 0.01 ppm, cereal grains group (except rice and wild rice), straw at 0.02 ppm; and cereal grains group (except rice and wild rice), hay at 0.20 part per million (ppm). The Agency has not completed the regulatory assessment of our science findings; therefore, the Agency is proposing these tolerances with an expiration date.

**DATES:** Written comments, identified by the docket number [PP 5F4469/P650] should be submitted to EPA by May 17, 1996.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 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 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information.'' CBI should not be submitted through e-mail. Information marked as CBI 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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket-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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 5F4469/P650]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–305–6800, e-mail: taylor.robert@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice of filing published in the Federal Register of (60 FR 27505, May 24, 1995) which requested tolerances for residues of the herbicide prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea in or on the raw agricultural commodities cereal grains (except rice/wild rice) group at 0.02 part per million (ppm), and cereal grains, forage, fodder and straw (except rice/wild rice) group at 0.02 part per million (ppm). The petitioner subsequently amended this petition by submitting a revised section F which proposed tolerances in or on the raw agricultural commodities cereal grains group (except rice and wild rice), grain at 0.01 part per million (ppm); cereal grains group (except rice and wild rice), forage at 0.10 ppm; cereal grains group (except rice and wild rice), fodder at 0.01 ppm; cereal grains group (except rice and wild rice), straw at 0.02 ppm; and cereal grains group (except rice and wild rice), hay at 0.20 part per million (ppm). These tolerances with an expiration date are required by EPA to allow the petitioner, Ciba-Geigy Corp. to submit additional data concerning the method trial, plant metabolism and ruminant metabolism data. The petitioner has submitted a method trial and it has been validated by an independent laboratory. Additional time is being required to complete review of this method trial and allow additional time to complete and submit the required plant and animal metabolism data and new developmental rabbit study with an accompanying overview (discussion of all the rabbit developmental data, yet to be submitted by the registrant).

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute toxicology studies placing technical grade prosulfuron in Toxicity Category III, and an acute neurotoxicity study in rats at dose levels of 0, 10, 250, 500, or 1,000 mg/kg with a NOEL of 10 mg/kg based on reduced motor activity and body temperature in males and impaired righting reflex in females. A 90 day neurotoxicity study in rats demonstrated NOELs of >5,000 ppm in females and 10,000 ppm in males and 200 ppm for systemic toxicity.

2. A 1–year feeding study with dogs fed dosages of 0, 0.33, 1.95, 18.6 or 41.0 mg/kg/day (males) and 0, 0.31, 1.84, 20.2, or 48.8 mg/kg/day (females). The NOEL was 1.84 mg/kg/day based on hematologic and clinical chemistry effects and incidence of lipofuscin accumulation in the liver at 18.6 mg/kg/day.

3. An 18–month carcinogenicity study in mice fed dosages of 0, 1.71, 81.4, 410 or 832 mg/kg/day (males), and 0, 2.11, 100, 508 or 1,062 mg/kg/day (females). There was no evidence of carcinogenic effects up to 1,062 mg/kg/day, the highest dose tested (HDT).

4. A 2–year chronic feeding/carcinogenicity study in rats fed dosages of 0, 0.4, 7.9, 79.9 or 160.9 (males), and 0, 0.5, 9.2, 95.7 or 205.8 mg/kg/day (females). There was uncertain evidence of carcinogenicity with slight increases in the incidence of mammary gland adenocarcinomas in females at 95.7 and 205.8 mg/kg/day, slight increase in incidence of benign testicular interstital cell tumors at 79.9 and 160.9 mg/kg/day (significant trend only). A systemic NOEL of 7.9 mg/kg/day was based on decreased body weight and body weight gain, hematopoietic effects (males), and possibly increased serum GGT and decreased liver, kidney and adrenal weights (females) at 79.9 mg/kg/day.

5. A multigeneration reproduction study with rats fed dosages of 0, 0.67, 13.3, 136 or 278 (males), and 0, 0.76, 15.3, 152 or 311 mg/kg/day (females) with a reproductive and a systemic NOEL of 13.3 mg/kg/day based on decreased mean body weights and body weight gain observed at 136 mg/kg/day for both pups (at 200 ppm beginning during lactation) and parental animals.

6. A developmental toxicity study in rats at dose levels of 0, 5, 50, 200 and 400 mg/kg/day by gavage. The developmental NOEL was 200 mg/kg/day based on a statistically significant elevation of combined skeletal findings at 400 mg/kg/day, and maternal toxicity NOEL of 200 mg/kg/day, based on marginal effects on body weight gain at 400 mg/kg/day.

7. A developmental toxicity study in rabbits at dose levels of 0, 1.0, 10 and 100 mg/kg/day by gavage with no

indications of developmental toxixicy at dose levels up to 100 mg/kg/day. A new rabbit developmental study has received preliminary evaluation. Based upon this evaluation, the maternal NOEL appears to be 20 mg/kg/day. The developmental NOEL can not be determined without a complete evaluation of this study. However, it is unlikely that the NOEL would be less than 20 mg/kg/day in this study. A data gap remains for the rabbit developmental until this study, all other as yet unsubmitted deveopmental studies (both rangefinding and definitive) and an accompanying overview (discussion of all the rabbit developmental data, yet to be submitted by the registrant) has been completely evaluated and approved by the Agency.

8. Three acceptable mutagenicity studies were reviewed for prosulfuron. These include assays with *Salmonella typhimurium* strains TA1535 TA1537, TA98, and TA100 or *E. coli* WP2 uvrA exposed in either the presence or absence of mammalian metabolic activation; unscheduled DNA synthesis (UDS) in primary rat hepatocytes; and a structural chromosomal aberration micronucleus test in mice. All these tests were negative for mutagenicity.

The prosulfuron Reference Dose (RfD) was established at 0.02 mg/kg/day based on a NOEL of 1.84 mg/kg bwt/day on the 1–year dog chronic feeding study with an uncertainty factor of 100. The theoretical maximum residue contribution (TMRC) for tolerances on the cereal grains group, straw, forage and hay, and milk, meat and meat by-products utilizes 1.5% of the RfD for the total U.S. population. The most highly exposed subgroups, children (1 to 6) and non-nursing infants (less than one year old), utilize 4.4% of the RfD.

The HED RfD/Peer Review Committee classified this chemical as a Class D oncogen based on the conclusion that there was uncertain evidence of carcinogenicity with slight increases in the incidence of mammary gland adenocarcinomas in female rats at 95.7 and 205.8 mg/kg/day, but significant only at 95.7 mg/ kg/day, a slight increase in incidence of benign testicular interstital cell tumors in rats at 79.9 and 160.9 mg/kg/day, and no evidence of carcinogenicity in mice.

The committee also decided that prosulfuron was not associated with any significant reproductive or develpmental toxicity under the conditions of testing. However, this evaluation does not include evaluation of the new rabbit developmental study (already at EPA) or any other rabbit developmental studies that have been conducted but not yet submitted by the registrant.

Data which are desirable include the submission of stability data (storage and chemical), information on accuracy of the method used to verify the certified limits, experimental details of all solubility determinations, and additional plant and ruminant metabolism data.

Based on the information cited above, the Agency has determined that when used in accordance with good agricultural practice, this ingredient is useful and the tolerances will protect the public health. Therefore, EPA is proposing to establish the tolerances as described below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the active ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number [PP 5F4469/P650]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday throught Friday, except legal holidays.

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as ''Confidential Business Information'' (CBI). EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, must also be submitted for inclusion in the public record. EPA may publicly disclose without prior notice information not marked confidential.

EPA has established a record for this proposed rule under docket number [PP–5F4469/P650] (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 information claimed as CBI, is available for inspection from 8 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The public record is located in Room 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:

opp-docket-epamail.epa.gov

The official record for this proposed rule, 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 proposed rule record which will also include all comments submitted directly in writing. The official proposed rule record is the paper record maintained at the ''ADDRESSES'' listed at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a. and 371.

2. By revising § 180.481 to read as follows:

### § 180.481 Prosulfuron; tolerances for residues.

Tolerances that expire on December 31, 1999 are being established for residues of the herbicide prosulfuron 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-

urea in or on the following raw agricultural commodities:

| Commodity | Parts per million |
|---|---|
| Cereal grains group (except rice and wild rice), grain | 0.01 |
| Cereal grains group (except rice and wild rice), forage | 0.10 |
| Cereal grains group (except rice and wild rice), fodder | 0.01 |
| Cereal grains group (except rice and wild rice), straw | 0.02 |
| Cereal grains group (except rice and wild rice), hay | 0.20 |

[FR Doc. 96–9472 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

## 40 CFR Part 180

**[PP 0E3835/P648; FRL–5356–5]**

**RIN 2070–AB18**

## Pesticide Tolerance for Diflubenzuron

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

**ACTION:** Proposed Rule.

**SUMMARY:** EPA proposes to establish a tolerance for residues of the insecticide diflubenzuron (*N*[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity artichokes at 6.0 parts per million (ppm). The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

**DATES:** Comments, identified by the document control number [PP 0E3835/P648], must be received on or before May 17, 1996.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 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 22202.

Comments and data may also be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 0E3835/P648]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the **SUPPLEMENTARY INFORMATION** section of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI 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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, 703–308–8783, e-mail address: jamerson.hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP 0E3835) to EPA on behalf of the Agricultural Experiment Station of California. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.377 by establishing a tolerance for residues of the insecticide diflubenzuron (*N*[[4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity artichoke at 6.0 ppm.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

(1) A 1–year chronic feeding study with dogs administered 0, 2, 10, 50 or 250 mg/kg/day with a no-observed-effect level (NOEL) established at 2 mg/kg/day. Statistically significant increases in methemoglobin and sulfhemoglobin in male and female dogs were observed at dose levels of 10 mg/kg/day and higher. Signs of hemolytic anemia, destruction of erythrocytes and of compensatory regeneration of erythrocytes were observed at dose levels of 50 mg/kg/day and higher.

(2) A 2–year feeding/carcinogencity study with rats fed diets containing 0, 156, 625, 2,500, or 10,000 ppm (equivalent to 0, 7.8, 31, 125, or 500 mg/kg/day) with statistically significant increases in methemoglobin and sulfhemoglobin observed at all treatment levels tested. Signs of hemolytic anemia and increased spleen and liver weights were observed in males and females at treatment levels of 2,500 ppm and 10,000 ppm. Histological signs of erythrocyte destruction and compensatory regeneration were observed in males and females at dose levels of 156 ppm and higher. A no-observed-effect level was not established for this study, since effects were observed at the lowest dose tested. There were no carcinogenic effects observed under the conditions of this study.

(3) A 91–week carcinogenicity study with mice fed diets containing 0, 16, 80, 400, 2,000, or 10,000 ppm (equivalent to 0, 2.4, 12, 60, 300, or 1,500 mg/kg/day). Increases in methemoglobin and sulfhemoglobin were consistently observed in male and female mice at dose levels of 80 ppm and higher. Signs of hemolytic anemia, erythrocyte destruction and compensatory regeneration, and histopathological effects in the liver were observed at dose levels of 80 ppm and higher. No evidence of carcinogenicity was observed under the conditions of this study.

(4) A 2–generation reproduction study with rats fed diets containing 0, 500, 5,000, or 50,000 ppm (equivalent to 0, 25, 250, or 2,500 mg/kg/day). No effects on reproductive performance were observed in the parental adults. The NOEL for reproductive effects in the progeny is 250 mg/kg/day based on decreased body weight in the pups from birth to 21 days postpartum.

(5) Developmental toxicity studies with rats and rabbits given technical grade diflubenzuron by gavage at dose levels of 0 or 1,000 mg/kg/day with no maternal toxicity or toxicity to the developing fetus observed under the conditions of the study.

(6) Mutagenicity studies using diflubenzuron as the test material were negative. These studies included a Salmonella/mammalian microsome

plate incorporation assay with and without metabolic activation, an *in vitro* chromosome damage assay using cultures of Chinese hamsters ovary cells with and without metabolic activation, and an unsheduled DNA synthesis assay using cultures of primary rat hepatocytes.

The qualitative nature of the residue is adequately understood in plants based on data from citrus, mushroom, and soybean metabolism studies. Para-chloroaniline (PCA) and 4-chlorophenylurea (CPU) are metabolites of diflubenzuron that have been observed in mushrooms but not in citrus and soybeans. Diflubenzuron is also known to be metabolized to PCA and CPU in lactating goats, lactating cows, poultry, and rats.

OPP's Health Effects Division Peer Review Committee has concluded that there is no evidence of carcinogenicity for diflubenzuron per se and has placed the chemical in Group E of EPA's classification system for carcinogens. The Committee also classified PCA as a Group B2 carcinogen (a probable human carcinogen). The classification for PCA was based on the results of National Toxicology Program studies in which PCA was administered for 2 years by gavage to rats at doses of 0, 2, 6, or 18 mg/kg/day and to mice at doses of 0, 3, 10, or 30 mg/kg/day. Treatment-related increased incidences of uncommon sarcomas (fibrosarcomas, hemangiosarcomas and/or osteosarcomas) of the spleen were observed in male rats, and increased incidences of liver adenomas and carcinomas, and hemangiosarcomas in the spleen and/or liver were observed in male mice.

The reference dose (RfD) for diflubenzuron is 0.02 mg/kg/day. The RfD is based on the NOEL of 2.0 mg/kg/day from the 1–year chronic feeding study in dogs and an uncertainty factor of 100. Available information relating to anticipated residues and percent of crop treated for established tolerances were used to calculate the Anticipated Residue Contribution (ARC) from residues of diflubenzuron in the human diet. The ARC from published tolerances is calculated at 0.00008 mg/kg/day, which utilizes less than 1 percent of the RfD for the overall population. The ARC for children 1 to 6 years old, the population subgroup most highly exposed, utilizes 1 percent of the RfD. The Theoretical Maximum Residue Contribution from the proposed tolerance for artichokes would utilize an additional 0.1 percent of the RfD for the U.S. population and for children 1 to 6 years old. This dietary risk assessment indicates that there is no appreciable risk from the establishment of the proposed tolerance for artichokes.

A quantitative cancer risk assessment was performed for PCA and CPU. Possible human exposure to PCA and CPU may occur as a result of the ingestion of PCA and CPU formed in animals which have consumed feeds containing diflubenzuron residues and from the metabolic conversion of diflubenzuron to PCA and CPU in the human body. For the purposes of this risk assessment, it was assumed that CPU has the same carcinogenic potential and potency as PCA. Although there is strong evidence supporting the carcinogenicty of PCA in rats and mice, the assumption that CPU also may be carcinogenic is not based on direct testing in animals, but rather on a comparison of the chemical structures of CPU and PCA. An assumption of a 2 percent conversion of diflubenzuron to PCA was used for the cancer risk assessment.

The upper-bound cancer risk from dietary exposure to residues of PCA and CPU from existing uses of diflubenzuron is estimated at $1.3 \times 10^{-6}$. The additional cancer risk from the proposed tolerance for artichokes is estimated at $2 \times 10^{-8}$. EPA concludes that the potential cancer risk from residues of PCA and CPU resulting from established tolerances and the proposed use on artichokes is negligible.

An adequate analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. The analytical method for enforcing this tolerance has been published in the *Pesticide Analytical Manual*, Vol. II (PAM-II). There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat and meat byproducts of livestock and poultry: there are no livestock feed items associated with artichokes.

There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 0E3835/P648] (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 information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 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:

opp-Docket@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 rulemaking, 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 rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or

the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.377, the table in paragraph (a) is amended by adding alphabetically the entry for artichoke to read as follows:

**§ 180.377 Diflubenzuron; tolerances for residues.**

(a) * * *

| Commodities | Parts per million |
|---|---|
| Artichoke | 6.0 |
| * * * * | * |

* * * * *

[FR Doc. 96–9474 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

## 40 CFR Part 180

**[OPP–300419; FRL–5355–7]**

**RIN 2070–AB18**

## Pentaerythritol Stearates; Tolerance Exemption

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

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that residues of a mixture of chemicals known as pentaerythritol stearates (CAS Reg. No. 85116-93-4), which include pentaerythritol monostearate (CAS Reg. No. 78-23-9), pentaerythritol distearate (CAS Reg. No. 13081-97-5), pentaerythritol tristearate (CAS Reg. No. 28188-24-1), and pentaerythritol tetrastearate (CAS Reg. No. 115-83-3) be exempted from the requirement of a tolerance when used as an inert ingredient (emulsifier) at a concentration of no more than 25 ppm in pesticide formulations applied to growing crops and to raw agricultural commodities after harvest. This proposed regulation was requested by Wacker Silicones Corporation.

**DATES:** Comments, identified by the docket control number [OPP–300419], must be received on or before May 17, 1996.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person deliver comments to: Rm. 1128, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@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–300419]. 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 in the **SUPPLEMENTARY INFORMATION** unit of this document.

Information submitted as a comment concerning this document 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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Amelia M. Acierto, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, North Tower, Arlington, VA, (703) 308-8375; e-mail: acierto.amelia@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Wacker Silicones Corporation, 3301 Sutton Road, Adrian Michigan 49221-9397 submitted pesticide petition (PP) number 4E04378 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for a mixture of chemicals known as pentaerythritol stearates (pentaerythritol monostearate (CAS Reg. No. 78-23-9), pentaerythritol distearate (CAS Reg. No. 13081-97-5), pentaerythritol tristearate (CAS Reg. No. 28188-24-1), and pentaerythritol tetrastearate (CAS Reg. No. 115-83-3) when used as an emulsifier in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk. The Agency has decided that the data normally required to support the proposed tolerance exemption for these pentaerythritol stearates will not need to be submitted. The rationale for this decision is described below:

1. An acute rat oral toxicity study with an acute oral LD50 of >2000 mg/kg demonstrates that the mixture of pentaerythritol stearates is practically non-toxic to mammals.

2. The degradation products of pentaerythritol stearates (mono-, di-, tri-, and tetrastearates) include pentaerythritol and the naturally occurring fatty acid stearic acid, the residues of which have already been exempted from the requirement of a tolerance under 40 CFR 180.1001(c).

3. Human dietary exposure to pentaerythritol stearates resulting from the proposed use is expected to be negligible. These chemicals are also expected to have negligible environmental effects.

4. Pentaerythritol stearates are currently used in substances approved by the Food and Drug Administration for use as components of adhesives, paper and paperboard used in packaging, transporting or holding food under title 21 of the Code of Federal Regulations (CFR) §§ 175.105, 176.170, and 176.210.

Based on the very low acute toxicity, the anticipated degradation products, the structure and physico-chemical properties of pentaerythritol stearates, the expected levels in the formulations and worst case dietary exposure assumptions, the Agency has determined that these inert ingredients will not pose a risk to human health or the environment under the proposed conditions of use.

Based upon the above information, review of their use, and low environmental exposure, the Agency believes that, when used in accordance with good agricultural practice, these ingredients are useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [OPP–300419].

A record has been established for this rulemaking under docket number [OPP–300419] (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 information claimed as CBI, is available for inspection from 8 a.m. to 4 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:

opp-docket@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 rulemaking, 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 rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: March 29, 1996.

Peter Caulkins,

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001 is amended in paragraph (c) in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

* * * * *

(c) * * *

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * * * | * * | |
| Pentaerythritol stearates mixture (CAS Reg. No. 85116-93-4) which include pentaerythritol monostearate (CAS Reg. No. 78-23-9), pentaerythritol distearate (CAS Reg. No. 13081-97-5), pentaerythritol tristearate (CAS Reg. No. 28188-24-1), and pentaerythritol tetrastearate (CAS Reg. No. 115-83-3) | 25 ppm | Emulsifier |

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * * * | * * | |

* * * * *

[FR Doc. 96–9476 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 46 CFR Parts 10, 12, and 13

**[CGD 96–021]**

## Discussion of the Coast Guard's Course Approval Process

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Coast Guard plans to hold a public meeting to solicit input from the maritime industry and from the general public concerning the course approval process currently used by the Coast Guard to evaluate maritime training offered in the United States.

**DATES:** The meeting will be held May 8, 1996, from 4:30 p.m. to 7 p.m. Written comments must be submitted by July 24, 1996.

**ADDRESSES:** The meeting will be held at the New Orleans Airport Hilton, 901 Airline Highway, Kenner, Louisiana, 70062.

Written comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments will become part of this docket [CGD 96–021] and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the current course approval guidelines may be obtained by writing to Director, National Maritime Center (NMC–4B), 4200 Wilson Blvd, Suite 510, Arlington, VA 22203–1804, or by calling (703) 235–0014, between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays. Requests may also be submitted by facsimile at (703) 235–1062.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine Meers, Chief, Marine Exam Administration Branch, National Maritime Center (NMC–4B), 4200 Wilson Blvd, Suite 510, Arlington, VA 22203–1804, telephone (703) 235–0014.

**SUPPLEMENTARY INFORMATION:**

### Background and Discussion

Federal Regulations 46 CFR Parts 10, 12 and 13 require or allow applicants for merchant marine licenses and documents to successfully complete approved courses, or in some cases to substitute coursework in lieu of seatime or examinations when acquiring a licenses. In order to ensure that mariners are properly trained in these courses, the Coast Guard reviews and certifies the courses and the institutions as meeting minimum requirements.

Current Process: Training institutions who want the Coast Guard to certify that their courses meet Federal standards submit their courses for approval to the Coast Guard via the nearest Regional Examination Center (REC). If the application package is complete in accordance with Navigation and Vessel Inspection Circular (NVIC) 5–95, it is forwarded to the NMC for review. If the course meets the minimum standards set forth in the regulations and NVIC 5–95, then certification is issued to the institution for that course.

This certification notifies marines that the course will help them to fulfill some of the Federal requirements for acquiring a Coast Guard license and documentation. The certification also encourages training institutions to provide courses which meet the minimum standards for mariner licensing and documentation.

In order to improve the quality of the public service that we provide, we are holding this meeting to solicit the views and comments of the maritime training community, mariners, and the affected public. We intend to identify any perceived problems with our current system, and to discuss ways that we could revise our policies (e.g. NIV 5–95 or specific course guidelines). The meeting will be held as an open forum and we strongly encourage members of the maritime community and general public to actively participate and provide their insight and knowledge, so that we can continue to provide high-quality service to the public.

Attendance is open to the public. Members of the public are encouraged to make oral presentations during the meeting. Written material may be submitted before, during, or after the meeting. Persons unable to attend the public meeting are encouraged to submit written comments on or before July 24, 1996.

Those needing the assistance of sign language interpretation at the meeting should notify the person listed above under **FOR FURTHER INFORMATION CONTACT** as soon as possible so that arrangements may be made to provide the necessary assistance.

Dated: April 10, 1996.

Norman W. Lemley,

*Director, National Maritime Center.*

[FR Doc. 96–9446 Filed 4–16–96; 8:45 am]

BILLING CODE 4910–14–M

# Notices

Federal Register
Vol. 61, No. 75
Wednesday, April 17, 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

### National Agricultural Statistics Service

### Notice of Intent To Extend and Revise Three Currently Approved Information Collections

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to combine three currently approved information collections: the Pesticide Data/Water Quality Program, the Farm Costs and Returns Survey, and the Sugarcane Processors Survey.

**DATES:** Comments on this notice must be received by June 21, 1996 to be assured for consideration.

**ADDITIONAL INFORMATION OR COMMENTS:** Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250–2000, (202) 720–4333.

**SUPPLEMENTARY INFORMATION:**

*Title*: Agricultural Resource Management Study.

*OMB Number*: 0535–0218.

*Expiration Date of Approval*: September 30, 1996.

*Type of Request*: Intent to extend, revise and merge three currently approved information collections.

*Abstract*: The Agricultural Resource Management Study is a joint effort between the National Agricultural Statistics Service and the Economic Research Service. A primary objective of the National Agricultural Statistics Service is to collect data on farm pesticide usage, commodity production practices and costs, and whole farm economics. A primary objective of the Economic Research Service is to provide analyses of these collected data. These data are collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

The Pesticide Data/Water Quality Program (0535–0218) collects basic pesticide statistics in order to prepare and issue current State and national estimates. Statistics are published on acres treated, rate of application, number of applications, and total amount applied per crop year by active ingredient for vegetables, fruits, and field crops. The Economic Research Service utilizes reported pest management practices, production characteristics, and expenses to evaluate the economic health and measure the adoption of production practices. Other Federal agencies use the aggregate data in their assessment of environmental issues. This statistical information is used by producers, chemical manufacturers and suppliers, processors, and others in the environmental arena as a basis for ensuring a safe food and water supply. Government agencies use these estimates to evaluate chemical use and production decisions.

The Farm Costs and Returns Survey (0535–0125) determines the financial situation of farm businesses and farm operator households, including measurements of net farm income, farm production expenditures, and farm assets and debt; relates farm operator management strategies to the financial situation of the business; and estimates costs of production for individual crop and livestock commodities. The Sugarcane Processors Survey (0536–0008), formerly conducted by the Economic Research Service, estimates cane sugar costs of production. This information is used by Congress, the Department of Agriculture, farm organizations, and agricultural business to evaluate farm policies. Net farm income estimates are used by the Department of Commerce to develop National Income and Product Accounts for the United States. The aggregate data are also used to complete a mandated annual report to Congress on the status of family farms.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 60 minutes per response.

*Respondents*: Farms.

*Estimated Number of Respondents*: 48,000.

*Estimated Total Annual Burden on Respondents*: 48,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 14th and Independence Ave., SW, Room 4162 South Building, Washington, D.C. 20250–2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, D.C., April 11, 1996.

Donald M. Bay,

*Administrator, National Agricultural Statistics Service.*

[FR Doc. 96–9461 Filed 4–16–96; 8:45 am]

BILLING CODE 3410–20–M

## Natural Resources Conservation Service

### Boulder River Watershed, Montana

**AGENCY:** Natural Resources Conservation Service, Agriculture.

**ACTION:** Notice of deauthorization of Federal funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the deauthorization of Federal funding for the Boulder River Watershed project, Jefferson County, Montana, effective on March 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Gooby, State Conservationist, Natural Resources Conservation Service, 10 East Babcock Street, Room 443, Bozeman, Montana, 59715, telephone 406–587–6813.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: April 15, 1996.

Richard J. Gooby,

*State Conservationist.*

[FR Doc. 96–9382 Filed 4–16–96; 8:45 am]

BILLING CODE 3410–16–M

## CENTRAL INTELLIGENCE AGENCY

### Privacy Act of 1974: Addition of a New CIA System of Records (CIA–74)

**AGENCY:** Central Intelligence Agency.

**ACTION:** Notice of new system of records subject to the Privacy Act.

**SUMMARY:** The Central Intelligence Agency is providing notice of the addition of a new system of records in its current inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

**EFFECTIVE DATE:** The action is effective 40 days after publication in the Federal Register, (May 28, 1996), unless comments are received which would result in a contrary determination.

**FOR FURTHER INFORMATION CONTACT:** Lee S. Strickland, Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20205, telephone: (703) 351–2083.

**SUPPLEMENTARY INFORMATION:** The record system, identified as CIA–74, is to be entitled ''Resources in the Language Profession'' and is located in the Center for the Advancement of Language Learning (CALL). Administratively supported by the Office of Training and Education, Directorate of Administration, CALL was established in 1992 to promote interagency collaboration to improve the quality and cost effectiveness of government foreign language teaching and testing. CALL works to ensure that resources are shared among government language professionals and that duplication is avoided.

Dated: April 9, 1996.

Richard D. Calder,

*Deputy Director for Administration.*

### CIA–74

**SYSTEM NAME:**

Resources in the Language Profession.

**SYSTEM LOCATION:**

Central Intelligence Agency, Washington, DC 20505.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons, including U.S. Government and non-U.S. Government professionals, who had had professional dealings with the Center for the Advancement of Language Learning (CALL) or who have interest related to language learning and teaching.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address or locational information, language skill, occupational skills related to language, biographical data, date of last use of skills, record of correspondence exchanged, and publications sent.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, U.S.C., Chapter 41. Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101). Central Intelligence Agency Act of 1949, as amended—Pub. L. 81–110.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in the system are used by the staff of CALL as a central record of contact information on U.S. Government and non-U.S. Government professionals in the field of language learning, to generate mailing lists for significant Center mailings and to locate persons with requisite language skills for tasks in the Federal Government related to development of language courses, evaluation of language teaching materials, language training, and language skills testing.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are kept on computer disk. Correspondence, including individual approvals to maintain records, is kept in hard copy or electronic format.

**RETRIEVABILITY:**

By name, language, and business or organization name.

**SAFEGUARDS:**

Records are only available for access by CALL personnel. Records are stored in locked rooms and accessed by password on a ''need-to-know'' basis.

**RETENTION AND DISPOSAL:**

Electronic records are deleted when no longer needed, at the request of the subject, or when considered no longer current. Hard copy documents will be pulped.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Training and Education, Central Intelligence Agency, Washington, DC 20505.

**NOTIFICATION PROCEDURE:**

Individuals not employed by the U.S. Government will initially receive a letter requesting signed confirmation of their wish to be included in CIA–74. Periodically thereafter they will receive a copy of the record pertaining to them. If they wish to continue to be included in the database, they will be asked to correct or confirm the information in the record and mail the annotated record to CALL. Government employees will receive periodic requests for confirmation of the information on record.

**RECORD ACCESS PROCEDURES:**

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

Identification requirements are specified in the Central Intelligence Agency rules published in the Code of Federal Regulations (32 CFR 1901.13). Individuals seeking information from this system of records must comply with these rules.

**CONTESTING RECORD PROCEDURES:**

The CIA's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by the CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Code of Federal Regulations (32 CFR part 1901).

**RECORD SOURCE CATEGORIES:**

As previously noted, all information will be provided by the individual.

[FR Doc. 96–9373 Filed 4–16–96; 8:45 am]

**BILLING CODE 6310–02–M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Export Trade Certificate of Review

**ACTION:** Notice of Clarification.

**SUMMARY:** On Thursday, October 5, 1995, the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, notified, at 60 FR 52162, receipt of an application for an Export Trade Certificate of Review (Certificate) from the Water and Wastewater Equipment Manufacturers Association (WWEMA). Attachment I of the notice identified twenty-five WWEMA member companies who were applying for protection under the Certificate. This notice provides clarification of the identity of three of the prospective members of the Certificate. It also notifies that one of the twenty-five members will no longer be seeking protection under the Certificate.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

On Thursday, October 5, 1995, the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, notified, at 60 FR 52162, receipt of an application for an Export Trade Certificate of Review (Certificate) from the Water and Wastewater Equipment Manufacturers Association (WWEMA). Attachment I of the notice identified twenty-five WWEMA member companies who were applying for protection under the Certificate. The Office of Export Trading Company Affairs hereby notifies a clarification of the identity of the following prospective members of the Certificate:

1. Bailey-Fischer & Porter Company, of Warminster, Pennsylvania is a unit of Elsag Bailey Process Automation N.V. Attachment I should therefore read: Elsag Bailey Process Automation N.V. for the activities of its unit Bailey-Fischer & Porter Company.

2. General Signal Pump Group, of North Aurora, Illinois, is a unit of General Signal Corporation. Attachment I should therefore read: General Signal Corporation for the activities of its unit General Signal Pump Group.

3. In addition to The Gorman-Rupp Company, of Mansfield, Ohio, and Patterson Pump Co., of Taccoa, Georgia (a wholly owned subsidiary of The Gorman-Rupp Company), Attachment I should also include: The Gorman-Rupp International Company, of Mansfield, Ohio (a wholly owned subsidiary of The Gorman-Rupp Company).

In addition, the Office of Export Trading Company Affairs notes that Zimpro Environmental, Inc., of Rotschild, Wisconsin, is no longer seeking protection under the Certificate.

Dated: April 11, 1996.

W. Dawn Busby,

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 96–9386 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–DR–P**

### National Institute of Standards and Technology

**[Docket No. 960305060–6060–01]**

**RIN 0693–ZA02**

### Grant Funds—Materials Science and Engineering Laboratory—Availability of Funds

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to inform potential applicants that the Materials Science and Engineering Laboratory, National Institute of Standards and Technology (NIST), is continuing its program for grants and cooperative agreements in the following fields of research: Ceramics, Metallurgy, Polymer Sciences, Neutron Scattering Research and Spectroscopy. Each applicant must submit one signed original and two copies of each proposal along with a Grant Application (Standard Form 424 REV. 4/92 and other required forms), as referenced under the provisions of OMB Circular A–110 and 15 CFR 24. Catalog of Federal Domestic Assistance No. 11.609: ''Measurement and Engineering Research and Standards.''

**DATES:** Applications will be received through September 30, 1996. Applicants should allow up to 120 days processing time.

**ADDRESSES:** Applications should be submitted to The National Institute of Standards and Technology, Materials Science and Engineering Laboratory, Building 223, Room A305, Gaithersburg, Maryland 20899–0001; Attention: Patty Salpino. Each application package should be clearly marked to identify the field of research.

**FOR FURTHER INFORMATION CONTACT:** Technical inquiries should be directed to the following Program Managers: Dr. Ronald Munro—(301) 975–6127 [Ceramics Division], Bruno Fanconi—(301) 975–6762 [Polymers Division], John Manning—(301) 975–6157 [Metallurgy Division—transformations, phases, microstructure and kinetic processes in metals and their alloys], Dr. Neville Pugh—(301) 975–5960 [Metallurgy Division—sensors for analytical models for metallurgical processes], Richard Ricker—(301) 975–6023 [Metallurgy Division—degradation of materials in their service environment], John Rush—(301) 976–6220 [Reactor Radiation Division]. Inquiries should be general in nature. Specific inquiries as to a laboratory's needs, the usefulness or merit of any particular project, or other inquiries with the potential to provide any competitive advantage to an applicant are not acceptable.

**SUPPLEMENTARY INFORMATION:**

*Eligibility:* Academic institutions, non-Federal agencies, independent and industrial laboratories are eligible to apply.

*Authority:* As authorized 15 U.S.C. 272 (b)(6) and (c)(16), the Materials Science and Engineering Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

*Funding Availability:* Approximately $500,000 will be available to support grants and cooperative agreements under this program. This level of funding is subject to change under Fiscal Year 1996 Department of Commerce Appropriations Act.

*Type of Funding Instrument:* The Materials Science and Engineering Laboratory Grants Program is limited to innovative ideas generated by the

proposal writer on what research will be performed and how. Grants awarded under the MSEL program will generally provide financial assistance to the recipient without substantial NIST involvement in the projects. Cooperative agreements awarded for MSEL projects will generally involve a close working relationship between a group of NIST experts and the recipient.

*Award Period:* Any financial assistance whether for grants or cooperative agreements, will be provided on a one (1) year period.

**PROGRAM OBJECTIVES:** All proposals submitted must be in accordance with the program objectives listed below. The appropriate Program Manager for each field of research may be contacted for clarification of the program objectives.

I. Ceramics Division, 852—The primary objective is to supplement division activities in the area of ceramic processing, tribology, composites, machining, interfacial chemistry, and microstructural analysis.

II. Polymers Division, 854—The primary objective is to support Division programs in polymer blends, composites, electrical applications and dental polymeric materials through participation in research on synthesis, processing and characterization of structure, and mechanical and electrical properties.

III. Metallurgy Division, 855—The primary objective is to develop techniques to predict, measure and control transformations, phases, microstructure and kinetic processes in metals and their alloys.

IV. Metallurgy Division, 855—The primary objective is to develop new and improved sensors, measurement techniques, and analytical models for metallurgical processes in order to facilitate the development and adoption of intelligent processing systems for materials.

V. Reactor Radiation Division, 856—The primary objective is to develop high resolution cold and thermal neutron research approaches and related physics, chemistry, macromolecular and materials applications.

Proposal Review Process: Proposals will be reviewed by a panel of individuals knowledgeable about the particular scientific area described above that the proposal addresses. Both the technical value of a proposal and the relationship of the work proposed to the needs of the specific NIST program will be taken into consideration.

Evaluation Criteria: The criteria to be used in evaluating the proposal include: Rationality (coherence of approach, relation to scientific/technical issues), Qualifications of Technical Personnel, Resources Availability, and Technical Merit of Contribution. Each of these factors will be given equal weight in the evaluation process.

*Matching Requirements:* There are no matching requirements.

*Application Kit:* An application kit, containing all required applications forms and certifications is available by calling Patty Salpino at (301) 975–5731. An application kit includes the following:

SF 424 (Rev 4/92)—Application for Federal Assistance
SF 424 A (Rev 4/92)—Budget Information—Non-Construction Programs
SF 424B (Rev 4/92)—Assurances—Non-Construction Programs
CD 511 (7/91)—Certification Regarding Debarment, Suspension, and Other Responsibility matters; Drug-Free Workplace Requirements and Lobbying
CD 512 (7/91)—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions and Lobbying
SF–LLL—Dislcosure of Lobbying Activities

Selection Procedures: The chief of each division will make the final award selection, taking into account the score received by the applicant and the compatibility of the applicant's proposal with the relationship to the mission of the particular division that the proposal addresses. Award will not necessarily be made to the highest-scored applicants.

Paperwork Reduction Act: The Standard Form 424 and Standard Form LLL mentioned in this notice are subject to the requirements of the Paperwork Reduction Act and have been approved by OMB under Control Numbers 0348–0043 and 0348–0046.

*Primary Application Certification:* All primary applicants must submit a completed form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

1. *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

2. *Drug-Free Workplace.* Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. *Anti-Lobbying.* Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater.

4. *Anti-Lobbying Disclosure.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

5. *Lower-Tier Certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to NIST. SF–LLL submitted by any tier recipient or subrecipient should be submitted to NIST in accordance with the instructions contained in the award document.

Preaward Activities: Applicants who incur any costs prior to an award being made do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that may have been provided, there is no obligation on the part of NIST to cover preaward costs.

No Obligation for Future funding: If an application is accepted for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of NIST.

Past Performance: Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Name Check Reviews: All for-profit and nonprofit applicants will be subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the

applicant have been convicted of or are presently facing criminal charges such as fraud, theft, prejury, or other matters which significantly reflect on the applicant's management, honesty, or financial integrity.

False Statements: A false statement on an application is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Delinquent Federal Debts: No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full,

2. A negotiated repayment schedule is established and at least one payment is received, or

3. Other arrangements satisfactory to DoC are made.

Purchase of American-Made Equipment and Products: Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

Indirect Costs: The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

Federal Policies and Procedures: Awards under the Materials Science and and Engineering Laboratory Research Program shall be subject to all Federal laws and Federal and Departmental regulations, policies, and procedures applicable to financial assistance awards. The Materials Science and Engineering Grants Program does not directly affect any state or local government. Accordingly, the Department of Commerce has determined that Executive Order 12372 is not applicable to the Materials Science and Engineering Grants Program.

This funding notice has been determined to be not significant for purposes of Executive Order 12866.

Dated: April 11, 1996.

Samuel Kramer,

*Associate Director.*

[FR Doc. 96–9478 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–13–M**

**[Docket No. 950314074–6027–02]**

**RIN 0693–AB39**

## Approval of Federal Information Processing Standards Publication 128–2, Computer Graphics Metafile (CGM)

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce that the Secretary of Commerce has approved a revision of Federal Information Processing Standard (FIPS) 128–1, Computer Graphics Metafile (CGM) which will be published as FIPS Publication 128–2. This revision adopts voluntary industry specification American National Standards Institute/International Organization for Standardization (ANSI/ISO) Computer Graphics Metafile (CGM), ANSI/ISO 8632.1–4:1992 [1994], ISO 8632:1992/Amd. 1:1994, ISO 8632:1992/Amd. 2:1995 and three CGM profiles. This revised standard supersedes FIPS 128–1 in its entirety

On April 3, 1995, notice was published in the Federal Register (60 FR 16850–16854) that a Federal Information Processing Standard (FIPS) 128–2, Computer Graphics Metafile (CGM) was being proposed for Federal use.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve the revised standard as Federal Information Processing Standards Publication (FIPS PUB) 128–2, and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

**EFFECTIVE DATE:** This standard becomes effective November 1, 1996.

**ADDRESSES:** Interested parties may purchase copies of this standard, including the technical specifications section, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lynne Rosenthal, telephone (301) 975–3353, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Dated: April 11, 1996.

Samuel Kramer,

*Associate Director.*

Federal Information Processing Standards Publication 128–2

Announcing the Standard for Computer Graphics Metafile (CGM)

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the national Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 5131 of the information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Public Law 104–106.

1. Name of Standard. Computer Graphics Metafile (CGM) (FIPS PUB 128–2).

2. Category of Standard. Software Standard, Graphics.

3. Explanation. This publication is a revision of FIPS PUB 128–1. This revision supersedes FIPS PUB 128–1 in its entirety and modifies the standard by:

(1) Adopting the Computer Graphics Metafile standard designated, ANSI/ISO 8632.1–4:1992[1994], and CGM Amendment 1: Rules for Profiles, ISO 8632:1992/Amd. 1:1994, and CGM Amendment 2: Application structuring extensions, ISO 8632:1992/Amd. 2:1995;

(2) Requiring the use of conforming profiles. Conformance of metafiles (i.e., data files) and implementations (i.e., generators and interpreters) is defined in terms of conformance to profiles; and

(3) adopting several profiles, one of which is required for implementation of this FIPS PUB.

FIPS PUB 128–2 adopts the American National Standards Institute/International Organization for Standardization (ANSI/ISO) 8632.1–4:1992[1994], ISO 8632:1992/Amd. 1:1994, ISO 8632:1992/Amd. 2:1995, and the following profiles:

(1) Model Profile as contained in CGM Amendment 1;

(2) Air Transport Association (ATA) Specification 2100, Graphics Exchange Specification (GREXCHANGE) for CGM;

(3) Continuous Acquisition and Life-Cycle Support (CALS), MIL–D–28003A.

CGM is a graphics data interchange standard which defines a neutral computer-interpretable representation of 2D graphical (pictorial) information in a manner that is independent from any particular application or system. The purpose of the standard is to facilitate the storage and retrieval of graphical information between applications, software systems, and/or devices. A CGM can contain:

—Vector graphics (e.g., polylines, ellipses, NURBS);
—Raster graphics (e.g., tile array); and
—*Text.*

The CGM standard defines three upward compatible versions. Each version provides additional functionality.

CGM Amendment 1 provides the rules for defining profiles of CGM and conformance requirements for profiles, metafiles, and implementations. Since a proliferation of CGM profiles is not desirable, only those profiles needed for Federal agency use have been added to the FIPS CGM. The exact specification is in Section 10 of this standard.

CGM Amendment 2 defines the mechanism for application-related structuring of metafiles.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. Department of Commerce, National Institute of Standards and Technology (NIST), computer Systems Laboratory (CSL).

6. Cross Index.

a. American National Standard/ International Organization for Standardization (ANSI/ISO) Computer Graphics Metafile (CGM), ANSI/ISO 8632.1–4:1992[1994] (Part 1: Functional Specifications; Part 2: Character Encoding; Part 3: Binary Encoding; Part 4: Clear Text Encoding).

b. International Organization for Standardization (ISO) Computer Graphics Metafile (CGM), ISO 8632:1992/Amd. 1:1994.

c. International Organization for Standardization (ISO) Computer Graphics Metafile (CGM), ISO 8632:1992/Amd. 2:1995.

d. Air Transport Association Specification 2100, Digital Data Standards for Aircraft Support, GREXCHANGE v2.1, March 1995.

e. Military Specification, Digital Representation of Illustration Data: CGM Application Profile (AP), MIL–D–28003A, November 15, 1991.

7. Related Documents. Related ISO documents are listed in the reference section of the CGM standard, ANSI/ISO 8632.1–4:1992[1994].

a. Federal Information Processing Standards Publication (FIPS PUB) 29–3, Interpretation Procedures for FIPS Software.

b. Federal Information Processing Standards Publication (FIPS PUB) 120–1, Graphical Kernel System (GKS).

c. Federal Information Resources Management Regulations 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

d. NISTIR 5475, Validated Products List, J. Kailey and P. Himes, editors, republished quarterly.

e. NISTIR 5372, CGM: Procedures for NIST CGM Validation Test Service, L. Rosenthal and J. Schneider, February 1994.

f. ISO 10641–1992, Conformance Testing of Implementations of Graphics Standards.

8. Objectives. The primary objectives of this standard are:

—To reduce the overall life-cycle for digital systems by establishing a common exchange format for storing, transferring, and archiving graphical data across organizational boundaries and independent from any particular system.
—To promote the exchange of graphical information enabling applications to share data and reduce time spent recomputing in efforts to regenerate pictorial information.
—To specify application profiles which provide functional subsets of the CGM standard and maximize the probability of interchange between systems implementing the profile.
—To promote the use and development of conforming profiles and the harmonization of conformance testing efforts for metafiles, generators, and interpreters.

9. Applicability.

9.1 Applications acquired for government use which purport to create or read graphical pictures shall contain a conforming CGM generator or CGM interpreter. FIPS CGM enables the representations, transfer, and storage of graphical information between different software systems, graphics devices, and/or applications (e.g., word processing, publishing, drawing, spreadsheet, computer-aided design).

9.2 FIPS CGM shall be used when one or more of the following situations exist:

—Graphical information (e.g. illustrations, clip art) will be acquired for government use and incorporated into computer applications or documents.
—Computer applications, programs, systems, or devices will be acquired and used to create, modify, display, or render graphical information.
—Graphical information created by an application will be reviewed, modified, or incorporated into another application on the same or different computer systems.
—Graphical information will be used and maintained by other than the original designer.
—Graphical information will be used by multiple people, groups, or organizations within the Government or private sector.

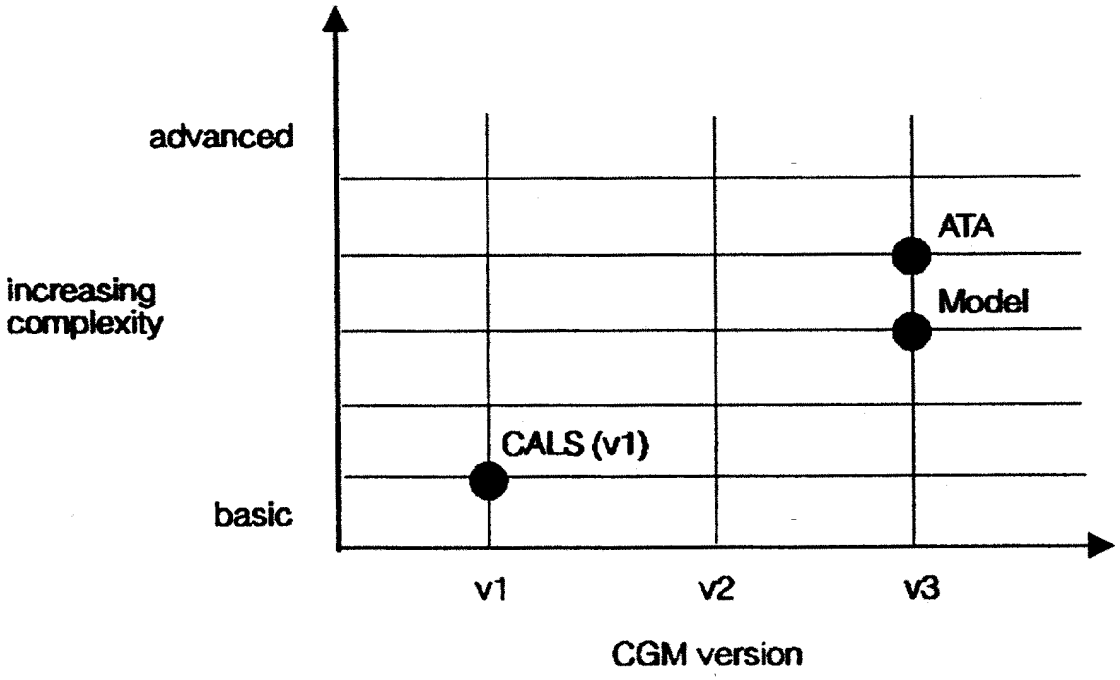
9.3 The use of a profile is required for all metafiles and implementations of CGM. A profile defines the options, elements, and parameters of ANSI/ISO 8632 necessary to accomplish a particular function and to maximize the probability of interchange between systems implementing the profile. A profile addresses metafile requirements as well as implementation requirements. The profiles added by this FIPS CGM are required for industry specific and Federal government applications.

—Model Profile: The Model Profile is appropriate for basic scientific and technical graphics (e.g., computer-aided design, mapping, earth sciences, cartography) and presentation, visualization, and publishing applications (graphics arts, high end desk top publishing). This is a general purpose profile which supports all three CGM version 3 functionality level. For FIPS CGM, if no profile is specified, the Model Profile will be assumed by default.
—ATA Specification 2100 GREXCHANGE: The ATA profile is appropriate for presentation, visualization, and publishing applications (e.g., graphical arts, imaging, electronic review of documents, hypermedia, and multimedia documents). Although similar to the Model Profile, the ATA profile allows for symbol libraries. This profile, developed by the Air Transport Association, supports the binary and clear text encodings at the CGM version 3 functionality level. Except for metafiles containing symbols or raster images, the ATA profile limits the number of pictures per metafiles to one.
—MIL–D–28003A: The CALS profile is appropriate for basic scientific and technical graphics, presentation and publishing applications (e.g., business presentation graphics, desktop publishing). In addition, this profile is appropriate for a basic level of general-purpose graphical

interchange. This profile, developed by CALS, supports only the binary encoding and is limited (by this FIPS CGM) to the CGM version 1 functionality level.

The diagram illustrates the relationship between the profiles. The x-axis represents the level of functionality by CGM version; the y-axis represents the complexity of problems that can be solved.

BILLING CODE 3510–CN–M

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10. Specifications. ANSI/ISO 8632.1–4:1992[1994], Computer Graphics Metafile, defines the scope of the specifications, the syntax, and semantics of the CGM elements. The ANSI/ISO 8632 consists of four parts: (Part 1: Functional Specifications; Part 2: Character and Coding; Part 3: Binding and Coding; Part 4: Clear Text Encoding). IOS 8632:1994/Amd. 1 defines the rules for profiles, conformance, and the Model profile, an instance of a CGM profile. In addition, one of the following profiles shall be used when implementing FIPS CGM: the Model Profile as specified in IOS 8632:1992/Amd. 1:1994, the ATA Specification 2100 Graphics Exchange for CGM, or the Military Specification MIL–D–28003A.

All implementations claiming conformance to this FIPS CGM must adhere to the specific requirements defined in the ''Conformance'' clause of ISO 8632:1992/Amd. 1:1994 and the application profile.

11. Implementation. The implementation of this standard involves four areas of consideration: effective date, acquisition, interpretation, and validation.

11.1 Effective Date. This publication is effective November 1, 1996. A transition period of six (6) months, beginning on the effective date, allows industry to produce CGM implementations and CGM files conforming to this standard. Agencies are encouraged to use this standard for solicitation proposals during the transition period. This standard is mandatory for use in all solicitation proposals for CGM files and implementations (i.e., products or software containing CGM generators and/or interpreters) acquired six (6) months after the effective date.

11.2 Acquisition of CGM Files and Implementations. The use of one of the profiles specified in Section 9.3 is required for conformance to CGM. Agencies should specify a profile in all acquisitions.

Conformance to this standard shall be considered whether CGM files or implementations are developed internally, acquired as part of a system procurement, acquired by separate procurement, used under a leasing agreement, or specified for use in contracts for programming services. Recommended terminology for procurement of FIPS CGM is contained in the U.S. General Services Administration publication Federal ADP and Telecommunications Standards Index, Chapter 5, Part 1.

11.3 Interpretation of FIPS CGM. Resolution of questions regarding this standard will be provided by NIST. Procedures for interpretations are specified in FIPS PUB 29–3. Questions concerning the content and specifications should be addressed to: Director, Computer Systems Laboratory, ATTN: CGM Interpretation, National Institute of Standards and Technology, Building 820, Room 562, Gaithersburg, MD 20899.

11.4 Validation of CGM Files and Implementations. CGM files and implementations of FIPS CGM shall be validated in accordance with the NIST Computer Systems Laboratory (CSL) validation procedures for FIPS CGM, NISTIR 5372, Procedures for the NIST CGM Validation Test Service. Recommended procurement terminology for validation of FIPS CGM is contained in the U.S. General Services Administration publication Federal ADP and Telecommunications Standards Index, Chapter 5, Part 2. This GSA publication provides terminology for three validation options: Delayed Validation, Prior Validation Testing, and Prior Validation. The agency shall select the appropriate validation option and shall specify appropriate time frames for validation and correction of nonconformities. The agency is advised to refer to the NIST publication Validated Products List for information about the validation status of CGM products. This information may be used to specify validation time frames that are not unduly restrictive of competition.

Metafiles and implementations shall be evaluated in terms of conformance to a particular profile of CGM, using the NIST CGM Test Service. If no profile is specified, the Model Profile will be used. The goal of the NIST CGM Test Service, is to assist users and vendors in determining compliance to FIPS PUB 128–2. The results of validation testing by the NIST CGM Validation Test Service are published on a quarterly basis in the Validated Products List, available from the National Technical Information Service (NTIS).

Current information about the NIST CGM Validation Test Service and validation procedures for FIPS CGM is available from: National Institute of Standards and Technology Computer Systems Laboratory, Conformance Testing Group, CGM Test Service Building 820, Room 562, Gaithersburg, MD 20899, (301) 975–3283, e-mail: cgminfo@nist.gov

12. Waivers.

Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Building 820, Room 509; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies*. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 128–2 (FIPSPUB128–2), and title. Payment

may be made by check, money order, or NTIS deposit account.

[FR Doc. 96–9444 Filed 4–16–96; 8:45 am]

BILLING CODE 3510–CN–M

## Announcement of Approval of Standard of American Petroleum Institute

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of approval of American Petroleum Institute (API) Standard 1512, *Petroleum Test Laboratory Accreditation Program*

**SUMMARY:** The American Petroleum Institute, with the assistance of other interested parties, continues to develop standards, both national and international, in several areas. This notice lists the standardization effort currently being conducted; namely, API Standard 1512, *API Petroleum Test Laboratory Accreditation Program*. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standard referenced in this notice.

**ADDRESSES:** American Petroleum Institute, 1220 L Street, NW, Washington, DC 20005–4070.

**FOR FURTHER INFORMATION CONTACT:** Roland Goodman, American Petroleum Institute, telephone: 202–682–8571, fax: 202–682–8154.

**SUPPLEMENTARY INFORMATION:** NIST first announced the proposed development of this API voluntary standard and API's request for public comments in the Federal Register on February 21, 1995 (60 FR 9669–9670).

Authority: 15 U.S.C. 272.

Dated: April 11, 1996.

Samuel Kramer,

*Associate Director.*

[FR Doc. 96–9443 Filed 4–16–96; 8:45 am]

BILLING CODE 3510–13–M

## Patent and Trademark Office

## Admittance to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the Patent and Trademark Office

**ACTION:** Proposed collection; comment request.

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

**DATES:** Written comments must be submitted on or before June 17, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments(s) and instructions should be directed to Craig R. Feinberg, Patent and Trademark Office, Washington, DC 20231, (703) 308–5316, extension 10.

**SUPPLEMENTARY INFORMATION:**

I. Abstract

The Office of Enrollment and Discipline collects information to determine the qualifications of individuals entitled to represent applicants before the Patent and Trademark Office in the preparation and prosecution of applications for a patent, and to administer and maintain the roster of attorneys and agents registered to practice before the Patent and Trademark Office.

II. Method of Collection

By mail, facsimile, and hand carry when the individual desires to participate in the information collection.

III. Data

*OMB Number:* 0651–0012.

*Form Numbers:* PTO–107A, PTO–158, PTO–275, and PTO–297.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals.

*Estimated Number of Respondents:* 10,500.

*Estimated Time Per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 3,500 hours.

*Estimated Total Annual Cost:* $694,500.

| Title of form | Form No. | Est. time for response | Est. annual burden hours | Est. annual responses |
|---|---|---|---|---|
| Data Sheet | PTO–107A | 20 minutes | 1,333 | 4,000 |
| Application for Registration | PTO–158 | 20 minutes | 1,000 | 3,000 |
| Undertaking Under 37 CFR § 10.10 (b) | PTO–275 | 20 minutes | 167 | 500 |
| Exam. for Registration— Admission Card | PTO–297 | 20 minutes | 1,000 | 3,000 |

IV. Request for Comments

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

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

Dated: April 12, 1996.

Linda Engelmeier,

*Acting Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 96–9481 Filed 4–16–96; 8:45 am]

BILLING CODE 3510–16–P

## Technology Administration

## Interagency Council on Metric Policy; Metric Town Meetings and Workshops

**SUMMARY:** The Department of Commerce and the Interagency Council on Metric Policy will sponsor six regional Metric Town Meetings and Workshops. At each meeting, participants will have the opportunity to hear from local and national experts on the benefits of using the metric system to increase our global competitiveness, commercialize new technologies, and enhance the job skills of America's workforce. Open forum

discussions will probe critical metrication issues. The meetings will build on the key themes—trade, education, and public awareness—that emerged from the first National Metric Town Meeting held March 27–28, 1995, at the National Institute of Standards and Technology in Gaithersburg, Maryland. While written submissions of issues and views are welcome, interested organizations and individuals are encouraged to participate in person to benefit from the sharing of views.

**DATES:** The first two Metric Town Meetings and Workshops will be held:

- April 26–27, 1996, in Atlanta, Georgia, at Georgia State University's Urban Life Center
- May 17–18, 1996, in Boston, Massachusetts, at the Massachusetts Institute of Technology's Stratton Student Center

The subsequent regional meetings will be held on the following schedule:

September 1996—Seattle, WA
October 1996—Chicago, IL
November 1996—San Francisco, CA
January 1997—Dallas, TX

**FOR FURTHER INFORMATION CONTACT:** Organizations and individuals interested in participating should contact the Director, Metric Program, U.S. Department of Commerce, National Institute of Standards and Technology, Building 820, Room 306, Gaithersburg, MD 20899, as early as possible. Phone (301–975–3690) and FAX (301–948–1416) inquiries will be accepted. E-mail may be sent to: metric__prg@nist.gov. Additional information and updates will be available on the Internet at: http://www.nist.gov/metric.

**SUPPLEMENTARY INFORMATION:** The International System of Units (SI), the modern ''metric system,'' is the international system of measurement. The United States is the only industrialized nation that does not use SI as the predominant measurement system in its commercial and standards activities. Adoption of the metric system in U.S. trade and commerce will increase the competitiveness of our products and services in the global marketplace.

Understanding the necessity for national metrication, Congress, in 1988 amendments to the Metric Conversion Act of 1975, declared the metric system to be the preferred system of measurement for U.S. trade and commerce. These amendments state that the Federal Government has a responsibility to assist industry, especially small business, as it voluntarily converts to the metric system of measurement.

Working with the Interagency Council on Metric Policy, the Department of Commerce Metric Program is implementing a plan that encourages a broad national dialogue on metric conversion. Under the banner ''Toward a Metric America,'' the plan includes six regional meetings and workshops, information and awareness campaigns, consultations with industry and the public, and other outreach programs.

As part of this plan, the Metric Town Meetings and Workshops will work to build state and regional partnerships (1) to accelerate adoption of the metric system in trade and commerce; (2) to encourage use of the metric system in all facets of education, including honing of worker skills; and (3) to develop positive and enjoyable programs of public awareness.

Each meeting will devote a half day to each of these areas—Friday morning to trade and commerce, Friday afternoon to public awareness, and Saturday morning to education—seeking to develop joint strategies to advance the Nation's metrication.

(15 U.S.C. 205(b) and (c))

Dated: April 4, 1996.

Gary R. Bachula,

*Acting Under Secretary for Technology.*

[FR Doc. 96–9407 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–18–M**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Establishment of Import Limits for Certain Wool Textile Products Produced or Manufactured in India

April 11, 1996.

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

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

**EFFECTIVE DATE:** April 18, 1996

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6705. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482–3740.

**SUPPLEMENTARY INFORMATION:**

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

The United States Government has decided to continue the restraint limits on Categories 435 and 440 for an additional twelve-month period, beginning on April 18, 1996 and extending through April 17, 1997.

This action is taken in accordance with the Uruguay Round Agreement on Textiles and Clothing and the Uruguay Round Agreements Act.

The United States remains committed to finding a mutual solution concerning Categories 435 and 440. Should such a solution be reached in consultations with the Government of India, further notice will be published in the Federal Register.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 35899, published on July 12, 1995.

Troy H. Cribb,

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

Committee for the Implementation of Textile Agreements

April 11, 1996.

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

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing; and in accordance with the provisions of Executive Order 11651 of March 30, 1972, as amended, you are directed to prohibit, effective on April 18, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in India and exported during the twelve-month period beginning on April 18, 1996 and extending through April 17, 1997, in excess of the following limits:

| Category | Twelve-month limit |
|---|---|
| 435 | 38,237 dozen. |
| 440 | 78,232 dozen. |

Imports charged to these category limits for the period April 18, 1995 through April 17, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. Goods in excess of those limits will be subject to the limits established in this directive.

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

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

Sincerely,

Troy H. Cribb,

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

[FR Doc. 96–9381 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–DR–F**

## Settlement on Transshipment Charges, Establishment, Amendment and Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

April 9, 1996.

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

**ACTION:** Issuing a directive to the Commissioner of Customs announcing settlement on transshipment charges, establishing, amending and adjusting limits.

**EFFECTIVE DATE:** April 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6714. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

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

In a Memorandum of Understanding (MOU) dated March 22, 1996, the Governments of the United States and Pakistan agreed that transshipment charges for bed sheets in Category 361 in the amount of 346,483 numbers will be deducted from the charges already made to Pakistan's 1995 quota level.

Also, the two governments agreed to establish annual limits, prorated this year beginning March 22, 1996, for Categories 666–P (pillowcases, excluding bolster cases) and Category 666–S (sheets) and to increase the 1996 base levels for Categories 360 and 361.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for Categories 666–P and 666–S for the prorated period beginning on March 22, 1996 and extending through December 31, 1996 and to increase the current limits for Categories 360 and 361. The amended limits for Categories 360 and 361 reflect reduction of carryforward used in 1995, in the case of Category 360, and recrediting of unused carryforward, in the case of Category 361. In a separate unpublished letter, the Commissioner of Customs is directed to deduct 346,483 numbers from the 1995 quota charges for Category 361.

Textile products in Categories 666–P and 666–S shall continue to require a Category 666 visa. Changes to the current visa requirements will be published in the Federal Register at a later date.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 609 FR 65299, published on December 19, 1995). Also see 60 FR 40824, published on August 10, 1995; and 60 FR 62393, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing and the MOU dated March 22, 1996, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

*Chairman, Committee for the Implementation of Textile Agreements*

Committee for the Implementation of Textile Agreements

April 9, 1996.

Commissioner of Customs,

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on April 16, 1996, you are directed to increase the current limits for Categories 360 and 361 and to establish limits for Categories 666–P and 666–S for the period beginning on March 22, 1996 and extending through December 31, 1996, pursuant to a Memorandum of Understanding dated March 22, 1996 between the Governments of the United States and Pakistan, and as provided for under the terms of the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing, as follows:

| Category | Limit [1] |
|---|---|
| 360 | 4,170,345 numbers. |
| 361 | 5,000,000 numbers. |
| 666–P [1] | 529,508 kilograms. |
| 666–S [2] | 2,803,279 kilograms. |

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995 (Categories 360 and 361); and March 21, 1996 (Categories 666–P and 666–S).

[2] Category 666–P: only HTS numbers 6302.22.1010, 6302.22.1020, 6302.22.2010, 6302.32.1010, 6302.32.1020, 6302.32.2010 and 6302.32.2020.

[3] Category 666–S: only HTS numbers 6302.22.1030, 6302.22.1040, 6302.22.2020, 6302.32.1030, 6302.32.1040, 6302.32.2030 and 6302.32.2040.

Textile products in Categories 666–P and 666–S which have been exported to the United States prior to March 22, 1996 shall not be subject to this directive.

Textile products in Categories 666–P and 666–S which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

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

Sincerely,

Troy H. Cribb,

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

[FR Doc. 96–9379 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–DR–M**

## Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

April 11, 1996.

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

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

**EFFECTIVE DATE:** April 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the

Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

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

The current limits for certain categories are being increased, variously, for carryforward and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 9982, published on March 12, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

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

Committee for the Implementation of Textile Agreements

April 11, 1996.

Commissioner of Customs,

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on April 18, 1996, you are directed to amend the directive dated March 5, 1996 to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

| Category | Adjusted twelve-month limit [1] |
|---|---|
| 336/636 ..... | 195,471 dozen. |
| 338/339 ..... | 584,161 dozen of which not more than 371,897 dozen shall be in Categories 338–S/339–S [2]. |

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020.

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

Sincerely,

Troy H. Cribb,

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

[FR Doc.96–9380 Filed 4–16–96; 8:45 am]

**BILLING CODE 3510–DR–F**

## Request for Public Comments on Bilateral Textile Consultations with the Government of El Salvador on Cotton and Man-Made Skirts

April 11, 1996.

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

**ACTION:** Notice.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on categories for which consultations have been requested, call (202) 482–3740.

**SUPPLEMENTARY INFORMATION:**

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

On March 29, 1996, under the terms of Article 6 of the Uruguay Round Agreement on Textiles and Clothing (ATC) and the Uruguay Round Agreements Act, the Government of the United States requested consultations with the Government of El Salvador with respect to cotton and man-made fiber skirts in Categories 342/642, produced or manufactured in El Salvador.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of El Salvador, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 342/642, produced or manufactured in El Salvador and exported during the twelve-month period which began on March 29, 1996 and extends through March 28, 1997, at a level of not less than 209,563 dozen.

A summary statement of serious damage concerning Categories 342/642 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 342/642, or to comment on domestic production or availability of products included in Categories 342/642, is invited to submit 10 copies of such comments or information to Troy H. Cribb, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande. The comments received will be considered in the context of the consultations with the Government of El Salvador.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute ''a foreign affairs function of the United States.''

The United States remains committed to finding a solution concerning Categories 342/642. Should such a solution be reached in consultations with the Government of El Salvador, further notice will be published in the Federal Register.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see

Federal Register notice 60 FR 65299, published on December 19, 1995).

Troy H. Cribb,

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

Summary Statement of Serious Damage—El Salvador

Cotton and Manmade Fiber Skirts—Category 342/642

March 1996

The sharp and substantial increase in imports of cotton and manmade fiber skirts, Category 342/642, is causing serious damage or actual threat thereof to the U.S. industry producing cotton and manmade fiber skirts.

U.S. imports of Category 342/642 from all sources increased from 6,884,065 dozen in 1992 to 7,660,844 dozen in 1994, an increase of 11 percent. Category 342/642 imports continued to increase in 1995, reaching 9,247,612 dozen, 21 percent above the 1994 level.

Serious damage or actual threat thereof to the domestic industry producing cotton and manmade fiber skirts, Category 342/642, is attributed to a sharp and substantial increase in imports from El Salvador. The combination of high import levels, surging imports, and low priced goods from El Salvador has resulted in loss of domestic output, market share, employment, and man-hours worked.

U.S. imports of cotton and manmade fiber skirts, Category 342/642, from El Salvador reached 209,563 dozen in 1995, a sharp and substantial increase of 92 percent above the 1994 level. Imports from El Salvador of Category 342/642 were 109,070 dozen in 1994, 41 percent above the 77,220 dozen imported in 1993 and 29 percent above its 1992 level. 1995 imports from El Salvador were 2.3 percent of total U.S. imports in 1995 and 3.4 percent of U.S. production in the year-ending September 1995.

[FR Doc. 96–9480 Filed 4–16–96; 8:45 am]

BILLING CODE 3510–DR–F

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Meeting of the Military Health Care Advisory Committee

**AGENCY:** Department of Defense, Military Health Care Advisory Committee.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the forthcoming meeting of the Military Health Care Advisory Committee. This is the fourth meeting of the Committee. The purpose of the meeting is to advise the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense (Personnel and Readiness), the Assistant Secretary of Defense (Health Affairs), and the Military Departments with respect to problems and opportunities and potential solutions and strategies for the military health care system. A meeting session will be held and will be open to the public.

**DATES:** May 7, 1996.

**ADDRESSES:** National Defense University, George C. Marshall Hall, Building 62, Room 155–B, Fort Lesley J. McNair Army Base, (corner of 4th and P Streets, NW), Washington, DC, unless otherwise published.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary A. Christopherson, Senior Advisor, or Commander Sid Rodgers, Special Assistant to PDASD, Office of the Assistant Secretary of Defense (Health Affairs), 1200 Defense Pentagon, Room 3E346, Washington, DC 20301–1200; telephone (703) 697–2111.

**SUPPLEMENTARY INFORMATION:** Business sessions are scheduled between 8:00 am and 5:00 pm, on Tuesday, May 7, 1996. Contact Karen Bilak in the MHCAC Conference Support Office at (703) 575–5024, at least 24 hours prior to the meeting to gain access to the base.

Dated: April 11, 1996.

Patricia L. Toppings,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 96–9376 Filed 4–16–96; 8:45 am]

BILLING CODE 5000–04–M

### Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on May 7, 1996; May 14, 1996; May 21, 1996; and May 28, 1996, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: April 11, 1996.

Patricia L. Toppings,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 96–9377 Filed 4–16–96; 8:45 am]

BILLING CODE 5000–04–M

## Department of the Army

### Proposed Collection; Comment Request

**AGENCY:** Director of Information Systems for Command, Control, Communications, and Computers (DISC4), U.S. Army.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by June 17, 1996.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to Army ROTC Scholarship, Fort Monroe, Virginia 23651–5238. Consideration will be given to all comments received within 60 days of the date of publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports clearance officer at (703) 614–0454.

*Title:* Army ROTC 4-Year scholarship application.

*Needs and Uses:* ROTC scholarship provides the Army with highly qualified men and women who desire to pursue a commission in the U.S. Army. The application and information provides the basis for the scholarship award.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 13,450.

*Number of Respondents:* 7,500.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 45 minutes.

*Frequency:* Annually.

**SUPPLEMENTARY INFORMATION:** The Army ROTC Program produces over 75 percent of the newly commissioned officers for the U.S. Army. The program must be able to attract quality men and women who will pursue college degrees from institutions of high learning throughout the United States in academic disciplines required to meet the needs of the Army. An ROTC scholarship is the major incentive for attracting and retaining outstanding students into Army ROTC.

Gregory D. Showalter,

*Army Federal Register Liaison Officer.*

[FR Doc. 96–9384 Filed 4–16–96; 8:45 am]

**BILLING CODE 3710–08–M**

## Corps of Engineers

### Availability of Hingham/Cohasset USARC, Hingham, Massachusetts

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army, in accordance with the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, announces that the property listed below, at the Hingham/Cohasset USARC, located 16 miles southeast of Boston, MA has been determined surplus.

**DATES:** Proposals for using the surplus property should be submitted as soon as possible to the New England Division, Army Corps of Engineers at the address listed below. Please contact the Army Corps of Engineers for the submission deadline.

**FOR FURTHER INFORMATION CONTACT:** Frederick W. Colman, Director, Real Estate, New England Division, Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts 02254–9149, telephone (617) 647–8585, fax (617) 647–8867.

**SUPPLEMENTARY INFORMATION:** The local communities, consisting of the towns of Hingham, Cohasset and Weymouth, have not approved a Reuse Plan and Bylaws intended to govern civilian redevelopment of the surplus property listed below. A summary of the property is as follows:

5 Storage Buildings

2 Boiler Houses

4 Production Buildings

2 Garages/Storage

2 Vehicle Maintenance Facilities

Foundations of 1 former Mess Hall Building and 1 former Barracks/Administration Building

The above are buildings of permanent construction. Most of these buildings were constructed pre World War II era.

*Total:* Approximately 125 acres of land, 15 buildings and 2 foundations.

There are no approved expressions of interest from the DOD or Federal agencies.

Frederick W. Colman,

*Director of Real Estate, New England Division, Corps of Engineers.*

[FR Doc. 96–9385 Filed 4–16–96; 8:45 am]

**BILLING CODE 3710–24–M**

### Availability of Surplus Land and Buildings Located at Fort Pickett, Blackstone, Virginia

**ACTION:** Notice of Availability.

**SUMMARY:** This notice identifies the surplus real property located at Fort Pickett, Blackstone, Virginia. Ft. Pickett is located adjacent to U.S. 460 and has rail and air facilities.

**FOR FURTHER INFORMATION CONTACT:** Donald Lutz, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510–1096, telephone (804) 441–7736. For more detailed information regarding particular properties identified in this notice (i.e., acreage, floor plans, sanitary facilities, exact street addresses, etc.) contact Ms. Jody Leis, Fort Pickett, Blackstone, Virginia, telephone (804) 292–2407.

**SUPPLEMENTARY INFORMATION:** This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to the Fort Pickett Local Reuse Authority, Attention: Mr. William Armbruster, Executive Director, Post Office Box 92, Nottoway, VA 23955. Telephone inquiries may be directed to Mr. John Prosise at (804) 645–8696.

Dated: April 1, 1996.

Robert P. Turner,

*Chief, Real Estate Division, U.S. Army Corps of Engineers, Norfolk District.*

[FR Doc. 96–9413 Filed 4–16–96; 8:45 am]

**BILLING CODE 3710–EN–M**

## Department of the Navy

### Notice of Public Hearing for the Draft Environmental Impact Statement for the Disposal and Reuse of Naval Station Long Beach, CA

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) for the disposal and reuse of Naval Station (NAVSTA) Long Beach, California. The DEIS has been distributed to various federal, state and local agencies, elected officials, special interest groups, and the public. A Notice of Availability of the DEIS was published in the Federal Register on April 5, 1996. It also is on file and available for review at the Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach.

The Navy has analyzed the environmental effects of three alternatives, which include: (1) Development of the NAVSTA Long Beach as a marine container terminal, (2) development of the station as an intermodal railyard, and (3) a ''No Action'' alternative, which would maintain the station in a ''caretaker'' status.

No decision on the proposed action will be made until the NEPA process has been completed and the Secretary of the Navy, or a designated representative, releases the Record of Decision.

**ADDRESSES:** The Navy will conduct a public hearing on Wednesday, May 8, 1996, beginning at 7:00 p.m. at the Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California, to inform the public of the DEIS findings and to solicit comments. Federal, state and local agencies, and interested parties are invited to be present or represented at the hearing. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral

comments to five minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed below. Written comments must be received by May 20, 1996, to become part of the official record. Additional information concerning this notice may be obtained by contacting: Ms. Melanie Ault (Code 232.MA), Southwest Division, Naval Facilities Engineering Command, 1420 Kettner Boulevard, Suite 507, San Diego, California 92101–2404, telephone (619) 556–0250.

Dated: April 12, 1996.

M.D. Schetzsle,

*LT, JAGC, USNR, Alternate Federal Register Liaison Officer.*

[FR Doc. 96–9482 Filed 4–16–96; 8:45 am]

**BILLING CODE 3810–FF–M**

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 24, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 10:30 a.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be held at 9:30 a.m. at the same location and will include a discussion of proposed revisions to the Commission's Administrative Manual—Rules of Practice and Procedure, an update on management of New Jersey's Potomac-Raritan-Magothy Aquifer system and public dialogue.

The subjects of the hearing will be as follows:

*Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:*

1. *Holdover Project: Borough of Berlin D–95–24 CP.* An application for approval of a ground water withdrawal project to supply up to 27.5 million gallons (mg)/30 days of water to the applicant's distribution system from new Well No. 12, and to limit the withdrawal from all wells located within the Delaware River Basin to 27.5 mg/30 days. The project is located in Berlin Township, Camden County, New Jersey. This hearing continues that of March 26, 1996.

2. *National Utilities, Inc./Hamilton Division D–85–55 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 5.5 mg/30 days of water to the applicant's Hamilton Division from Well Nos. 1, 3 and 4. Commission approval on August 8, 1990 was limited to five years. The applicant requests that the total withdrawal from all wells remain limited to 5.5 mg/30 days. The project is located in Ross Township, Monroe County, Pennsylvania.

3. *Kraft Foods, Inc. D–92–53 (Revised).* A project to provide a ground water supply to serve the applicant's food processing plant in the City of Dover, Kent County, Delaware. The applicant will continue to use its existing Well Nos. 1 and 2 for its food processing operations; existing Well No. 3 and the existing cogeneration facility it serves will be sold to First State Power Management, Inc. (see Application D–96–10). The applicant requests that the total combined withdrawal from Well Nos. 1 and 2 be limited to 7 mg/30 days (0.23 million gallons per day (mgd)).

4. *Monroe Municipal Utilities Authority D–93–9 CP.* An application for approval of a ground water withdrawal project to supply up to 25.92 mg/30 days of water to that portion of the applicant's distribution system located within the Delaware River Basin from new Well Nos. 9 and 10, and to limit the withdrawal from all wells located within the Delaware River Basin to 25.92 mg/30 days. The project is located in Monroe Township, Gloucester County, New Jersey.

5. *Florence Township Water Department D–94–82 CP.* An application for approval of a ground water withdrawal project to supply up to 21.6 mg/30 days of water to the applicant's distribution system from new Well No. 5, and to limit the withdrawal from all wells to 60 mg/30 days. The project is located in Florence Township, Burlington County, New Jersey.

6. *Whitehall Township Authority D–95–48 CP.* An application for approval of a ground water withdrawal project to supply up to 8.64 mg/30 days of water to the applicant's distribution system from the new Huber Well, and to retain the existing withdrawal limit from all wells of 73 mg/30 days. The project is located in Whitehall Township, Lehigh County, Pennsylvania.

7. *Township of Horsham Sewer Authority D–95–64 CP.* A project to modify and expand the applicant's 0.5 mgd Park Creek Sewage Treatment Plant (STP) which is located off Keith Valley Road in Horsham Township, Montgomery County, Pennsylvania. The STP will be expanded to provide 1.0 mgd of advanced secondary treatment, including ammonia, phosphorus, and nitrogen removal. The STP will serve a larger area of Horsham Township and will continue to discharge to Park Creek.

8. *Utility Group Services Corporation D–96–8.* A project to upgrade and expand the applicant's Little Washington Drainage Company STP located in East Brandywine Township, Chester County, Pennsylvania. The STP serves two residential developments in East Brandywine Township: Culbertson Run and The Timbers. The project entails expansion from 53,100 gallons per day (gpd) to 93,000 gpd in two phases, and the advanced secondary STP will be upgraded from extended aeration to a suspended growth biological nitrogen removal process with tertiary filtration. The existing allowable discharge to Culbertson Run will remain at 53,100 gpd and the expanded average flow of 40,000 gpd will be discharged to two proposed infiltration beds for subsurface disposal.

9. *First State Power Management, Inc. D–96–10.* A project to operate an existing well and cogeneration facility, both to be purchased from Kraft Foods, Inc. (see Application D–92–53 (Revised)). The project is located in the City of Dover, Kent County, Delaware. The applicant will operate an 18-megawatt steam cycle coal-fired cogeneration plant to provide power to the City of Dover's electric distribution system, and steam to Kraft Foods, Inc. The cogeneration plant site includes Well No. 3; the applicant requests the withdrawal be limited to 16 mg/30 days (0.53 mgd).

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: April 9, 1996.

Susan M. Weisman,

*Secretary.*

[FR Doc. 96–9498 Filed 4–16–96; 8:45 am]

**BILLING CODE 6360–01–P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before June 17, 1996.

**ADDRESSES:** Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Arthur F. Chantker,

*Acting Director, Information Resources Group.*

Office of Postsecondary Education

*Type of Review:* Revision.

*Title:* Free Application for Federal Student Aid (FAFSA).

*Frequency:* Annually.

*Affected Public:* Individuals or households.

*Annual Reporting and Recordkeeping Hour Burden:*

Responses: 10,065,439.

Burden Hours: 9,094,853.

*Abstract:* Collects identifying and financial information from students applying for Federal student aid for postsecondary education. Used to calculate Execpted Family Contribution and determine eligibility for grants and loans, under Title IV of the Higher Education Act.

[FR Doc. 96–9445 Filed 4–16–96; 8:45 am]

BILLING CODE 4000–01–P

## National Educational Research Policy and Priorities Board; Meeting

**AGENCY:** National Educational Research Policy and Priorities Board; Education.

**ACTION:** Notice of Closed Committee Meeting by Teleconference.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting by teleconference of the Search Committee of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the meeting.

**DATES:** April 18, 1996.

**TIME:** 9 a.m. to 11 a.m. (EDST).

**LOCATION:** First Floor Conference Room, 80 F Street, NW., Washington, DC 20208.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Hansen, Designated Federal Official, Office of Educational Research and Improvement, 555 New Jersey Ave., NW., Washington, DC. 20208–7579. Telephone: (202) 219–2050.

**SUPPLEMENTARY INFORMATION:** The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The meeting of the Search Committee is closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemption (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b(c)(6)). In discussing candidates for the position of Executive Director, the Committee will consider the credentials, personal qualifications and experience of candidates for the position of executive director, matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

The public is being given less than the required 15 days notice because of the difficulty in accommodating the schedules of all members of the Search Committee, which must complete its selection and interview process prior to the next full meeting of the Board on June 6.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Ave., NW., Washington, D.C. 20208–7564.

Dated: April 12, 1996.

Sharon P. Robinson,

*Assistant Secretary.*

[FR Doc. 96–9483 Filed 4–16–96; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER96–1046–000 and EL96–42–000]**

### Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, Southwestern Electric Power Company; Notice of Initiation of Proceeding and Refund Effective Date

April 12, 1996.

Take notice that on April 9, 1996, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL96–42–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL96–42–000 will be 60 days after publication of this notice in the Federal Register.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9440 Filed 4–16–96; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. ER96–8–000, ER96–71–000, EL96–10–000, EL96–11–000, EL96–12–000, EL96–14–000, EL96–23–000, and EL96–34–000]**

### PacifiCorp; Notice of Initiation of Proceeding and Refund Effective Date

April 12, 1996.

Take notice that on February 16, 1996, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL96–34–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL96–34–000 will be 60 days after publication of this notice in the Federal Register.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9441 Filed 4–16–96; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP96–307–000]**

### Shell Gas Pipeline Company; Notice of Application

April 11, 1996.

Take notice that on April 10, 1996, Shell Gas Pipeline Company (Shell), 200 North Dairy Ashford, Houston, Texas 77079, filed in Docket No. CP96–307–000, an application pursuant to Section 7(c) of the Natural Gas Act, as amended, and Part 157, Subpart A, of the Commission's Regulations, for expedited issuance of a certificate of public convenience and necessity authorizing the construction of a 30-inch natural gas pipeline and related facilities (including interconnection topside facilities, sub-sea taps, side tap values, and two ''stub'' laterals) extending approximately 50 miles from Garden Banks Block 128, offshore Louisiana, to South Marsh Island Block 76, offshore Louisiana, all as more fully set forth in the application which is open to the public for inspection. Shell states the proposed facilities would cost approximately $75,000,000 to construct.

Shell states that the proposed facilities would not be placed in service until Shell files for and receives a blanket transportation certificate and approved rates and terms and conditions of service pursuant to Part 284, Subparts A and G, of the Commission's Regulations. Shell states it has filed its application under protest, and that authorization is requested subjected to the ultimate outcome of Docket No. CP96–113–000, wherein Shell requested that the proposed pipeline be declared a non-jurisdictional gathering line (*Shell Gas Pipeline Company,* 74 FERC ¶ 61,227 (1996)).

Shell states that there are large volumes of natural gas and oil reserves in the Garden Banks area of the Gulf of Mexico, which are presently curtailed or scheduled to commence production on or about April 1, 1997, including deepwater reserves in the Auger and Enchilada fields. Shell further states that it is necessary to complete construction and burial of the 30-inch pipeline during the 1996 spring/summer Gulf of Mexico construction season to ensure that the facilities are in place, and ready to transport the gas when production commences. Accordingly, Shell requests issuance of authority on or before May 15, 1996, to construct the proposed facilities with rate and tariff issues to be resolved in a later phase.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 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 or 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 is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Shell to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9397 Filed 4–16–96; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP96–304–000]**

### Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

April 11, 1996.

Take notice that on April 8, 1996, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP96–304–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 18 CFR 157.212) for authorization to construct and operate a new delivery point to Alabama Gas Corporation (Alagasco), an existing transportation, sales and storage customer of Transco, in Autauga County, Alabama, under Transco's blanket certificate issued in Docket No. CP82–426–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Transco states that the new delivery point will consist of one eight-inch tap and a meter station located approximately at milepost 879.06 on Transco's mainline system in Autauga County, Alabama. Alagasco will construct facilities to enable it to receive gas from Transco at such point.

Transco states that the new delivery point will be used by Alagasco to receive into its distribution system up to 42,000 Mcf of gas per day from Transco on a firm and/or interruptible basis. Transco states that Alagasco, in turn, will deliver such gas to International Paper Company's pulp and paper mill located in Dallas County, Alabama. Transco states that it has sufficient delivery flexibility to accomplish the deliveries at the new delivery point without detriment or disadvantage to Transco's other customers.

Transco states that it is not seeking to alter the total firm or interruptible volumes authorized for delivery to Alagasco. Transco further states that the addition of this delivery point will have no impact on Transco's peak day or annual deliveries, and is not prohibited by Transco's FERC Gas Tariff.

Transco states the estimated cost of the proposed facilities is $325,000. Transco states that Alagasco will reimburse Transco for all costs incurred by Transco to construct such facilities.

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. 96–9399 Filed 4–16–96; 8:45 am]

**BILLING CODE 6717–01–M**

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**[Docket No. ER94–1246–007, et al.]**

## Ashton Energy Corporation, et al.; Electric Rate and Corporate Regulation Filings

April 10, 1996.

Take notice that the following filings have been made with the Commission:

1. Ashton Energy Corporation, Texpar Energy, Inc., Industrial Gas & Electric, Service Company Mock Resources, Inc.

[Docket No. ER94–1246–007 Docket No. ER95–62–004 Docket No. ER95–257–005 Docket No. ER95–300–006 (not consolidated)]

Take notice the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On April 8, 1996, Ashton Energy Corporation filed certain information as required by the Commission's August 10, 1994 order in Docket No. ER94–1246–000.

On March 18, 1996, Texpar Energy, Inc. filed certain information as required by the Commission's December 27, 1994 order in Docket No. ER95–62–000.

On April 1, 1996, Industrial Gas & Electric Service Company filed certain information as required by the Commission's February 1, 1995 order in Docket No. ER95–257–000.

On April 8, 1996, Mock Resources, Inc. filed certain information as required by the Commission's March 16, 1995 order in Docket No. ER95–300–000.

2. Illinois Power Company

[Docket No. ER96–1074–000]

Take notice that on April 2, 1996, Illinois Power Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Ohio Edison Company

[Docket No. ER96–1234–000]

Take notice that on March 28, 1996, Ohio Edison Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Company

[Docket No. ER96–1385–000]

Take notice that Northeast Utilities Service Company (NUSCO) on March 25, 1996, tendered for filing, a Service Agreement with Koch Power Services, Inc. (Koch) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

Koch also filed a Certificate of Concurrence as it relates to exchange transactions under the Tariff.

NUSCO states that a copy of this filing has been mailed to Koch.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commission's receipt of the filing.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Union Electric Company

[Docket No. ER96–1386–000]

Take notice that on March 25, 1996, Union Electric Company tendered for filing, a Transmission Service Agreement dated March 26, 1996 between Tennessee Power Company (TPC) and UE. UE asserts that the purpose of the Agreement is to set out specific rates, terms, and conditions for transmission service transactions from UE to TPC.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Service Company

[Docket No. ER96–1388–000]

Take notice that Northeast Utilities Service Company (NUSCO) on March 25, 1996, tendered for filing, a Service Agreement and a Certificate of Concurrence with Commonwealth Electric Company (Com Electric) and under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to Com Electric.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Cook Inlet Energy Supply, L.P.

[Docket No. ER96–1410–000]

Take notice that on March 27, 1996, Cook Inlet Energy Supply, L.P. tendered for filing an application requesting approval of rate schedule, clarification of jurisdiction, and petition for waivers, and blanket approvals.

*Comment date:* April 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Exeter & Hampton Electric Company

[Docket No. ER96–1430–000]

Take notice that on March 28, 1996, Exeter & Hampton Electric Company (E&H) tendered for filing transmission rates contained in its Schedule PP, New Hampshire Retail Competition Pilot Program Service, Exeter & Hampton Electric Company, FERC Electric Tariff, Original Volume _____ (Schedule PP). E&H states that the transmission rates in Schedule PP are proposed to become effective May 28, 1996.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Portland General Electric Company

[Docket No. ER96–1434–000]

Take notice that on March 27, 1996, Portland General Electric Company tendered for filing a letter requesting the Commission issue a supplement to FERC Electric Tariff 1st Revised Volume No. 2 (Rate schedule FERC No. 4) to reflect the name change from National Electric Associates L.P. to National Gas & Electric L.P.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. KC United Corp.

[Docket No. ER96–1446–000]

Take notice that on April 5, 1996, KC United Corp. tendered for filing an amendment in the above-referenced docket.

*Comment date:* April 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Power Service Corporation on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER96–1460–000]

Take notice that on March 29, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed a Service Agreement to add CINergy Services, Inc. as a Customer under Allegheny Power's Point-to-Point Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission. Allegheny Power proposes to make service available to CINergy Services, Inc. as of March 1, 1996.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Cambridge Electric Light Company

[Docket No. ER96–1461–000]

Take notice that on March 29, 1996, Cambridge Electric Light Company (Cambridge), submitted for filing proposed FERC Electric Tariffs for Point-to-Point Transmission Service (Point-to-Point Tariff) and for Network Integration Service (Network Tariff, Collectively Tariffs). The proposed Tariffs are modeled after the Commission's *pro forma* Tariffs accompanying its notice of proposed rulemaking on open-access transmission in Docket No. RM95–8–000. The Point-to-Point Tariff, upon its effectiveness, will supersede the existing FERC Electric Tariff for Firm Transmission Service, First Revised Volume 3 and the FERC Electric Tariff for Non-Firm Transmission Service, First Revised Volume 4. Cambridge requests that the Commission accept these proposed Tariffs and permit them to take effect without suspension, condition or modification, as of May 28, 1996. In addition, Cambridge requests waiver by the Commission of any requirements of the Commission's rules and regulations, as well as any authorizations, as may be necessary or required to permit these Tariffs to be accepted by the Commission and made effective in the manner proposed herein.

As required by the Commission, once the final rule for the Open Access NOPR is issued, Cambridge will modify these tariffs, as necessary, to ensure that they are consistent with the substantive requirements in the final rule.

Copies of the filing were served upon the Town of Belmont, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Public Utilities.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Public Service Company of New Mexico

[Docket No. ER96–1462–000]

Take notice that on April 1, 1996, Public Service Company of New Mexico (PNM), tendered for filing pursuant to § 205 of the Federal Power Act, 15 U.S.C. 824d, and § 35.13 of the regulations of the Federal Energy Regulatory Commission (Commission), (18 CFR 35.13), changes in rates for certain transmission services. PNM states that it proposes amendments between PNM and the following parties: Western Area Power Administration (Western), Plains Electric Generation and Transmission Cooperative, Inc. (Plains), Incorporated County of Los Alamos, New Mexico (IAC); Navajo Tribal Utility Authority (NTUA); Southwestern Public Service Company (SPS); El Paso Electric Company (EPE); City of Gallup, New Mexico (COG); and Kirtland Air Force Base (KAFB).

PNM's filing includes the following amendments to rate schedules for transmission services:

(1) Amendment Number Two to Contract No. 8–07–40–70695, Contract between PNM and United States Department of Energy Western Area Power Administration Salt Lake City Area Integrated Projects. (FERC Rate Schedule No. 86.)

(2) Amendment Number One to Service Schedule F to the Interconnection Agreement Between PNM and the Incorporated County of Los Alamos, New Mexico. (FERC Rate Schedule No. 60.)

(3) Amendment Number Three to the Agreement for Wheeling Service between PNM and the Navajo Tribal Utility Authority. (FERC Rate Schedule No. 27.)

(4) Amendment Number Two to Agreement to Wheel Power between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (FERC Rate Schedule No. 25.)

(5) Amendment Number Two to Service Schedule 1 to the Interconnection Agreement between PNM and El Paso Electric Company. (FERC Rate Schedule No. 9.) Amendment Number One to the PNM/EPE Operating Procedure No. 9.

(6) Amendment Number One to Special Delivery Agreement for Federally Allocated Salt Lake City Integrated Projects Power and Energy between PNM and Southwestern Public Service Company. (FERC Rate Schedule No. 83.)

PNM's filing also includes amendments to the following rate schedules for firm network transmission service to Plains, to reflect that Plains will be charged its load ratio share for service under such agreements:

(1) Service Schedule G to the Master Interconnection Agreement between PNM and Plains.

(2) Letter Agreement Implementing Certain Temporary Arrangements between PNM and Plains Relating to Plains' Demands in Excess of 328 MW.

PNM's filing also includes the following amendments to rate schedules for firm point-to-point transmission and ancillary services, to charge customers under these rate schedules separate rates for such services:

(1) Amendment Number One to Contract No. DE–AC04–89AL57511 between PNM and the Department of Energy, on behalf of Kirtland Air Force Base.

(2) Amendment Number Two to the Contract for Electric Service between PNM and the City of Gallup, New Mexico.

PNM requests an effective date of June 1, 1996, for the foregoing amendments, with the exception of the amendment to the Agreement to Wheel Power between PNM and Plains, for which PNM requests an effective date of July 1, 1996.

Copies of the filing have been served on Western, Plains, LAC, NTUA, SPS, EPE, COG, KAFB, and the New Mexico Public Utility Commission. Copies of the filing are available for public inspection at PNM's offices in Albuquerque, New Mexico.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Louisville Gas and Electric Company

[Docket No. ER96–1463–000]

Take notice that on April 1, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a service agreement between LG&E and Michigan Public Power Agency (MPPA) under Rate PSS—Power Sales Service.

A copy of the filing has been mailed to the Kentucky Public Service Commission.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Wisconsin Public Service Corporation

[Docket No. ER96–1464–000]

Take notice that on April 1, 1996, Wisconsin Public Service Corporation, tendered for filing an executed service agreement with Aquila Power Corporation under its CS–1 Coordination Sales Tariff.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Florida Power Corporation

[Docket No. ER96–1465–000]

Take notice that on April 1, 1996, Florida Power Corporation, tendered for filing a service agreement providing for service to Delhi Energy Services, Inc. pursuant to Florida Power's power sales tariff. Florida Power requests that the Commission waive its notice of filing requirements and allow the Service Agreement to become effective on April 2, 1996.

Florida Power requests that the Commission waive its notice of filing requirements to allow the Service Agreement to become effective on the date listed above.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Kansas Gas and Electric Company

[Docket No. ER96–1466–000]

Take notice that on April 1, 1996, Kansas Gas and Electric Company (KGE), tendered for filing a proposed new service schedule under the Second Supplement to the Electric Interconnection Agreement (the Operating Agreement) between KGE and Western Resources, Inc. (Western Resources). KGE states that the proposed service schedule provides for the sale of capacity under the Operating Agreement (Supplement No. 27 to FERC Rate Schedule No. 93) between KGE and Western Resources.

Copies of the filing were served upon Western Resources, Inc. and the Kansas Corporation Commission.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Western Resources, Inc.

[Docket No. ER96–1467–000]

Take notice that on April 1, 1996, Western Resources, Inc. (Western Resources), tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Rate Schedule No. 235. Western Resources states the purpose of the change is to provide generation deferral service to the City of Sabetha. The change is proposed to become effective June 1, 1996. Copies of the filing were served upon the City of Sabetha and the Kansas Corporation Commission.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Western Resources, Inc.

[Docket No. ER96–1468–000]

Take notice that on April 1, 1996, Western Resources, Inc., tendered for filing a participation power agreement and a firm transmission service agreement between Western Resources and the City of Burlington, Kansas and an electric service agreement between Kansas Gas and Electric Company and the City of Burlington, Kansas. The agreements are proposed to become effective June 1, 1996.

A copy of this filing was served upon the City of Burlington, Kansas and the Kansas Corporation Commission.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Northeast Utilities Service Company

[Docket No. ER96–1469–000]

Take notice that on April 1, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement and a Certificate of Concurrence with the Vermont Electric Cooperative, Inc. (VEC) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to VEC.

*Comment date:* April 24, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. David M. Wilks

[Docket No. ID–2954–000]

Take notice that on March 27, 1996, David M. Wilks (Applicant) tendered for filing under section 305(b) of the Federal Power Act to hold the following positions:

Director; President and Chief Operating Officer—Southwestern Public Service Company

Director—Utility Engineering Corporation

*Comment date:* April 26, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Robert H. Spilman

[Docket No. ID–2955–000]

Take notice that on March 28, 1996, Robert H. Spilman (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director—Virginia Electric and Power Company

Director—NationsBank Corporation

*Comment date:* April 26, 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. 96–9439 Filed 4–16–96; 8:45 am]

BILLING CODE 6717–01–P

**[Docket No. ER96–1441–000, et al.]**

## New England Power Company, et al.; Electric Rate and Corporate Regulation Filings

April 9, 1996.

Take notice that the following filings have been made with the Commission:

1. New England Power Company

[Docket No. ER96–1441–000]

Take notice that on March 29, 1996, New England Power Company (NEP) submitted for filing a contract between NEP and the Town of Littleton, New Hampshire, Water and Light Department (Littleton). The Contract provides for sales of electricity, under Schedule III–C of NEP's FERC Electric Tariff, Original Volume No. 1, to Littleton on an interruptible basis for Littleton's resale to its customer Montgomery Wire Corporation.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Southern Company Services, Inc.

[Docket No. ER96–1442–000]

Take notice that on March 29, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an Interchange Service Contract between Southern Companies and Citizens Lehman Power Sales. The Interchange Service Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Ohio Edison Company, Pennsylvania Power Company

[Docket No. ER96–1443–000]

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 the City of Dover, Ohio. 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 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Company Services, Inc.

[Docket No. ER96–1444–000]

Take notice that on March 29, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an Interchange Service Contract between Southern Companies and Eastex Power Marketing, Inc. The Interchange Service Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Company Services, Inc.

[Docket No. ER96–1445–000]

Take notice that on March 29, 1996, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an Interchange Service Contract between Southern Companies and Louis Dreyfus Electric Power, Inc. The Interchange Service Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. KC United Corp.

[Docket No. ER96–1446–000]

Take notice that on March 29, 1996, pursuant to § 205 of the Federal Power Act and Part 35 of the Commission's regulations, KC United Corp. (KCU), the surviving corporation in the merger of UtiliCorp United Inc. (UtiliCorp) and Kansas City Power & Light Company (KCPL), submitted for filing two transmission service tariffs: a Network Integration Service Tariff and a Point-to-Point Transmission Service Tariff for the Missouri-Kansas operations of the merged company. The tariffs are virtually identical to the *pro forma* tariffs included in the Commission's Open Access Notice of Proposed Rulemaking (Docket No. RM95–8–000).

KCU is making this filing in connection with the proposed merger of UtiliCorp and KCPL with and into KCU. The transmission service will be provided under a single system rate. The Applicants request that the Commission waive the full filing requirements contained in § 35.13 of the Commission's regulations.

Copies of the filing were served upon KCU's jurisdictional customers and the affected state public service commissions.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Mid-Continent Area Power Pool

[Docket No. ER96–1447–000]

Take notice that on March 29, 1996, the members of the Mid-Continent Area Power Pool (MAPP) who are subject to the jurisdiction of the Commission as ''public utilities'' filed a Restated Agreement to amend and restate the existing MAPP Agreement.

The Restated Agreement opens up the membership in MAPP and preserves and enhances the reliability and power pool functions of MAPP. In addition, the Restated Agreement incorporates into MAPP a Regional Transmission Group and establishes a Power and Energy Market. MAPP requests an effective date of May 28, 1996.

Copies of the filing have been served on the regulatory commissions of Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Kansas City Power & Light Company

[Docket No. ER96–1448–000]

Take notice that on March 29, 1996, Kansas City Power & Light Company (KCPL), tendered for filing Amendatory Agreement No. 1 to Municipal Wholesale Firm Power Contract, between KCPL and the City of Prescott, Kansas, dated March 11, 1996, and associated Service Schedule. KCPL states that the Amendatory Agreement revises the Agreement pursuant to KCPL's Open Season.

KCPL requests waiver of the Commission's notice requirements.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Southwestern Public Service Company

[Docket No. ER96–1449–000]

Take notice that on March 29, 1996, Southwestern Public Service Company

(Southwestern), tendered for filing proposed changes in its rate schedules to its full requirements wholesale customers.

The change in rates is necessary to the operation of Southwestern's wholesale interruptible program and conforms to its agreements with Southwestern's wholesale customers.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Atlantic City Electric Company

[Docket No. ER96–1450–000]

Take notice that on March 29, 1996, Atlantic City Electric Company (ACE), tendered for filing Agreements for Short-Term Energy Transactions between (1) ACE and Pennsylvania Power and Light (PP&L); (2) ACE and Sonat Power Marketing, Inc. (SPM); and (3) ACE and Aquila Power Corporation (APC). ACE requests that the Agreements be accepted to become effective March 30, 1996.

Copies of the filing were served on PP&L, SPM and APC and the New Jersey Board of Regulatory Commissioners.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Central Illinois Public Service Company

[Docket No. ER96–1451–000]

Take notice that on March 29, 1996, Central Illinois Public Service Company (CIPS) submitted a Service Agreement, dated February 1, 1996, establishing Cinergy Services, Inc. (CSI) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of February 28, 1996, for the service agreement with CSI. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon CSI and the Illinois Commerce Commission.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. MidAmerican Energy Company

[Docket No. ER96–1452–000]

Take notice that on March 29, 1996, MidAmerican Energy Company (MidAmerican), 106 East Second Street, Davenport, Iowa 52801, tendered for filing the Second Amendment dated March 20, 1996 and entered into by MidAmerican and Corn Belt Power Cooperative (Cooperative) to Electric Transmission Interconnection Agreement dated March 1, 1991 and entered by Iowa Public Service Company (IPS), a predecessor to MidAmerican and Cooperative. The Second Amendment modifies Supplement Nos. 22 and 23 to Rate Schedule FERC No. 35 which Supplements were filed by Midwest Power Systems Inc., a predecessor to MidAmerican and a successor to IPS, and accepted for filing by the Commission in Docket No. ER94–373–000. MidAmerican proposes to make the rate schedule change effective on June 1, 1996.

Copies of the filing were served upon Cooperative, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Washington Water Power Company

[Docket No. ER96–1453–000]

Take notice that on March 29, 1996, Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with Cogentrix Energy Power Marketing, Inc.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Florida Power & Light Company

[Docket No. ER96–1454–000]

Take notice that on March 29, 1996, Florida Power & Light company (FPL), tendered for filing proposed service agreements with Valero Power Services Company for transmission service under FPL's Transmission Tariff No. 2 and FPL's Transmission Tariff No. 3.

FPL requests that the proposed service agreements be permitted to become effective on April 1, 1996, or as soon thereafter as practicable.

FPL states that this filing is in accordance with Part 35 of the Commission's regulations.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Wisconsin Electric Power Company

[Docket No. ER96–1455–000]

Take notice that on March 29, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Transmission Service Agreement between itself and Eastex Power Marketing, Inc. (Eastex). The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff. The Transmission Service Agreement allows Eastex to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 5, Rate Schedule STNF, under Docket No. ER95–1474. 3

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served upon Eastex, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Puget Sound Power & Light Company

[Docket No. ER96–1456–000]

Take notice that on March 25, 1996, Puget Sound Power & Light Company, tendered for filing its proposed non-discriminatory, open access Network Transmission Tariff, in accordance with the Commission's Notice of Proposed Rulemaking issued March 29, 1995 in Docket No. RM95–8–000 and Docket No. RM94–7–000.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Carolina Power & Light Company

[Docket No. ER96–1458–000]

Take notice that on March 29, 1996, Carolina Power & Light Company (Carolina), tendered for filing separate Service Agreements executed between Carolina and the following Eligible Entities Oglethorpe Power Corporation, USGen Power Services, L.P., Illinois Power Company, and Eastex Power Marketing, Inc. Service to each Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Black Hills Corporation

[Docket No. ER96–1459–000]

Take notice that on March 29, 1996, Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (BHC), tendered for filing a Point-to-Point Transmission Service tariff and a Network Integration Service tariff.

The tariffs provide eligible transmission customers the opportunity to contract for various transmission and ancillary services from BHC.

Copies of the filing were provided to the South Dakota Public Utilities

Commission, the Wyoming Public Service Commission, and the Montana Public Service Commission.

*Comment date:* April 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–9398 Filed 4–16–96; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL-5458-4]**

## Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Approval of a Notification of Intent to Certify Equipment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Agency Certification of Equipment for the Urban Bus Retrofit/Rebuild Program.

**SUMMARY:** The Agency received a notification of intent to certify equipment signed September 6, 1996 from Johnson Matthey Inc. (Johnson Matthey) with principal place of business at 460 East Swedesford Road, Wayne, PA 19087–1880 for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR 85.1401–85.1415. The equipment is applicable to petroleum-fueled Detroit Diesel Corporation (DDC) two-cycle engines originally installed in an urban bus from model year 1979 to model year 1993, exclusive of the DDC 6L71TA 1990 model year engines, all alcohol fueled engines, and models which were manufactured with particulate trap devices (see Table A). On December 13, 1995, EPA published a notice in the Federal Register that the notification had been received and made the notification available for public review and comment for a period of 45-days (60 FR 64048). EPA has completed its review of this notification, and the comments received, and the Director of the Engine Programs and Compliance Division has determined that it meets all the requirements for certification. Accordingly, EPA approves the certification of this equipment.

The certified equipment provides 25 percent or greater reduction in exhaust emissions of particulate matter (PM) for the engines for which it is certified.

The Johnson Matthey notification, as well as other materials specifically relevant to it, are contained in Public Docket A–93–42, category XI, entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment''. This docket is located in room M-1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

**DATES:** The date of this notice April 17, 1996 is the effective date of certification for the equipment described in the Johnson Matthey notification. This certified equipment may be used immediately by urban bus operators. Operators who have chosen to comply with program 1 or program 2 can utilize this equipment or other equipment that is certified for any engine that is listed in Table A that undergoes rebuild.

**FOR FURTHER INFORMATION CONTACT:** Anthony Erb, Engine Compliance Programs Group, Engine Program & Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Telephone: (202) 233–9259.

**SUPPLEMENTARY INFORMATION:**

I. Background

By a notification of intent to certify signed September 6, 1995, Johnson Matthey applied for certification of equipment applicable to petroleum-fueled Detroit Diesel Corporation (DDC) two-cycle engines originally installed in an urban bus from model year 1979 to model year 1993, exclusive of the DDC 6L71TA 1990 model year engines and models which were manufactured with particulate trap devices or alcohol fueled (see Table A). The notification of intent to certify states that the equipment being certified is a catalytic exhaust muffler (CEM). The CEM contains an oxidation catalyst developed specifically for diesel applications, packaged as a direct replacement for the muffler. The application demonstrates that the candidate equipment provides a 25 percent or greater reduction in emissions of particulate matter (PM) for petroleum fueled diesel engines relative to an original engine configuration with no after treatment installed. Certification is applicable to engines that are rebuilt to original specifications, or in-use engines that are not rebuilt at the time the CEM is installed provided the engine meets engine oil consumption limits specified by Johnson Matthey. According to Johnson Matthey, a 6V engine that uses more than one quart of oil per 10 hours of operation, or an 8V engine that uses more than 1.5 quarts of oil per 10 hours of operation, must be rebuilt. Johnson Matthey is also certifying a 25 percent reduction in PM for engines that are retrofit/rebuilt with certified new rebuild kits that do not include after treatment devices. This will apply only when the CEM is installed at the same time the retrofit/rebuild occurs. Currently, this applies to the DDC retrofit/rebuild kit which was certified on October 2, 1995 (60 FR 51472).

Certification of the Johnson Matthey CEM does not trigger any new program requirements for applicable engines, as the requirement to use equipment certified to achieve at least a 25% reduction has already been triggered for these engines. Johnson Matthey stated that it would offer the equipment for less than $2000 (in 1992 dollars).

The CEM contains an oxidation catalyst developed specifically for diesel applications, packaged as a direct replacement for the muffler.

Using engine dynamometer testing in accordance with the Federal Test Procedure for heavy-duty diesel engines, Johnson Matthey documented significant reductions in PM emissions after retrofit. This amounted to a 50% PM reduction in the pre-rebuild retrofit test and a 38% reduction in the post-rebuild retrofit test. The test data show that engines with the certified retrofit equipment installed comply with applicable Federal emission standards for hydrocarbon (H.C.), carbon monoxide (CO), oxides of nitrogen (NO), and smoke emissions in addition to demonstrating reductions in PM exhaust emissions.

TABLE A. CERTIFICATION LEVELS

| Engine models | Model year | PM level [1] with CEM | Code | Family |
|---|---|---|---|---|
| 6V92TA MUI [2] | 1979–87 | 0.38 | All | All |
| | 1988–1989 | 0.23 | All | All |
| 6V92TA DDEC I | 1986–89 | 0.23 | All | All |
| 6V92TA DDEC II | 1988–91 | 0.23 | All | All |
| | 1992–93 | 0.19 | All | All |
| 6V71N | 1973–87 | 0.38 | All | All |
| 6V71N | 1988–89 | 0.38 | All | All |
| 6V71T | 1985–86 | 0.38 | All | All |
| 8V71N | 1973–84 | 0.38 | All | All |
| 6L71TA | 1988–89 | 0.23 | All | All |
| 6LV71TA DDEC | 1990–91 | 0.23 | All | All |
| 8V92TA | 1979–87 | 0.38 | All | 8V92TA |
| | 1988 | 0.29 | All | 8V92TA |
| 8V92TA–DD | 1988 | 0.31 | All | 8V92TA–DDEC II |
| 8V92TA | 1989 | 0.35 | 9E70 | KDD0736FWH9 |
| 8V92TA | 1989 | 0.29 | 9A90 | KDD0736FWH9 |
| 8V92TA | 1989 | 0.26 | 9G85 | KDD0736FWH9 |
| 8V92TA DDEC | 1989 | 0.31 | 1A | KDD0736FZH4 |
| 8V92TA | 1990 | 0.35 | 9E70 | LDD0736FAH9 |
| 8V92TA DDEC | 1990 | 0.37 | 1A | LDD0736FZH3 |
| 8V92TA DDEC | 1991 | 0.19 | 1A or 5A | MDD0736FZH2 |
| 8V92TA DDEC | 1992–93 | 0.16 | 1D | NDD0736FZH1 & PDD0736FZHX |
| 8V92TA DDEC | 1992–93 | 0.22 | 6A | NDD0736FZH1 & PDD0736FZHX |
| 8V92TA DDEC | 1992–93 | 0.15 | 5A | NDD0736FZH1 & PDD0736FZHX |
| 8V92TA DDEC | 1992–93 | 0.19 | 1A | NDD0736FZH1 & PDD0736FZHX |

[1] The original PM certification levels for the 1991 6V92TA DDEC II, 6LV71TA DDEC and 8V92TA DDEC engine models are based on Federal Emission Limits (FELs) under the averaging, banking and trading program. These limits are higher than the 1991 PM standard of 0.25 g/bhp–hr. The PM level listed in this table for the engines that are equipped with the CEM provide at least a 25% reduction from the original certification levels. The 1992 to 1993 6V92TA DDEC II and 8V92TA DDEC engine models were also certified using FELs under the trading and banking program and likewise the PM levels for the engines equipped with the CEM represent at least a 25% reduction from the original certification levels.

[2] For 6V92TA MUI models that are rebuilt using a certified DDC emissions retrofit kit, Johnson Matthey is certifying the PM engine emissions to a level of 0.22g/bhp–hr for the 1979 to 1987 models and to a level of 0.17 g/bhp–hr for the 1988–1989 models provided the CEM is installed at the same time the rebuild with the DDC upgrade takes place. The DDC upgrade kit certification notification was published in the Federal Register on October 2, 1995 (60FR51472).

Under Program 1, all rebuilds of applicable engines must use equipment certified to reduce PM levels by at least 25 percent. This requirement will continue for the applicable engines until such time as it is superseded by equipment that is certified to trigger the 0.10 g/bhp-hr emission standard for less than a life cycle cost of $7,940 (in 1992 dollars).

Johnson Matthey has established PM certification levels as specified in Table A for this equipment. Operators who choose to comply with Program 2 and install this equipment, will use the specified PM emission levels in their calculation of fleet level attained.

## II. Summary and Analysis of Comments

EPA received comments from two parties on this notification. The Detroit Diesel Corporation (DDC) had a number of comments in the following areas: engines models covered by the application, certification of equipment for use on different stages of engine rebuild, test engine selection and extrapolation of test results, certified emission levels and representivity of test data. The Engelhard Corporation commented on the following areas: incomplete parts list, modification of the manufacturers specification, representivity of test data, and public health risk assessment.

DDC stated that certain engines that appear to be covered by Johnson Matthey's certification request cannot be included in the final certification, specifically 6V–92TA DDEC alcohol fueled engines for urban bus applications and 1992 and 1993 engines which were certified with particulate trap systems. EPA agrees that this is the case and these engines are not covered under this certification. DDC also stated that the 8V–92TA should not be included in the coverage under this certification as they are too large for use in urban buses. EPA agrees that engines this large will generally not be installed in urban buses. However, if any of these engines are in fact installed in urban buses, they are subject to the retrofit/rebuild requirements. Therefore, this engine is included in the certification, but will only apply when the 8V–92TA is installed in an urban bus. DDC also notes that 6V–92TA DDEC engines equipped with particulate traps do not appear to be included in the certification request, and should not be included. EPA agrees that Johnson Matthey did not intend to certify its equipment for use on 6V–92TA engines with particulate traps.

In the notification, Johnson Matthey seeks to certify engines which are not in need of rebuild based upon specified engine calibrations. DDC has stated that certification should be approved only with respect to engines that have been rebuilt to original specifications as the retrofit/rebuild requirements do not apply until the operator rebuilds an engine. DDC agreed that under program 2 operators could conceivably install certified add-on equipment without rebuilding the base engine and use the certified emission level in their fleet averaging, but expressed concerns that the engine may have worn cylinders or fuel injection components in need of rebuild, and as a result the engine out PM emissions may be high. DDC stated that engine wear conditions would create difficulty in achieving the

certification level when applying the CEM to an engine which has not been rebuilt. DDC and Engelhard expressed concerns about the low emission level of the pre-rebuild engine that was used in baseline tests for this application.

DDC noted that it would not be appropriate to approve the certification on engines which have been rebuilt using the DDC certified emission upgrade kits as no reductions were made in the PM emission levels stated in the notice. DDC stated its belief that the addition of the CEM to an engine already rebuilt using the certified DDC kit will provide incremental PM reduction, but that Johnson Matthey must certify to a level that has been demonstrated using both the DDC upgrade kit and the CEM. Further, Johnson Matthey had not provided the emission performance warranty for this emission level and that Johnson Matthey must accept all liability associated with this warranty. DDC would warrant only for emission defects.

DDC's claim that program requirements do not start until an operator rebuilds an engine is only partly correct. Operators choosing to comply with program 1 are not required to take any action until an affected engine is rebuilt or replaced. However, operators choosing to comply with program 2 must ensure their fleet is equal to or less than their target fleet level at all times. Thus, program requirements apply continuously to program 2 operators. In addition, if an operator desires to be able to change between programs, the regulations require that both programs be complied with prior to the switch. Johnson Matthey has supplied test data in the application which demonstrates that engine rebuild is not necessary to ensure a 25% PM reduction with the CEM installed, allowing program 2 operators to utilize this equipment. Furthermore, Johnson Matthey has addressed the concern that engine wear might prevent an engine from achieving the PM level to which it is certified by providing an oil consumption criteria. Engines which exceed this criteria are presumably worn, and must be rebuilt in order to install the CEM to meet program requirements.

While it is true that program one requirements become effective when the engine is rebuilt, EPA does not want to stop an operator from taking the initiative to install certified equipment prior the time it is actually required under the regulations. EPA believes that the addition of the CEM would provide some incremental benefit to an in-use engine prior to the time a rebuild is found necessary. Therefore, in the interest of cleaner air, EPA will allow program one participants to install certified equipment aftertreatment prior to time a rebuild is found necessary in order to allow for an incremental reduction of PM emission in the interim.

In regard to DDC's concerns that engine wear needs to be evaluated prior to installing this equipment, Johnson Matthey has modified its application to remove the language referring to calibrations which were stated to be vague and unenforceable and will instead require that operators determine the oil consumption rate for an engine prior to installing the CEM in order to determine engine wear and condition. If this rate of consumption exceeds 1.5 quarts of oil consumption per 10 hours of operation for 6V engines or 2.0 quarts of oil consumption per 10 hours of operation for 8V engines, Johnson Matthey will require that the engine be rebuilt prior to CEM installation in order to address these concerns. Furthermore, Johnson Matthey will be responsible for meeting the performance warranty for a period of 150,000 miles on each engine under this certification. EPA believes that operators will rebuild engines when necessary in order to keep their fleet in reasonable operating condition. The decision to rebuild will not be affected by the option to install a catalyst. Rather, operators will only choose to install the catalyst in order to reduce emissions, and not in place of a needed rebuild. It is noted that the testing data provided for a 50% reduction in the pre-rebuild engine and a 38% reduction in the case where the engine was rebuilt. Based on these levels of reduction, it is apparent there should be ample margin between the in-use emissions of an engine that the operator finds is not in need of a rebuild to reasonably project that the levels stated in Table A can be met.

Both Engelhard and DDC commented on the low emission level of the engine that was used for baseline testing. Johnson Matthey selected an engine that was normally used in the transit industry. Although the pre-rebuild level does appear low (0.44 g/bhp-hr PM), this engine was not modified or adjusted prior to the baseline test. Further, nothing in the engine's history indicates that it is not a representative urban bus engine. Information from the transit company and Johnson Matthey indicates that the engine was properly maintained in accordance with industry practices. Therefore, EPA finds the data to be acceptable as well.

With regard to the application of the Johnson Matthey CEM to engines which were upgraded using DDC certified rebuild kits, Johnson Matthey has provided revised language in the application to warrant the emissions performance for these engines to reduced emission levels of 0.22 g/bhp-hr PM for the 1979 to 1987 engines and 0.17 g/bhp-hr for the 1988 and 1989 engines. These levels are included in Table A herein. This should address the DDC concerns in this area.

With regard to the issues raised by DDC concerning test engine selection and extrapolation of test results, DDC stated that the testing was done on a used engine prior to rebuild and after rebuild using DDC replacement parts. However, the rebuild was incomplete and did not put the engine into any configuration which had been certified. Since no testing was reported using either an unused engine or an in-use engine that was newly rebuilt to its original configuration, DDC has stated that it does not appear that Johnson Matthey fulfilled the requirements of 40 CFR section 85.1406 (a)(v). Engelhard also commented that it disputed whether the application represented a standard rebuild.

In response to these issues, Johnson Matthey has provided documentation that it attempted to rebuild the engine to a configuration which would be normal for those engines currently in the field. Since the original build date of the test engine a number of changes were made in the field in accordance with DDC guidance. In undertaking the rebuild, Johnson Matthey attempted to rebuild the engine to the standard that exists for engines in the field. Johnson Matthey has provided numerous pages from parts and engine references which document that the parts installed are in accordance with recommended field guidance. This documentation is included in the docket.

It is noted that a change in horsepower was made during the engine rebuild. This change in horsepower has evidently caused confusion regarding the final engine rebuild configuration. After consultation with EPA, during the rebuild the engine horsepower was modified to 277 horsepower vs. the 253 horsepower of the original engine. It was believed that more urban bus engines exist in the field with 277 horsepower, and that this would be more representative of the existing in-use urban bus fleet and this change was made simply to make the engine more representative of the fleets that exist in the field. Consequently, EPA believes that this change in horsepower caused the apparent confusion relative to the rebuild status of this engine and that Johnson Matthey has provided

documentation that the rebuild represents a standard rebuild for the 277 horsepower engine in accordance with the requirements of section 85.1406.

DDC commented that the certifier appears to be in conformance with the requirements of EPA's ''worst case engine configuration'' requirements as stated in 40 CFR section 85.1406 (a)(2). However, DDC also stated that EPA only considered trap technology in developing the definition of worst case engine configuration, and noted that particulate traps remove both the volatile and non-volatile particulate components but that catalysts only reduce volatile particulate.

DDC stated that for catalyst technology, worst case should not be based on total particulate but rather on the engine with the lowest volatile particulate fraction and that EPA should modify the definition in the regulations.

Trap technology was discussed in the preamble language to the Urban Bus Retrofit/Rebuild rule. EPA also referenced aftertreatment devices in this language and EPA obviously considers catalysts to be aftertreatment devices. EPA, at this time, does not have information that would break down engines into groups having the highest volatile or lowest volatile composition and none was supplied with the comments. Further, revision of the definition in the regulation will not take place during this notification review, but would instead take place in a regulatory amendment process based upon information received. However, in the meantime, EPA will continue to interpret the worst case definition to apply for both trap and catalyst technology.

With regard to certified emission levels, DDC commented that the proposed certification levels do not represent a full 25% reduction, and cited an example where only a 20% reduction was present in the table for 1979 to 1987 for 8V–92TA engines. In addition, for the 1991 code 5A 8V92TA DDEC engine, the original certification testing yielded a PM emission level of 0.20 g/bhp–hr and the proposed certification level of 0.19 g/bhp–hr given in Table A represents only a 5% reduction.

The pre-rebuild levels listed in § 85.1403(c)(1)(iii)(A) were determined by EPA based on certification results or engineering data and judgement. In Table A, Johnson Matthey has listed the PM levels it is certifying to for listed models and years. In a number of instances the certification level shown represents a 25% reduction from the levels that were listed in § 85.1403(c)(1)(iii)(A). In other instances, the number reflects a 25% reduction from the level that was certified by DDC during new engine certification. In the case of the 1979–1987 8V–92TA models, the certification level was not directly listed in § 85.1403 (c)(1)(iii)(A). However, there is a designation for ''other engines'' which is listed as 0.50 g/bhp–hr PM.

In the case for the 1991 8V92TA DDEC engine the original certification testing by DDC yielded a PM emission level of 0.20 g/bhp–hr. However, DDC certified the engine to a level 0.37 g/bhp–hr level under the averaging, banking and trading program. Therefore, the proposed certification level of 0.19 g/bhp–hr PM provides for more than a 25 % reduction from the original DDC certification level for this engine. In the case of the 1979–1987 8V92TA engines, the level used by Johnson Matthey was based on the level that was approved under a previous application. In that application, the Engelhard Corporation certified this engine model to a PM level of 0.40 g/bhp–hr level based on what it projected to be a reasonable reduction. EPA accepted this level and no comments were received on this during the review or post certification time frame. However, based on DDC's comment and lacking more specific information relative to the original emission levels of this engine, Johnson Matthey has amended its application and Table A has been revised to provide a certification level of 0.38 g/bhp–hr for these engines. EPA will contact Engelhard with regard to a revision to the certification level for this engine relative to its certification as well. EPA has reviewed the certification levels in accordance with DDC's request and believes that Table A represents at least a 25% reduction in all instances. Further, based on the test data provided by Johnson Matthey, EPA believes that the test data will in fact reduce the PM emissions by 25% or more on these engines.

With regard to DDC's comments on representivity of test data, Johnson Matthey's notification provides baseline testing data with a particulate level of 0.44 g/bhp–hr even though the test engine had accumulated 300,000 miles in service. In contrast, the table in § 85.1403 (c) (1)(iii)(A) of the regulations provides a baseline value of 0.50 g/bhp–hr. In the case of DDC's own notification of intent to certify the baseline certification testing yielded a value of 0.53 g/bhp–hr for this engine model. DDC questioned whether the blower that was installed on this engine based on an in-field update was 100% bypass blower. DDC noted that the injection timing was set at 1.460 for the testing and not at 1.475 as would have been the case if the engine were properly updated. Engelhard also questioned whether the injectors were rebuilt and the injector height. According to DDC, the Johnson Matthey pre-rebuild test configuration was not consistent with any DDC certified configuration. According to DDC, because of this discrepancy, the catalyst efficiency assessments would be expected to be higher, than if testing had been performed using a properly rebuilt 1986 or 1987 engine. It was not clear whether the post-rebuild was intended to reflect a standard rebuild or a rebuild using the certified DDC upgrade kit. DDC and Engelhard noted that the parts listing in the application did not include a blower, turbocharger cylinder heads or fuel injectors, all of which were noted to be key components which are subject to wear and must be replaced at rebuild. DDC also noted that the cylinder kits were listed as part number 23503938. This part number was noted by DDC to apply to a truck engine and are not the proper kits for upgrading the engine to either a standard or upgraded bus engine configuration. DDC noted that the 1.475 injection timing used in the post-rebuild testing would have been proper for a standard rebuild, but a timing change of 1.500 must be used with a DDC certified upgrade rebuild. Johnson Matthey's post rebuild test level of 0.13 g/bhp–hr is well below DDC's expectations and range of test experience for properly rebuilt engines. DDC and Engelhard questioned the representivity of such low test data.

According to Johnson Matthey, and as noted in testing documentation in the application, pre-rebuild engine emissions were sampled on the engine just as it came from the field. No changes were made to components, settings or parts prior to testing. The engine history indicates that the test engines went into revenue service on April 10, 1986. In May 1989, with 158,880 miles on the odometer, the engine was serviced at an authorized DDC facility under a warranty claim. Warranty repairs were made due to high oil consumption and smoke emissions. Warranty repairs consisted of the replacement of the cylinder kit with standard DDC parts. DDC authorized the replacement of the 83% blower with a 100% blower. It is noted that this is the by-pass blower. Aside from routine maintenance, the engine operated in regular service until it was determined through maintenance records that the engine, due to excess oil consumption was in need of a major engine overhaul. The engine was removed from service

and sent to the Southwest Research Institute for certification testing. It was determined through baseline testing that the engine was consuming oil at a rate of 5 quarts per 12 hours. Testing was performed at Southwest Research on the engine in its as received condition. The engine was tested with T–70 injectors set a timing of 1.460. DDC indicated that the injection timing should have been 1.475 if the engine were properly updated. Based on the information presented, EPA concludes that the pre-rebuild engine was tested in the configuration that would represent the original configuration along with recommended modifications for the engine in the field including the timing. Johnson Matthey has provided EPA with detailed documentation that the engine was tested in the original in-use configuration. Therefore, it is apparent that the 1.460 timing would have been acceptable for the original configuration, it would not have been acceptable for the engine which had been updated in the field according to DDC. However, this engine had not undergone the complete update and had been only partially updated based on the warranty work performed in 1989. Therefore, it is apparent that the 1.460 timing would be correct for this engine since it had not undergone the update. Unfortunately, the confusion was evidently caused by the fact that the blower was replaced under warranty. But the additional changes necessary to update the engine were not made at that time. Therefore, the engine was tested with the original injection timing setting rather than the setting that is specified for the updated rebuild.

In regard to the rebuilt engine presented for the post rebuild testing, Johnson Matthey rebuilt the engine to the 277 horsepower configuration as discussed earlier. The injectors for this horsepower were the G–75 injectors set at the 1.475 timing. The documentation submitted by Johnson Matthey indicates that this is the proper setting according to printed field guidance and DDC commented that this would be the correct timing for the standard rebuild. It is apparent to EPA that the direction given in the field by DDC for a standard rebuild updates the engine to the configuration which Johnson Matthey presented for post rebuild testing. In regard to the parts list missing the components noted, these parts were inadvertently left off the parts list contained in the notification. Johnson Matthey has provided this listing and it contains all the parts mentioned by the commenters as being necessary for the rebuild and has been added to the docket. In regard to the cylinder kits used in the rebuild, this part number was provided in a printout of information from DDC's computerized service information system identifying the listed cylinder kit part number to be correct for this engine. In regard to this being a truck part number, the servicer who performed the rebuild explained that there was no bus engine designation at the time this engine was originally manufactured, therefore the truck part number is referenced in the guidance provided in the DDC printout. This printout is included in the docket. Although the low level of PM that was generated in the post-rebuild testing is lower than that seen for other rebuilt engines tested under this regulation, the information presented by Johnson Matthey indicates it was rebuilt to what would be a standard rebuild configuration. Therefore, EPA believes it is acceptable for the purpose of certification in the demonstration of a 25% reduction demonstration. EPA notes that a low PM number for the pre-retrofit test does not seem to be an advantage to the certifier when certifying a 25% reduction.

DDC noted that the maximum exhaust pressure limit for the 1986 6V–92TA engine family limit was exceeded when the CEM was installed. The backpressure was 3.4 inches Hg. on the pre-rebuild engine and 3.7 inches Hg. on the post rebuild engine. The maximum backpressure limit for the 253 horsepower configuration is 2.5 inches Hg. and in the 277 horsepower configuration the maximum backpressure is 3.0 inches Hg. DDC noted that an in-use catalyst which becomes partially plugged could become more restrictive due to ash accumulations and cause still higher levels of backpressure. DDC commented that the use of the same size and configuration catalyst on 8V–92TA engines which have higher exhaust flows would result in extremely high back pressures. DDC noted that increased backpressure will cause increased engine out smoke and increased non-volatile particulate levels. It would also cause increased cylinder and exhaust temperatures and have a deleterious effect on engine durability. DDC also commented that the life-cycle cost should be modified to reflect an increased cost based on the fuel economy shown in the post rebuild certification testing. The post rebuild test with the CEM in place presented an exhaust backpressure of 3.7 inches Hg. (an increase of 1.3 inches Hg. over the baseline test without the CEM) and brake-specific fuel consumption increased from 0.441 to 0.454 lb/bhp-hr when the CEM was added (an increase of 2.9%). DDC stated its belief that the loss in fuel economy resulted from the increased backpressure. Using the equation in 40 CFR section 85.1403 (b)(1)(ii)(C) DDC estimated the increased cost based on loss of fuel economy to be $459 (1995 dollars). DDC believes that this component must be included in the life-cycle cost analysis.

In response to the backpressure issue, Johnson Matthey noted that the CEM that was used during certification testing was a prototype which developed greater backpressure than the production models to be manufactured. Johnson Matthey referenced SAE paper NO 930129 ''Production Experience of a Ceramic Wall Flow Electric Regeneration Diesel Particulate Trap'' which reports measured in-use back pressure of 5.2 inches Hg. on a particulate trap system of the design approved by DDC and certified by EPA for the DDC 6V92TA engine and noted that the level experienced during Johnson Matthey's certification testing was well below this level.

Johnson Matthey has also provided field data indicating that the recent data collected shows backpressure experienced with CEMs in the field is lower than that seen during the certification tests. It noted that the certification test is designed to represent the standard muffler in place on the exhaust system and the associated backpressure. The CEM is designed to take the place of the muffler in the exhaust system. Johnson Matthey has provided information indicating it will design each CEM so that the backpressure due to the CEM will be less than or equal to the muffler it replaces. Consequently, there will be no incremental increase in backpressure due to the replacement of the muffler with the CEM. Johnson Matthey provided field data from an operator in which the backpressure readings were taken for buses during ''full stall''. Full stall is a procedure used in the field to evaluate system backpressure. The information provided indicates that with standard mufflers in place the backpressure ranged between 2.7 and 3.0 inches of Hg. For comparison purposes, Johnson Matthey also provided data that the back pressure on an in-use bus was 2.4 inches Hg. at full stall with a production CEM installed. Further, Johnson Matthey has indicated that it will size each catalyst for the flow requirements of the engine to minimize backpressure. Johnson Matthey has arranged for production CEMs to be designed and fabricated by a major manufacturer of urban bus mufflers. The

production CEMs currently in use in field tests were designed with this company. Johnson Matthey has indicated that it will size the catalyst element to accommodate engine flow. However, the conversion of PM will never be compromised as the gas space hourly velocity (GHSV) will be maintained. As noted by Johnson Matthey, the GHSV determines the effectiveness and performance of the catalyst to convert PM. To accommodate engines with greater exhaust flow, the catalyst volume will be changed in accordance with the exhaust flow rate. Therefore, if the engine flow rate is increased, a larger catalyst can be applied so long as the GHSV is maintained. The resultant ability of the catalyst to convert PM will be maintained.

Johnson Matthey also provided temperature data which documented the exhaust temperatures with and without the catalyst. The peak temperature difference between the two was between 10 to 15 degrees C in the worst case. Johnson Matthey also noted that over the past six years more than 1,000 buses in Europe have been equipped with CEMs and there have not been any warranty claims resulting from CEM backpressure. Based on the backpressure levels and the operating temperatures noted during the test, EPA does not believe the backpressure or temperatures experienced during testing will be detrimental to engines if experienced in the field.

Based on the fact that Johnson Matthey has shown it will provide catalysts to operators which are designed in tandem with a major muffler producer to have equal or less backpressure than the mufflers they will replace, while at the same time maintaining catalyst efficiency, and in conjunction with the field data presented, EPA does not find it would be appropriate at this time to consider a life-cycle cost impact due to a fuel economy decrease which would be attributable to increased backpressure. Therefore, life-cycle costs will not be modified.

Since the requirements for trigger technology have already been triggered for all engine models covered by this application, the life-cycle cost calculation is not necessary from the standpoint of triggering requirements. No new requirements will be placed on operators based on this certification and no operator will be required to specifically purchase this equipment. Rather, operators will be able to select the equipment they will use. The Johnson Matthey equipment may be used by operators choosing program 1 or program 2. However, this certification will not be considered trigger technology, and will not affect the emission levels for program 2. EPA encourages operators to supply fuel economy or emissions data relative to this certification directly to EPA, if fuel economy decreases or emission increases are noted in the field. If in the future, EPA finds that based on the data presented that the fuel economy or emissions have been affected, a notice will be issued in the Federal Register.

DDC commented that EPA should seek assurances that the certified hardware will be available for all engine bus combinations. Johnson Matthey has indicated it will work with the operators to meet their needs and is developing CEMs to be direct bolt in designs. This coupled with the fact that other companies have already certified equipment for the engines covered under this application should handle this concern.

DDC also commented that the CEM must be placed within six feet of the turbine outlet as the testing data was developed with the catalyst placed six feet from the turbine. DDC noted that the temperature and conversion efficiency would be affected by the catalyst placement. If the catalyst is placed nine feet from the turbine outlet, rather than at six feet as positioned during the emissions test, the difference in exhaust temperature between the two placements may affect the catalyst efficiency. In the application, Johnson Matthey provided temperature data indicating that the temperature change between the turbine outlet and the catalyst was 10 degrees C over the six foot length and projected that the difference in the additional three foot length would amount to 5 degrees C. It is not thought that this temperature difference will affect catalyst effectiveness.

Engelhard has raised a health effects issue concerning the formulation of the catalyst. Specifically, Engelhard stated it's belief that the Johnson Matthey CEM contains a catalyst that contains platinum and vanadium. Engelhard noted that vanadium was toxic and was a real concern in Europe. Engelhard stated that the combination of vanadium and platinum raises the concern over increased aldehyde and oxygenate emissions which would be expected to increase exhaust odor. Engelhard stated that if the platinum and vanadium materials are being used, Johnson Matthey should be required to supply test data proving no risk to public health, welfare or safety. Engelhard did not provide any documentation or references with its comments on this issue.

In order to gain a better understanding of the Engelhard comment, EPA telephoned Engelhard to discuss its comment. EPA was told that the primary concern was based on a technical report titled, ''Assessment of Maleic Anhydride as a Potential Air Pollution Problem''. This report dated January 1976 was generated under EPA contract number 68–02–1337. Engelhard did not have a copy of the report on hand and sent EPA a summary abstract which has been added to the docket. EPA obtained a copy from the EPA Library. The report has been added to the docket as well. The report indicates that maleic anhydride is a white crystalline solid with a sharp irritating odor. It also states that the main method of manufacture is the reaction between benzene vapor and air in the presence of a vanadium catalyst. Benzene is listed by the American Council of Governmental Industrial Hygienists as having a ''A1'' designation indicating that it is a confirmed human carcinogen. Maleic anhydride has not received a designation from this group as no experimental data has been reported. The report notes that maleic anhydride is used in the production of esters, polyester resins, dye intermediates, pharmaceuticals, agricultural chemicals and fumaric acid. Health effects, physical chemical properties and measurement techniques are also discussed in this report. Based on the report, Engelhard concerns are focused on the fact that in a catalyst containing platinum and vanadium, with benzene in the exhaust stream, conditions may be present under which the benzene is converted to maleic anhydride.

Johnson Matthey considers the presence or absence of vanadium in the formulation of the catalyst used in the CEM to be proprietary information and does not wish to disclose this information to its competitors through public dissemination. To protect this proprietary information, EPA will not discuss the formulation of the catalyst in this notice. In any case, for the reasons given below, the presence of vanadium would not affect the certification of the CEM in this application.

EPA notes that the formation of maleic anhydride as discussed in the report is under a controlled environment with the specific purpose of producing maleic anhydride. In the process to manufacture maleic anhydride, a benzene/air mixture is oxidized to maleic anhydride over a vanadium catalyst at a pressure of 2 to 5 atmospheres at a temperature of 400

to 450 degrees C. While benzene is present in the diesel exhaust, the pressure in the exhaust will generally be at 1 atmosphere and the temperature will usually be less than 400 degrees C. The average diesel exhaust temperature ranges between 250 degrees and 350 degrees C. There may be occasions where the diesel exhaust reaches 400 degrees C or higher but this will represent peak temperatures of short duration for the most part. For example, in the test engine for the post rebuild test with catalyst installed, the exhaust temperature averaged approximately 240 degrees C and the peak temperature was less than 330 degrees C. Additionally, the required pressure of 2 to 5 atmospheres necessary for the specified conversion process will not be found in the diesel exhaust. Therefore, the conditions specified to carry out the conversion process as per the noted report will not be found in the diesel exhaust system. Additionally, in the case of an oxidation catalyst such as the CEM, volatile organic compounds such as maleic anhydride are oxidized. Therefore, for the most part, any maleic anhydride present would be converted to carbon dioxide and water by the CEM. Johnson Matthey has provided test data that aldehydes and oxygenate compounds were reduced by the catalyst used in the CEM.

After review of this matter, EPA does not believe that it has sufficient information or test data at this time indicating that use of the candidate equipment poses an unreasonable risk to public health and welfare or safety.

However, EPA is interested in gathering additional information in this area and requests that the public and industry provide information with regard to the content of the diesel exhaust stream and the effect oxidation catalysts may have upon exhaust stream components, especially non-regulated components. Further, as benzene is present in the diesel exhaust stream of all diesel engines, the possibility may exist for the production of maleic anhydride with or without the presence of vanadium. Therefore, the question raised here may pertain to all diesel engines whether or not they are employing oxidation catalysts. Based on this, EPA seeks information from the public and industry with regard to diesel exhaust relative to increases or decreases in exhaust components based on the use of oxidation catalysts which contain or do not contain vanadium.

III. Certification Approval

The Agency has reviewed this notification, along with comments received from interested parties, and finds that the equipment described in this notification of intent to certify:

(1) Reduces particulate matter exhaust emissions by at least 25 percent, without causing the applicable engine families to exceed other exhaust emissions standards;

(2) Will not cause an unreasonable risk to the public health, welfare, or safety;

(3) Will not result in any additional range of parameter adjustability; and,

(4) Meets other requirements necessary for certification under the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (40 CFR Sections 85.1401 through 85.1415).The Agency hereby certifies this equipment for use in the urban bus retrofit/rebuild program as discussed below in section IV.

IV. Operator Requirements and Responsibilities

This equipment may be used immediately by urban bus operators who have chosen to comply with either program 1 or program 2, but must be properly applied. Currently, operators having certain engines who have chosen to comply with program 1 must use equipment certified to reduce PM emissions by 25 percent or more when those engines are rebuilt or replaced. Today's Federal Register notice certifies the above-described Johnson Matthey equipment as meeting that PM reduction requirement. Only equipment that has been certified to reduce PM by 25% or more may be used by operators with applicable engines who have chosen program 1. Urban bus operators who choose to comply with Program 1 may use the certified Johnson Matthey equipment (or other certified equipment) until such time as the 0.10 g/bhp-hr standard is triggered for the applicable engines.

Operators who choose to comply with Program 2 and use the Johnson Matthey equipment will use the appropriate PM emission level from Table A when calculating their fleet level attained (FLA).

As stated in the program regulations (40 CFR 85.1401 through 85.1415), operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the requirements beginning on January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines.

Dated: April 3, 1996.

Mary D. Nichols,

*Assistant Administrator.*

[FR Doc. 96–9467 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–P

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**[OPP–34095; FRL–5360–5]**

## Notice of Receipt of Requests for Amendments to Delete Uses In Certain Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

**DATES**: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on July 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the Federal Register. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 22 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names/ active ingredients and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before July 16, 1996 to discuss withdrawal of the applications for amendment. This 90–

day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1—Registrations with Requests for Amendments to Delete Uses in Certain Pesticide Registrations

| EPA Reg No. | Product Name | Active Ingedient | Delete From Label |
|---|---|---|---|
| 000100–00721 | Funginex | Triforine | Cranberries & asparagus |
| 000100–00730 | Triforine Technical | Triforine | Cranberries & asparagus |
| 000352–00508 | DuPont Karmex DF Herbicide | Diuron | Bermudagrass pastures |
| 002724–00355 | Whitmire PT 14 Dairy & Farm Insect Fogger | Dipropyl isocinchomeronate; Pyrethrins | Dairy farm uses, animal uses, stanchion barn use, beef cattle operations, horse barns & stables, poultry operations, hog operations |
| 000802–00536 | Lilly/Miller Casoron Granules | Dichlobenil | Peaches, plums, prunes, nectarines |
| 000802–00570 | Lilly/Miller Casoron Granules | Dichlobenil | Peaches, plums, prunes, nectarines |
| 000802–00571 | Lilly/Miller Casoron Granules 1.5% | Dichlobenil | Peaches, plums, prunes, nectarines |
| 001317–00083 | Dairy-Du Spray | Diproryl isocinchomeronate; Pyrethrins; *N*-Octyl bicycloheptene dicarboximide | Animal spraying |
| 001812–00313 | Blue Viking Star Shine Crystals | Copper Sulfate | Foliar nutritional mixtures use on citrus |
| 001812–00314 | Blue Viking Star Glow Powder | | Foliar nutritional mixtures use on citrus |
| 007501–00070 | RTU PCNB Seed Protectant | Pentachloronitrobenzene | Safflower use |
| 010163–00172 | Imidan Technical | Phosmet | Corn & Citrus |
| 010806–00017 | Contact Animal Guard | Dipropyl isocinchomeronate; Pyrethrins; *N*-Octyl bicycloheptene dicarboximide | Use on horses |
| 011715–00023 | Speer Livestock Spray | Dipropyl isocinchomeronate; Pyrethrins; *N*-Octyl bicycloheptene dicarboximide | Use on dairy & beef cattle |
| 011715–00173 | Speer Stable Spray | Dipropyl isocinchomeronate; Pyrethrins; *N*-Octyl bicycloheptene dicarboximide | Use on dairy & beef cattle |
| 034704–00067 | Ziram 76WP | Ziram | Beans (snap, lima), celery, cucumbers, melons, pumpkins, squash, tomatoes, greenhouse tomatoes |
| 034704–00597 | Clean Crop Bovinol Super Stock Spray | Dipropyl isocinchomeronate; Pyrethrins; *N*-Octyl bicycloheptene dicarboximide | Dairy cattle spraying & barn fogging |
| 034704–00768 | Valent Dairy & Horse | Dipropyl isocinchomeronate; Pyrethrins | Use on livestock, dairy, beef, hogs, sheep, dairy barns, milking rooms, milking barns, calf pens, livestock quarters |
| 039967–00003 | Preventol O Extra | *o*-Phenylphenol | Wood protection |
| 058185–00005 | Koban 30 | Etridiazole | Turf uses (other than golf course tees, greens & fairways), grass seed treatment uses |
| 058185–00016 | Koban 1.3-G | Etridiazole | Turf uses (other than golf course tees, greens & fairways), grass seed treatment uses |
| 066222–00008 | Farmrite Folpet 50-W | Folpet | Blackberries, boysenberries, dewberries, loganberries, raspberries, blueberries, huckleberries, summer/winter squash, pumpkins, celery, cherries (red tart), citrus (oranges, grapefruit, lemons, limes, tangelos, tangerines), gooseberries, currants, garlic |

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2—Registrants Requesting Amendments to Delete Uses in Certain Pesticide Registrations

| Company No. | Company Name and Address |
|---|---|
| 000100 | Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27419. |
| 000352 | E.I. du Pont de Nemours & Co., Barley Mill Plaza, Walker's Mill Bldg. 37, Wilmington, DE 19880–0038. |
| 000499 | Whitmire Research Laboratories, Inc., 3568 Tree Court Ind. Blvd., St. Louis, MO 63122. |

TABLE 2—Registrants Requesting Amendments to Delete Uses in Certain Pesticide Registrations—Continued

| Company No. | Company Name and Address |
|---|---|
| 000802 | The Chas. H. Lilly Co., P.O. Box 83179, Portland, OR 97083. |
| 001317 | An-Fo Manufacturing Co., P.O. Box 7311, Oakland, CA 94601. |
| 001812 | Griffin Corporation, P.O. Box 1847, Valdosta, GA 31603. |
| 007501 | Gustafson Inc., P.O. Box 66065, Dallas, TX 75266. |
| 010163 | Gowan Company, P.O. Box 5569, Yuma, AZ 85366. |
| 010806 | Contact Industries, Div. of Safeguard Chemical Corp., 411 Wales Avenue, Bronx, NY 10454. |
| 011715 | Speer Products, Inc., P.O. Box 18993, Memphis, TN 38181. |
| 034704 | Platte Chemical Co., P.O. Box 667, Greeley, CO 80632. |
| 039967 | Bayer Corporation, 100 Bayer Road, Pittsburgh, PA 15205. |
| 058185 | The Scotts Company, 1411 Scottslawn Road, Marysville, OH 43041. |
| 066222 | Makhteshim-Agan of North America Inc., 551 Fifth Ave., Suite 1100, New York, NY 10176. |

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pest, Product registrations.

Dated: April 3, 1996.

Frank Sanders,

*Director, Program Management and Support Division, Office of Pesticide Programs.*

[FR Doc. 96–9284 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

**[OPP–30407; FRL–5362–2]**

## Certain Companies; Applications to Register Pesticide Products

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by May 17, 1996.

**ADDRESSES:** By mail, submit written comments identified by the document control number [OPP–30407] and the file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@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 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–30407]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Biopesticides and Pollution Prevention Division (7501W), Attn: (Contact Person named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the person named in each registration at the following office location/telephone number:

| Contact Person | Office location/telephone number | Address |
|---|---|---|
| Michael Mendelsohn, | Rm. CS51B6, (703–308–8715); e-mail: mendelsohn.mike@epamail.epa.gov. | Environmental Protection Agency Westfield Building North Tower, 2800 Crystal Drive, Arlington, VA 22202 |
| Rita Kumar, | Rm. CS5W55, (703–308–8291); e-mail: kumar.rita@epamail.epa.gov. | Do |

**SUPPLEMENTARY INFORMATION:** EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 524–UOE. Applicant: Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. Product Name: CryIA(b) Form of the

*Bacillus thuringiensis* subsp. *kurstaki* Insect Control Protein. Plant Pesticide Active ingredient: *Bacillus thuringiensis* delta-endotoxin as produced in corn by a cryIA(b) gene and its controlling sequences. Proposed classification/Use: None. For seed propagation. (Mike Mendelsohn)

2. File Symbol: 55638–GL. Applicant: Ecogen Incorporation, 2005 Cabot Blvd. West, P.O. Box 3023, Longhorne, PA 19047–3023. Product name: Crystar Technical. Biological Insecticide. Active ingredient: *Bacillus thuringiensis* subspecies *kurstaki* strain EG 7826 lepidopteran active toxin at 50 percent. Proposed classification/Use: None. For manufacture of bioinsecticide end-use products; for application on seed corn, field corn, popcorn, and sweet corn. (Rita Kumar)

3. File Symbol: 55638–GT. Applicant: Ecogen Inc. Product name: Crystar WDG. Biological Insecticide. Active ingredient: *Bacillus thuringiensis* subspecies *kurstaki* strain EG 7826 lepidopteran active toxin at 15 percent. Proposed classification/Use: None. For control of lepidopterous pests. (Rita Kumar)

4. File Symbol: 55638–GA. Applicant: Ecogen Inc. Product name: Crystar G. Biological Insecticide. Active ingredient: *Bacillus thuringiensis* subspecies *kurstaki* strain EG 7826 lepidopteran active toxin at 2.00 percent. Proposed classification/Use: None. For control of lepidopterous larvae on corn. (Rita Kumar)

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

A record has been established for this notice under docket number [OPP–30407] (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 information claimed as CBI, is available for inspection from 8 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:

opp-docket@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.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division at the address provided from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. It is suggested that persons interested in reviewing the application file, telephone this office at (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: April 4, 1996.

Janet L. Andersen,

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 96–9475 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

**[OPP–66224; FRL–5360–6]**

## Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

**DATES**: Unless a request is withdrawn by July 16, 1996, orders will be issued cancelling all of these registrations.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Rm. 216, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the Federal Register before acting on the request.

II. Intent to Cancel

This Notice announces receipt by the Agency of requests to cancel some 10 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 000100–00665 ..... | Pennant 5G Granular Herbicide | 2-Chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylphenyl)acetamide (9CI) |
| 000100–00688 ..... | Medal Herbicide | 2-Chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylphenyl)acetamide (9CI) |
| 000100–00715 ..... | Derby Granular Herbicide | 2-Chloro-4,6-bis(ethylamino)-*s*-triaine |
| 000100–00665 ..... | Pennant 5G Granular Herbicide | 2-Chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylphenyl)acetamide (9CI) |

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 000100–00665 | Pennant 5G Granular Herbicide | 2-Chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylphenyl)acetamide (9CI) |
| N/A | N/A | 2-Chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylphenyl)acetamide (9CI) |
| 000279 OH–81–0021 | Furadan 4 Flowable | 2,3-Dihydro-2,2-dimethyl-7-benzofuranylmethlcarbamate |
| 003125 OH–93–0002 | Sencor DF 75% Dry Flowable Herbicide | 1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)- |
| 003125 OH–93–0003 | Sencor Solupak 75% Dry Flowable Herbicide | 1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)- |
| 004524–00030 | I-BAC | Nonylphenoxypolyethoxyethanol - iodine complex |
| N/A | N/A | Phosphoric acid |
| 009807–00004 | Double-D | Ethanol |
| N/A | N/A | Tetrasodium ethylenediaminetetraacetate |
| N/A | N/A | Isopropanol |
| N/A | N/A | Alkyl* dimethyl benzyl ammonium chloride *(50%$_{C14}$, 40%$_{C12}$, 10%$_{C16}$) |
| N/A | N/A | Didecyl dimethyl ammonium chloride |
| N/A | N/A | Octyl decyl dimethyl ammonium chloride |
| N/A | N/A | Dioctyl dimethyl ammonium chloride |
| 039834–00002 | Ryan 50 | Ryania speciosa, powdered stems of |
| 062719–00057 | Access | 4-Amino-3,5,6-trichloropicolinic acid, isooctyl ester |
| N/A | N/A | Butoxyethyl triclopyr |

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued cancelling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this ninety-day period.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

| EPA Company no. | Company Name and Address |
|---|---|
| 000100 | Ciba-Geigy Corp., Box 18300, Greensboro, NC 27419. |
| 000279 | FMC Corp., Agricultural Products Group, 1735 Market St, Philadelphia, PA 19103. |
| 003125 | Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120. |
| 004524 | H.B. Fuller Co., 3900 Jackson St., N.E., Minneapolis, MN 55421. |
| 009807 | Texas Department of Criminal Justice-Institutional, industrial Division Box 99, Huntsville, TX 77342. |
| 039834 | Dunhill Chemical Co., Box 609, Rosemead, CA 91770. |
| 062719 | DowElanco, 9330 Zionsville Rd 3083E, Indianapolis, IN 46268. |

## III. Loss of Active Ingredients

Unless the requests for cancellation are withdrawn, two pesticide active ingredients will not longer appear in any registered products. Those who are concerned about the potential loss of these active ingredients for pesticidal use are encouraged to work directly with the registrant to explore the possibility of their withdrawing the request for cancellation. The active ingredients are listed in the following Table 3, with the EPA Company and CAS Number.

TABLE 3.—ACTIVE INGREDIENTS WHICH WOULD DISAPPEAR AS A RESULT OF REGISTRANTS' REQUESTS TO CANCEL

| Cas No. | Chemical Name | EPA Company No. |
|---|---|---|
| 15662–33–6. | Ryania speciosa, powdered stems of | 039834 |
| 26952–20–5. | Picloram, isooctyl ester | 062719 |

## IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before July 16, 1996. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

## V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for one year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in Federal Register No. 123, Vol. 56, dated June 26, 1991. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: April 3, 1996.

Frank Sanders,

*Director, Program Management and Support Division, Office of Pesticide Programs.*

[FR Doc. 96–9283 Filed 4–16–96; 8:45 am]

**BILLING CODE 6560–50–F**

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**[PF–650; FRL–5362–7]**

## Conversion of Tolerances for Fenvalerate to Esfenvalerate; Notice of Filing

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt by EPA of an initial filing of a food additive petition (FAP) and it announces two amendments to a previously published filing of a pesticide petition (PP).

**DATES:** Written comments, identified by the docket number [PF–650], should be submitted to EPA by May 17, 1996.

**ADDRESSES:** By mail, comments should be forwarded to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (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 record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF–650]. No CBI should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Library. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–6100; e-mail: larocca.george@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has received the following pesticide petitions and food additive petitions:

Amended Filings

1. *PP 4F4329.* DuPont Agricultural Products, PO Box 80038, Wilmington, DE, 19880-0038 has submitted a petition to EPA that proposes conversion of tolerances for fenvalerate (40 CFR 180.379) to esfenvalerate (*S*-alpha-cyano(3-phenoxyphenyl)methyl *S*-4-chloro- alpha-(1-methylethyl)benzecate) tolerances. The original notice of filing was published in the Federal Register on July 13, 1994 (59 FR 35719). The following are amendments to that filing:

a. The following raw agricultural commodities (RAC) (current fenvalerate tolerance followed by proposed esfenvalerate tolerance in parts per million) were not included in the original filing: meat, meat fat, and meat-by-products of cattle, hogs, horses, goats, and sheep at 1.5, 1.5; milk 0.3, 0.3; milk fat 7.0, 7.0.

b. DuPont also proposes esfenvalerte tolerances (in parts per million) for the following RAC's that never had established fenvalerate tolerances: soybean forage 10 and soybean hay 15.

c. The RAC turnip roots is amended to: ''turnip roots 0.5, 0.5''. The RAC radish tops was omitted and should be added as follows: ''radish tops 8.0, 3.0.''

d. The word ''walnuts'' was omitted and should be added as follows: ''English walnuts 0.2, 0.2.''

e. The following tolerance with regional registration (current fenvalerate tolerance followed by proposed esfenvalerate tolerance) is proposed: Okra 0.1, 0.1.

Initial Filings

1. *FAP 6H5750.* DuPont Agricultural Products, P.O. Box 80038, Wilmington, DE 19880-0038 submitted on January 26, 1994 a petition (PP 4F4329) for the conversion of tolerances for fenvalerate (40 CFR 180.379) to esfenvalerate (*S*-alpha-cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate). On March 9, 1994 DuPont also proposed to amend 40 CFR 186.1300 by converting feed additive tolerances from fenvalerate to esfenvalerate. This petition was amended February 28, 1995 to propose a tolerance of 4 ppm for wet apple pomace and on March 8, 1996 to propose a tolerance of 0.5 ppm on soybean hulls.

2. *PP 4F3003.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036, submitted on November 29, 1983 a pesticide petition to EPA that proposed to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide fenvalerate (cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate)) for sorghum and poultry. These proposed tolerances were published in the Federal Register of January 4, 1984 (49 FR 503). On November 3, 1989, DuPont Agricultural Products, P.O. Box 80038, Wilmington, DE, 19880-0038 amended the petition by switching the proposed tolerances from fenvalerate to esfenvalerate (*S*-alpha- cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate). On December 10, 1991 DuPont Agricultural Products amended the petition for esfenvalerate by changing the tolerance in/on the following food commodities: sorghum grain 5 ppm (parts per million), sorghum forage 10 ppm, sorghum fodder 10 ppm, whole eggs 0.03 ppm, poultry meat 0.03, poultry fat 0.3 ppm, poultry meat by-products 0.3 ppm, poultry liver 0.03 ppm.

2. *FAP 4H5419.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036, submitted on November 29, 1983 a food additive petition to EPA that proposed tolerances for sorghum milling products. FAP 4H5419 will be withdrawn because the Agency is no longer requiring tolerances for sorghum milled products.

A record has been established for this notice of receipt under docket number [PF–650] (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 information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 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:

opp-Docket@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 of receipt, 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 mintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

List of subjects

Environmental protection, Temporary tolerances, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 96–9285 Filed 4–16–96; 8:45 am]

**BILLING CODE 6560–50–F**

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**[OPP–181008; FRL 5362–4]**

## Propazine; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received specific exemption requests from the Colorado and Oklahoma Departments of Agriculture (hereafter referred to as the ''Applicant'') to use the pesticide propazine (CAS 139–40–2) to treat up to 272,000 and 280,000 acres, respectively, of sorghum to control pigweed. The Applicants propose the use of a new (unregistered) chemical; additionally, an emergency exemption for this use has been requested for the previous 3 years, and a complete application for registration of this use and a tolerance petition has not been submitted to the Agency. Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

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

**ADDRESSES:** Three copies of written comments, bearing the identification notation ''OPP–181008,'' should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@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–181008]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning 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 provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8791; e-mail: beard.andrea@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested the Administrator to issue specific exemptions for the use of propazine on sorghum to control pigweed. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Sorghum is grown as a rotational crop with cotton and wheat, in order to comply with the soil conservation requirements. Propazine, which was formerly registered for use on sorghum, was voluntarily canceled by the former Registrant, who did not wish to support its re-registration. The Applicants claim that this has left sorghum growers with no pre-emergent herbicides that will adequately control certain broadleaf weeds, especially pigweed. Until 1993–4, the first season an exemption was requested, growers were using existing stocks of propazine. The Applicants state that other available herbicides have serious limitations on their use, making them unsuitable for control of pigweed in sorghum. Although the original Registrant of propazine has decided not to support this chemical through re-registration, another company has committed to support the data requirements for this use. Propazine was once registered for this use, but has now been voluntarily canceled and is therefore considered to be a new chemical. The Applicants claim that significant economic losses will occur without the availability of propazine.

The Applicants propose to apply propazine at a maximum rate of 1.2 lbs. a.i. (2.4 pts. of product) per acre, by ground or air, with a maximum of one application per crop growing season. Therefore, use under this exemption could potentially amount to a maximum total of 326,400 lbs. of active ingredient (81,600 gal. of product) in Colorado, and 336,000 lbs. of active ingredient (84,000 gal. of product) in Oklahoma. This is the third year that Colorado and Oklahoma have applied for this use of propazine on sorghum, and the fourth year that this use has been requested under section 18 of FIFRA. Colorado and Oklahoma were issued exemptions for this use for last growing season.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide), or if an emergency exemption for a use has been requested in any 3 previous years, and a complete application for registration of the use and/or a tolerance petition has not been submitted to the Agency. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP–181008] (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 information claimed as CBI is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resource 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:

opp-docket@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. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Colorado and Oklahoma Departments of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: April 4, 1996.

Susan Lewis,

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 96–9477 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

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**[PP 3G4210/T689; FRL 5360–7]**

## Iprodione; Extension of Temporary Tolerances

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

**ACTION:** Notice.

**SUMMARY:** EPA has extended temporary tolerances for combined residues of the fungicide iprodione, its isomer and its metabolite in or on certain raw agricultural commodities.

**DATES:** This temporary tolerance expires April 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–6900; e-mail: Welch.connie@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice which was published in the Federal Register of March 8, 1995 (60 FR 12765), announcing the establishment of temporary tolerances for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(methylethyl)-2,4-dioxo-1-imidazolidinecarboximide], its isomer [3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidzolidinecarboximide], and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboximide] in or on the raw agricultural commodities tangerines and tangelos at 3.0 parts per million (ppm). The tolerances were issued in response to pesticide petition (PP) 3G4210, submitted by Rhone-Poulenc Ag Company, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709–2014.

These temporary tolerances have been extended to permit the contiuned marketing of the raw agricultural commodities named above when treated in accordance with the provisions of the experimental use permit 264-EUP-94, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rhone Poulenc AG Company, must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires April 15, 1997. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 2, 1996.

Stephen L. Johnson,

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 96–9469 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

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**[FRL–5459–7]**

## Agency Information Collection Activities Under OMB Review

**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 the Office of Management and Budget's

(OMB) responses to Agency PRA clearance requests. 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.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer (202) 260–2740, Please refer to the EPA ICR No.

**SUPPLEMENTARY INFORMATION:**

OMB Responses to Agency PRA Clearance Requests

*OMB Approvals*

EPA ICR No. 0969.04; Final Authorization for Hazardous Waste Management; was approved 03/29/96; OMB No. 2050–0041; expires 01/31/99.

EPA ICR No. 0988.06; Water Quality Standards Regulations; was approved 03/29/96; OMB No. 2040–0049; expires 03/31/99.

EPA ICR No. 0138.05; Modification of Secondary Treatment Requirement for Discharges into Marine Waters; was approved 03/29/96; OMB No. 2040–0088; expires 03/31/99.

EPA ICR No. 1500.03; National Estuary Program; was approved 03/29/96; OMB No. 2040–0138; expires 03/31/99.

EPA ICR No. 0940.13; Renewal, Ambient Air Quality Surveillance; was approved 03/29/96; OMB No. 2060–0084; expires 03/31/99.

EPA ICR No. 1069.05; Standard Of Performance for Iron and Steel Plants: Basic Oxygen Process Furnances—NSPS Subpart N, NA; was approved 03/29/96; OMB No. 2060–0029; expires 03/31/99.

EPA ICR No. 1286.04; Used Oil Management Standards Recordkeeping and Reporting Requirements; was approved 03/29/96; OMB No. 2050–0124; expires 03/31/99.

EPA ICR No. 1054.06; Standard of Performance for Petroleum Refineries—NSPS Subpart J; was approved 03/29/96; OMB No. 2060–0022; expires 03/31/99.

EPA ICR No. 1692.02; NESHAP for Hazardous Air Pollutants for Petroleum Refineries; was approved 07/28/95; OMB No. 2060–0340; expires 07/31/96.

EPA ICR No. 1758.02; Measures of Success for Compliance Assistance Reporting Form; was approved 03/25/96; OMB No. 2060–0346; expires 03/31/98.

EPA ICR No. 0595.06; Notice of Pesticide Registration by States to Meet a Special Local Need (SLN) under FIFRA Section 24(c); was approved 03/22/96; OMB No. 2070–0055; expires 03/31/99.

EPA ICR No. 0922.05; Data Call-in for Special Review Chemicals; was approved 03/22/96; OMB No. 2070–0057; expires 03/31/99.

*Extensions of Expiration Dates*

EPA ICR No. 0664; NSPS for bulk Gasoline Terminals (Subpart XX)—Information Requirements; OMB No. 2060–0006; expiration date was extended to 06/30/96.

EPA ICR No. 0095; Recertification and Testing Exemption Reporting and Recordkeeping Requirements; OMB No. 2060–0007; expiration date was extended to 06/30/96.

EPA ICR No. 0222; Investigations into Possible Noncompliance of Motor Vehicles with Federal Emission Standards; OMB No. 2060–0086; expiration date was extended to 06/30/96.

EPA ICR No. 0275; Preaward Compliance Review Report for all Applicants Requesting Federal Financial Assistance; OMB No. 2090–0014; expiration date was extended to 06/30/96.

EPA ICR No. 0011; Selective Enforcement Auditing Reporting and Recordkeeping Requirements (Large Non-Road Compression Ignition Engine Proposal); OMB No. 2060–0064; expiration date was extended to 06/30/96.

*OMB Disapproval*

EPA ICR No. 1442; Land Disposal Restrictions, Supplemental Proposal to Phase IV: Clarification of Bevill Exclusion for Mining Wastes; Changes to the Definition of Solid Waste for Mineral Processing Wastes; was disapproved 04/05/96.

Dated: April 11, 1996.

Joseph Retzer,

*Director, Regulatory Information Division.*

[FR Doc. 96–9465 Filed 4–16–96; 8:45 am]

**BILLING CODE 6560–50–M**

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**[FRL–5459–5]**

## Water Pollution Control; Program Modification Application by Utah to Administer the Sludge Management (Biosolids) Program

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

**ACTION:** Notice of application and public comment period.

**SUMMARY:** Pursuant to 40 CFR 123.62, the State of Utah has submitted to EPA an application to revise the existing Utah Pollutant Discharge Elimination System (UPDES) program to include administration and enforcement of the sludge management (biosolids) program. According to the State's proposal, this program would be administered by the Utah Department of Environmental Quality (DEQ).

The application from Utah is complete and is available for inspection and copying. Public comments are requested.

**DATES:** Public comments are to be received or postmarked on or before May 17, 1996. If the EPA is under shutdown or furlough status, comments must be postmarked by 30 calendar days from the date of this notice and the deadline will not be extended.

**FOR FURTHER INFORMATION CONTACT:** Janet LaCombe at (303) 312–6287, State Assistance Program, (8P2–SA); U.S.E.P.A., Region VIII; 999 18th Street, Suite 500; Denver, CO 80202–2466.

**SUPPLEMENTARY INFORMATION:** Section 405 of the Clean Water Act (CWA), 33 U.S.C. Section 1345, created the sludge management program, allowing EPA to issue permits for the disposal of sewage sludge under conditions required by the CWA. Section 405(c) of the CWA provides that a state may submit an application to EPA for administering its own program for issuing sewage sludge permits within its jurisdiction. EPA is required to approve each such submitted state program unless EPA determines that the program does not meet the requirements of Sections 304(i) and/or 402(b) of the CWA or the EPA regulations implementing those sections.

Utah's application for sludge management program approval contains a letter from the Governor requesting program approval, an Attorney General's Statement, copies of pertinent State statutes and regulations, amendments to the UPDES Program Description, and amendments to the UPDES/EPA Memorandum of Agreement (MOA) executed by the Regional Administrator, Region VIII, EPA, and the Director, Department of Environmental Quality.

The State of Utah has existing environmental self-evaluation laws and rules (*See* Section 19–7–101 to 19–7–109, Utah Annotated Code; and S.B. 149 to revise Rule 508, Utah Rules of Evidence). These provide evidentiary privilege and limited immunity for certain disclosures made in an environmental self-evaluation. Title 19 provides that no privilege exists for documents or information specifically required by state law, or in any rules, permits, administrative orders, or any other provision or ordinance addressing protection of the environment. Utah has incorporated Federal sludge

management regulations by reference into its State rules. These rules require record keeping and reporting for certain technical monitoring and assessment, management practices, and certain certifications of compliance. Because these requirements and any requirements placed in a sludge permit would be excluded from the self-evaluation privilege, EPA believes that Utah has the authority necessary to administer the sludge management program to assure protection of public health and the environment, and invites comment on this issue.

Indian Reservations

The proposed program modification does not extend to ''Indian Country'' as defined in 18 U.S.C. Section 1151, including lands within the exterior boundaries of the following Indian reservations located within or abutting the State of Utah:

1. Goshute Indian Reservation
2. Navajo Indian Reservation
3. Northwestern Band of Shoshone Nation of Utah (Washakie) Indian Reservation
4. Paiute Indian Tribe of Utah Indian Reservation
5. Skull Valley Band of Goshute Indians of Utah Indian Reservation
6. Uintah and Ouray Indian Reservation
7. Ute Mountain Indian Reservation

The Agency is cognizant that the State of Utah and the United States Government differ as to the exact geographical extent of Indian Country within the Uintah and Ouray Indian Reservation and are currently litigating this question in Federal Court. Until that litigation is completed and this question is resolved, the Agency will enter into discussions with the Ute Indian Tribe of the Uintah and Ouray Indian Reservation and the State of Utah to determine the best interim approach to managing this program in the disputed area. The Agency will notify the public of the outcome of these discussions.

In excluding Indian Country from the scope of this proposed program modification, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Utah choose to seek program approval within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

There are no EPA-issued sludge management permits for facilities or activities on Indian Country at this time.

Availability of State Submittal

Utah's submittal may be reviewed by the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, at the Utah Department of Environmental Quality, Division of Water Quality, Permitting and Compliance Section; 288 North 1460 West; Salt Lake City, Utah or at the EPA Regional Office in Denver at the address appearing earlier in this notice. Requests for copies should be addressed to Lisa Rogers, Utah Department of Environmental Quality at the address provided above or at telephone number (801) 538–6146.

Public Notice Procedures

Copies of all submitted statements and documents shall become a part of the record submitted to EPA. All comments or objections presented in writing and postmarked within 30 days of this notice to EPA Region VIII will be considered by EPA before it takes final action on Utah's request for program modification approval.

All written comments and questions regarding the sludge management program should be addressed to Janet LaCombe at the above address.

The public is also encouraged to bring the foregoing to the attention of persons who may be interested in this matter.

EPA'S Decision

After the close of the public comment period, EPA will decide whether to approve or disapprove Utah's sludge management program. The decision will be based on the requirements of Sections 405, 402 and 304(i) of the CWA and EPA regulations promulgated thereunder.

If the Utah program modifications are approved, EPA will so notify the State. Notice will be published in the Federal Register and, as of the date of program approval, EPA will suspend issuance of NPDES sludge management permits in Utah (except, as discussed above, for those dischargers in ''Indian Country''). The State's program will operate in lieu of the EPA-administered program. However, EPA will retain the right, among other things, to object to NPDES permits proposed to be issued by Utah and to take enforcement actions for violations, as allowed by the CWA.

If EPA disapproves Utah's sludge management program, EPA will notify the State of the reasons for disapproval and of any revisions or modifications to the State program that are necessary to obtain approval.

*Review Under Regulatory Flexibility Act and Executive Order 12291*

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of entities. The proposed approval of the Utah sludge management program does not alter the regulatory control over any industrial category. No new substantive requirements are established by this action. Therefore, because this notice does not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis is not needed.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Dated: April 9, 1996.

Patricia D. Hull,

*Acting Regional Administrator, Environmental Protection Agency, Region VIII.*

[FR Doc. 96–9463 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–P

## FARM CREDIT SYSTEM INSURANCE CORPORATION

### Policy Statement Concerning Adjustments to the Insurance Premiums

**AGENCY:** Farm Credit System Insurance Corporation.

**ACTION:** Policy statement; request for comments.

**SUMMARY:** The Farm Credit System Insurance Corporation (Corporation) announces that it is publishing for comment a Policy Statement Concerning Adjustments to the Insurance Premiums. This policy statement establishes a semiannual review process as a basis for the Corporation's exercise of its discretion to adjust premiums in response to changing conditions. It also establishes a premium floor until the Insurance Fund reaches the level specified in the Farm Credit Act of 1971, as amended (the Act); 12 U.S.C. 2277a–4.

**DATES:** Written comments must be submitted on or before May 17, 1996.

**ADDRESSES:** Comments should be mailed or delivered to Dorothy L. Nichols, General Counsel, Farm Credit System Insurance Corporation, McLean,

Virginia 22102. Copies of all comments will be available for examination by interested parties in the offices of the Farm Credit System Insurance Corporation.

**FOR FURTHER INFORMATION CONTACT:** Dorothy L. Nichols, General Counsel, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102, (703) 883–4380, TDD (703) 883–4444.

**SUPPLEMENTARY INFORMATION:** In 1987, Congress directed the Corporation to collect premiums to reach the secure base amount, which is defined as 2 percent of the aggregate outstanding insured obligations of all insured banks (excluding a percentage of State and Federally guaranteed loans) or such other percentage of the aggregate amount as the Corporation in its sole discretion determines is ''actuarially sound.''

The statute specifies a limited form of risk based premium assessments: 25 basis points for nonaccrual loans; 15 basis points for loans in accrual status (excluding certain State and Federally guaranteed loans); and a very modest premium for government guaranteed loans. This formula was designed as an incentive for the Farm Credit System to make quality loans and at the same time build the Insurance Fund to a level that Congress believed would prevent a default on a System debt obligation. The Insurance Fund represents the Corporation's equity, i.e., the difference between its total assets ($1,023 million as of yearend 1995) and its total liabilities, including its insurance obligations ($121 million as of yearend 1995).

While Congress gave the Corporation the discretion to reduce the premium assessments before reaching the secure base amount in the Farm Credit System Reform Act of 1996, Pub. L. No. 104–105, 110 Stat. 162 (Feb. 10, 1996), it did not alter the original mandate to reach and maintain the secure base amount. In the policy statement, the Corporation concludes that under these circumstances, any reduction in premium must take into account its impact on the original mandate.

Neither the statute nor the legislative history provides guidance on how the Corporation is to balance the Congressional desire to reach the secure base amount with the new discretionary authority. Nor does the legislative history provide guidance as to the appropriate time frame for reaching the secure base amount. However, it is clear from the legislative history creating the Corporation that Congress was focused on assuring that the taxpayer would not be required to rescue the Farm Credit System again, as they had been in the mid-eighties. Past experience demonstrates that under severe stress, the Farm Credit System suffered $4.6 billion in losses from 1985–1987 and had to borrow $1.3 billion in U.S. Treasury-guaranteed bonds to assist institutions experiencing financial difficulty. It is also clear that Congress intended that the Fund be built in anticipation of potential problems in the Farm Credit System by assessing each insured bank until the Insurance Fund reached 2 percent of outstanding insured debt obligations. Recently, Congress reaffirmed the importance of the Insurance Fund's protection of investors and taxpayers when it provided reserve accounts for amounts above the secure base. The funds in these accounts cannot be refunded to insured banks until 8 years after the Insurance Fund exceeds the secure base amount and in no event before January 1, 2005. These funds will provide an additional layer of insurance protection.

It is instructive as well that in the eighties financial difficulties in the banking industry often were unanticipated as early as 2 years prior to failure. Thus, pushing achievement of the secure base amount off too far in the future ignores the real risks that exist in lending beyond the immediate time horizon. Also, it ignores the fact that problems in agricultural lending tend to hit many institutions at the same time. This would conflict with the Corporation's duty as a prudent insurer to consider such possibilities for the protection of the Farm Credit System's investors. Thus, achieving the secure base amount quickly while the Farm Credit System is in good health is important because it would be difficult to revert to the statutory assessment from a very low assessment during times of financial stress. Substantially higher assessments then could result in adverse effects on bank earnings and capital precisely when the Farm Credit System could least afford the extra cost. Finally, Congress recognized the importance of redressing inequities in initial assessments to capitalize the Farm Credit System Financial Assistance Corporation (FAC) when it recently authorized rebates to associations that paid these assessments from the Insurance Fund, totaling $56 million, to be paid 8 years after the secure base amount is reached. Delay in reaching the secure base amount due to reduced premiums paid by the banks delays resolution of this issue.

Congress believed that the premium assessment system should incorporate a higher rate for nonaccruing loans to provide an incentive to control risk-taking while at the same time covering the long-term costs of the insurer's obligations through a lower premium assessment on loans in accrual status. This limited form of risk-based premiums provides an incentive for sound credit extension and administration.

For these reasons, the policy statement concludes that, while the Corporation may reduce premiums, it should continue to assess sufficient premiums to reach the secure base in a reasonable time period. To continue providing an incentive to control risk-taking, the policy statement indicates that the Corporation does not intend to reduce the premium on loans in nonaccrual status. In determining whether to adjust premiums on loans in accrual status, the Corporation will consider a number of pertinent factors including: (1) The current level of the Insurance Fund and the amount and time needed to reach the secure base amount; (2) the condition of the Farm Credit System; (3) the probability and likely amount of any losses to the Insurance Fund; and (4) multiple scenarios reflecting the impact of the potential growth on the time frame required to achieve the secure base amount. Furthermore, to ensure steady progress towards the secure base amount, the Corporation has decided to establish a premium floor, as described in the policy statement. Thus, premiums on loans in accrual status may be reduced below the statutory rate of 15 basis points but will not be reduced below the premium floor until the secure base amount is reached.

Farm Credit System Insurance Corporation, Policy Statement Concerning Adjustments to the Insurance Premiums No. xx

*Adoption Date:* March 28, 1996.

*Effect on Previous Action:* None.

*Source of Authority: Section 5.55 of the Farm Credit Act of 1971, as amended (the Act); 12 U.S.C. 2277a–4.*

*Whereas,* section 5.52 of the Act established the Farm Credit System Insurance Corporation (Corporation) to, among other things, ensure the timely payment of principal and interest on Farm Credit System obligations (12 U.S.C. 2277a–1); and

*Whereas,* section 5.55 of the Act mandates that the Corporation collect premiums from all insured Farm Credit System banks until the Insurance Fund reaches the secure base amount, which is defined as 2 percent of the aggregate outstanding insured obligations of all insured banks (excluding a percentage of State and Federally guaranteed loans)

or such other percentage of the aggregate amount as the Corporation determines is actuarially sound; and

*Whereas,* the Farm Credit System Reform Act of 1996, Pub. L. No. 104–105, 110 Stat. 162 (Feb. 10, 1996), amended section 5.55 of the Act to permit the Corporation to exercise its discretion to adjust the premium assessments applied to all insured Farm Credit System banks before the Insurance Fund reaches the secure base amount;

*Whereas,* any reduction in the premium schedule must take into account its impact on the original mandate to reach the secure base amount. Now therefore, the Corporation's Board of Directors (Board) adopts the following policy statement to govern adjustments to premiums in response to changing conditions.

The Board will review the premium assessment schedule at least semiannually in order to determine whether to exercise its discretion to adjust the premium assessments in response to changing conditions. The Board may reduce the premiums when the Farm Credit System demonstrates good health and sound risk management and other conditions warrant, and raise premiums to the statutory level if, for example, the Insurance Fund suffers a significant loss or if bank capital or collateral decreases significantly before the secure base amount is achieved.

As a basis for its decision the Board will consider the following:

1. The current level of the Insurance Fund and the amount of money and time needed to reach the secure base amount in light of potential growth;

2. The likelihood and probable amount of any losses to the Insurance Fund;

3. The overall condition of the Farm Credit System, including the level and quality of capital, earnings, loan growth, asset quality, loss allowance levels, asset liability management, as well as the collateral ratios of the 8 banks;

4. The health and prospects for the agricultural economy, including the potential impact of governmental farm policy and the effect of the globalization of agriculture on opportunities and competition for U.S. producers; and

5. The risks in the financial environment that may cause a problem, even when there is no imminent threat, such as volatility in the level of interest rates, the use of sophisticated investment securities and derivative instruments, and increasing competition from non-System financial institutions.

In its review of the premium assessments, the Board will consider multiple scenarios that reflect the impact of potential growth in Farm Credit System debt levels on the time required to achieve the secure base amount. The secure base amount should be achieved while the Farm Credit System is in good health with very few problem institutions. Therefore, the Board will not reduce the premium below 7.5 basis points on loans in accrual status until the secure base amount is achieved. Thus, the premium on loans in accrual status will be set between 7.5 basis points and the statutory rate of 15 basis points. Furthermore, the Board will not reduce the premium on loans in nonaccrual status, to continue providing an incentive for sound credit extension and administration.

Adopted for publication before final approval this 28th day of March, 1996 by order of the Corporation Board.

Dated: April 11, 1996.

Nan P. Mitchem,

*Acting Secretary to the Board, Farm Credit System Insurance Corporation.*

[FR Doc. 96–9400 Filed 4–16–96; 8:45 am]

BILLING CODE 6710–01–P

## FEDERAL MARITIME COMMISSION

### Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20673.

Transworld Export Services, Inc., 4905 Park Avenue, Suite 4C, Union City, NJ 07087, Officer: Nydia Belinda Cardenas, President

Quick Cargo Services Corp., 8355 N.W. 68th Street, Miami, FL 33166, Officers: Enrique Pena, Vice President; Jose Gasas, Treasurer; Prudencio Gasas, Secretary

Hanjin Intermodal America, Inc., 261 E. Redondo Beach Blvd., Gardena, CA 90248, Officers: Hwang, Hee Tae, President; Kim, Hyung Kap, Vice President; Lee, Bo Young, Chief Financial Officer

Caribbean Shipping & Consolidating Corp., 3730 N.W. 72nd Street, Miami, FL 33147, Officers: Winston R. Simmonds, President; Harry P. Maragh, Vice President; Ainsley Morris, Vice President

Vio & C. U.S.A. Inc., 167–10 S. Conduit Avenue, Suite 1207, Jamaica, NY 11434, Officers: Luciano Bonati, President; Giampaolo Bonati, Treasurer; Augusto Fumagalli, Chief Financial Officer; Angel J. Pipitone, Secretary; Michael A. Pipitone, Vice President; Mario Bonati, Director; Vito A. Pipitone, Director; Joan Pipitone, Director

Clover International, Inc., 15431 Vantage Parkway West, Suite 200, Houston, TX 77032, Officers: Luis Angel Rincon, President/Treasurer/Secretary; Ana H. Pena, Assistant Secretary

Bringer Corporation, 8351 N.W. 21st Street, Miami, FL 33122, Officer: Eduardo De Castro Filho, President.

Dated: April 11, 1996.

Joseph C. Polking,

*Secretary.*

[FR Doc. 96–9409 Filed 4–16–96; 8:45 am]

BILLING CODE 6730–01–M

## FEDERAL RESERVE SYSTEM

### 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 10, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Hills Bancorporation*, Hills, Iowa; to acquire Alliance Bancorporation, Lisbon, Iowa, and Trimpe's, Inc., Lisbon, Iowa, and thereby indirectly acqurie Lisbon Bank and Trust Company, Lisbon, Iowa.

Board of Governors of the Federal Reserve System, April 11, 1996.

William W. Wiles,

*Secretary of the Board*.

[FR Doc. 96–9393 Filed 4–16–96; 8:45 am]

BILLING CODE 6210–0–-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 12, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. First Merchants Corporation*, Muncie, Indiana; to merge with Union National Bancorp, Liberty, Indiana, and thereby indirectly acquire Union County National Bank of Liberty, Liberty, Indiana.

*2. Thomson Investment Company, Inc.*, Savanna, Illinois; to acquire 100 percent of the voting shares of Gateway State Bank, Clinton, Iowa, and Savanna Bancorp, Inc., Savanna, Illinois, and thereby indirectly acquire Savanna State Bank, Savanna, Illinois.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Amundson Limited Family Partnership*, Sioux Falls, South Dakota; to become a bank holding company by acquiring 48.15 percent of the voting shares of Beulah Bancorporation, Inc., Sioux Falls, South Dakota, and thereby indirectly acquire Bank of Beulah, Beulah, North Dakota, and Fairview Bank, Fairview, Montana.

Board of Governors of the Federal Reserve System, April 12, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board*.

[FR Doc. 96-9458 Filed 4–16–96; 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 May 1, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

*1. HSBC Holdings plc*, London, England; and HSBC Holdings BV, Amsterdam, The Netherlands; to engage *de novo* through its subsidiary, HSBC Futures, Inc., New York, New York, in executing and clearing, executing without clearing, clearing without executing, and providing other related

services, including incidental advisory services, with respect to futures and options on futures on certain non-financial commodities. Also, to execute without clearing, and clear without executing, futures on certain financial products. The proposed activities would be provided to institutional investors and employees trading for their own accounts. (See, *J.P. Morgan & Co. Incorporated*, 80 Fed. Res. Bull. 151 (1994); and *Northern Trust Corporation*, 79 Fed. Res. Bull. 723 (1993)).

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Zumbrota Agency, Inc.*, Zumbrota, Minnesota; to engage *de novo* in retaining and purchasing loan participations, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The geographic scope for these activities is Minnesota.

Board of Governors of the Federal Reserve System,

William W. Wiles,

*Secretary of the Board.*

[FR Doc. 96–9394 Filed 4–16–96; 8:45 am]

**BILLING CODE 6210–01–F**

## Deutsche Bank, AG; Notice of Application to Engage in Certain Nonbanking Activities

Deutsche Bank AG, Frankfurt, Germany (Deutsche Bank), has provided notice, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and section 225.23(a) of the Board's Regulation Y (12 CFR 225.23(a)), to acquire indirectly through debis Financial Services, Inc., Norwalk, Connecticut, all the voting shares of Remarketing Services of America, Inc., Amherst, New York (Company), and thereby engage in providing remarketing and repossession services for automobiles and recreational vehicles that have been financed or leased by third parties. The proposed remarketing services would be provided either at the expiration of the lease or upon repossession of the vehicle and would include arranging for the transportation, inspection, and resale of the vehicle; arranging for the transfer of title for the vehicle from the lender or lessor to the seller or purchaser of the vehicle; engaging in telemarketing activities designed to locate potential sellers, buyers or lessees of vehicles reaching the end of their lease term; arranging for the repair of previously leased or financed vehicles, including the filing of insurance claims; and market value and residual value forecasting. Such activities would be conducted throughout the world.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that 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. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the ''closely related to banking'' test if it is demonstrated that banks generally have provided the proposed activity, that banks generally provide services that are operationally or functionally similar to the proposed activity so as to equip them particularly well to provide the proposed activity, or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 794, 806 (1984). Deutsche Bank contends that the proposed activities are within the scope of collection agency activities previously determined by the Board to be closely related to banking.

In order to approve the proposal, the Board also must determine that the proposed activities to be conducted by Deutsche Bank ''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(c)(8). Deutsche Bank believes that the proposal would produce public benefits that outweigh any potential adverse effects. In particular, Deutsche Bank maintains that the proposal would not materially reduce competition in the relevant markets and would enable Company to expand its operations. Deutsche Bank also maintains that the proposal would not result in any adverse effects.

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 to seek the views of interested persons on the issues presented by the application 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 May 2, 1996. Any request for a hearing on this application must, as required by § 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.

This application 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 12, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–9457 Filed 4–16–96; 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 May 2, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Hartwick Bancshares, Inc.*, Hartwick, Iowa; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 12, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–9459 Filed 4–16–96; 8:45 am]

BILLING CODE 6210–01–F

## FEDERAL TRADE COMMISSION

**[Dkt. C–3616]**

### Arizona Institute of Reproductive Medicine, Ltd.; 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, an Arizona institute and its president from misrepresenting the success rate of their in vitro fertilization program or any other infertility treatment services. In addition, the consent order stipulates that any comparison with other success rates be based upon the same calculating methodology. Finally, the order requires the respondents to possess competent and reliable scientific evidence for any future comparative success-rate claims for fertility services.

**DATES:** Complaint and Order issued September 25, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Michael Katz or Matthew Daynard, FTC/H–200, Washington, D.C. 20580. (202) 326–3291.

**SUPPLEMENTARY INFORMATION:** On Monday, July 3, 1995, there was published in the Federal Register, 60 FR 34535, a proposed consent agreement with analysis In the Matter of Arizona Institute of Reproductive Medicine, Ltd., 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.

No comments having been received, 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. 96–9414 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. C–3617]**

### Body Wise International, 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a California-based company from falsely representing that any nutritional supplement, food or drug contains any ingredient that can cause or contribute to achieving or maintaining weight loss without diet or exercise, and bars unsubstantiated weight-loss, weight-loss maintenance, cholesterol reduction, or other health benefit claims for such products. In addition, the consent order prohibits the deceptive use of consumer testimonials or professional endorsements, and requires clear disclosures of any financial connection between endorsers and the respondent or its products.

**DATES:** Complaint and Order issued September 25, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** David Newman, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA 94103, (415) 356–5270.

**SUPPLEMENTARY INFORMATION:** On Wednesday, July 5, 1995, there was published in the Federal Register, 60 FR 35025, a proposed consent agreement with analysis In the Matter of Body Wise International, 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.

No comments having been received, 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, 52)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9415 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. C–3621]**

### The Council of Fashion Designers of America, 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a New York corporation and a trade association of fashion designers from entering into, organizing, implementing or continuing any

agreement to fix the price, terms or conditions of compensation for modeling or modeling agency services, and requires the respondents to send a letter, along with the Commission's complaint and order, to all members and officers of the organizations, as well as the specified modeling agencies and designer.

**DATES:** Complaint and Order issued October 17, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Michael Antalics, FTC/S–2627, Washington, D.C. 20580, (202) 326–2821.

**SUPPLEMENTARY INFORMATION:** On Monday, July 3, 1995, there was published in the Federal Register, 60 FR 34537, a proposed consent agreement with analysis In the Matter of Council of Fashion Designers of America, 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.

No comments having been received, 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. 96–9416 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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**[Dkt. C–3631]**

## Federal News Service Group, Inc., 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a District of Columbia corporation that sells verbatim news transcripts, and its president, from agreeing, or soliciting an agreement, to allocate customers or divide markets with any provider of news transcripts; entering into, continuing, or renewing any agreement that prevents Reuters America from competing with the respondents in the production, marketing or sale of news transcripts; renewing its news transcript supply agreement with Reuters America for five years; agreeing, or soliciting agreements, with competitors to fix or maintain resale prices for news transcripts; and requiring or pressuring any competitor to maintain or adopt any resale price for news transcripts.

**DATES:** Complaint and Order issued December 18, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Michael Antalics, FTC/S–2627, Washington, D.C. 20580. (202) 326–2821.

**SUPPLEMENTARY INFORMATION:** On Thursday, October 5, 1995, there was published in the Federal Register 60 FR 52186, a proposed consent agreement with analysis In the Matter of Federal News Service Group, Inc., et al., for the purpose of solicitng public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, 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. 96–9417 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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**[Dkt. C–3629]**

## Hoechst AG; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent Order.

**SUMMARY:** This consent order settles alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition arising from the $7.1 billion merger of Hoechst AG and Marion Merrell Dow, Inc. The consent order, among other things, requires Hoechst—a pharmaceutical firm—to provide Biovail Corporation International with a letter of access to the toxicology data necessary to secure additional FDA approvals for a hypertension and cardiac drug called Tiazac (diltiazem). It also requires Hoechst to return any confidential information obtained from Biovail; to refrain from using the information; to dismiss a patent infringement lawsuit filed by Marion Merrell Dow regarding Tiazac; to withdraw a citizen petition Marion Merrell Dow filed with the Food and Drug Administration relating to Tiazac; and to agree not to file any subsequent litigation against Biovail regarding diltiazem. In addition, the consent order requires Hoechst to divest the rights to either Trental or Beraprost (two drugs intended to treat intermittent claudication, a painful leg cramping condition); to divest the rights to Pentasa (or the generic formulation), which is one of two oral forms of mesalamine used to treat ulcerative colitis and Crohn's Disease; and to divest the rights to Rifadin (or the generic formulation), which is used to treat tuberculosis. The required divestitures have to be made to Commission-approved entities, within nine months of the date of the order.

**DATES:** Complaint and Order issued December 5, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Laura Wilkinson, FTC/S–2308, Washington, D.C. 20580 (202) 326–2830.

**SUPPLEMENTARY INFORMATION:** On Tuesday, September 26, 1995, there was published in the Federal Register, 60 FR 49609, a proposed consent agreement with analysis In the Matter of Hoechst AG, 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 an order to divest, as set forth in the proposed consent agreement, 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. 96–9418 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. C–3622]**

## J. Walter Thompson USA, 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a New York-based advertising agency, which prepared advertisements for Jenny Craig, Inc., from claiming that any weight-loss program is recommended, approved, or endorsed by any person, group, or other entity, unless it possesses and relies upon competent and reliable scientific evidence to substantiate the representation. In addition, the consent agreement prohibits the respondent from misrepresenting the existence, results, or interpretations of any test, study, or survey.

**DATES:** Complaint and Order issued October 20, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** David Newman, Federal Trade Commission, San Francisco Regional Office, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 744–7920.

**SUPPLEMENTARY INFORMATION:** On Wednesday, August 2, 1995, there was published in the Federal Register, 60 FR 39396, a proposed consent agreement with analysis In the Matter of J. Walter Thompson USA, 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.

No comments having been received, 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, 52)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9419 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint, the Decision and Order, and statements by Commissioners Azcuenaga, Starek and Varney are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. C–3620]**

## Live-Lee Productions, Inc., 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a California-based corporation and its officer from making any claim that a food, dietary supplement or drug has any effect on the user's health, or on the structure or function of the body, and from making any claim of performance, benefit, efficacy or safety of any smoking cessation product, service or program unless they have competent and reliable scientific evidence to support the claims.

**DATES:** Complaint and Order issued October 10, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Lisa Kopchik, FTC/S–4002, Washington, D.C. 20580, (202) 326–3139.

**SUPPLEMENTARY INFORMATION:** On Monday, July 3, 1995, there was published in the Federal Register, 60 FR 34540, a proposed consent agreement with analysis In the Matter of Live-Lee Productions, Inc., 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.

No comments having been received, 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, 52)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9420 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. C–3624]**

## Mustad International Group NV, 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 or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, a Switzerland corporation and its Connecticut subsidiary either to divest all of their Connecticut horseshoe nail manufacturing assets, or to divest four nail machines and to license technology and know-how to operate them, to a Commission-approved acquirer by May 15, 1996.

**DATES:** Complaint and Order issued October 30, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Howard Morse or Joseph Krauss, FTC/S–3627, Washington, D.C. 20580. (202) 326–2949 or 326–2713.

**SUPPLEMENTARY INFORMATION:** On Tuesday, August 15, 1995, there was published in the Federal Register, 60 FR 42164, a proposed consent agreement with analysis In the Matter of Mustad International Group NV, 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.

No comments having been received, 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 divest, as set forth in the proposed consent agreement, 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. 96–9421 Filed 4–16–96; 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 & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

**[Dkt. 9263]**

## National Dietary Research, Inc., 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, two Florida-based corporations and their owners from making claims

regarding weight loss, hunger reduction, calorie absorption, cholesterol reduction, effects on cellulite or body measurements, or any other health benefits of any product or program they advertise or sell, unless the respondents possess competent and reliable scientific evidence to substantiate the claims. Also, the consent order prohibits the respondents from misrepresenting test results, from representing that any advertisement is something other than a paid advertisement, and from representing that an endorsement is typical of the experience of consumers who use the product, unless the claim is substantiated. In addition, the consent order requires the respondents to pay $100,000 to the Commission.

**DATES:** Complaint issued November 9, 1993. Order issued November 7, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Joel Winston or Richard Cleland, FTC/S–4002, Washington, DC 20580. (202) 326–3153 or 326–3088.

**SUPPLEMENTARY INFORMATION:** On Tuesday, May 23, 1995, there was published in the Federal Register, 60 FR 27305, a proposed consent agreement with analysis In the Matter of National Dietary Research, Inc., 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.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint, 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, 52)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9422 Filed 4–16–96; 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.

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**[Dkt. C–3615]**

## Quantum Electronics Corporation, 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, the Rhode Island-based company and its principal officers from making unsubstantiated claims about the ability of any air cleaning product to eliminate, remove, clear or clean any indoor air pollutant—or any quantity of indoor air pollutants—from a user's environment.

**DATES:** Complaint and Order issued September 22, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Klurfeld, Kerry O'Brien, and Linda Badger, San Francisco Regional Office, Federal Trade Commission, 901 Market Street, Suite 570, San Francisco, CA 94103. (415) 744–7920.

**SUPPLEMENTARY INFORMATION:** On Wednesday, July 5, 1995, there was published in the Federal Register, 60 FR 35029, a proposed consent agreement with analysis In the Matter of Quantum Electronics Corporation, 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.

No comments having been received, 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 case 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. 96–9423 Filed 4–16–96; 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 & Pennsylvania Avenue, NW., Washington, DC, 20580.

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**[Dkt. 9243]**

## R.R. Donnelley & Sons Co., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Final order.

**SUMMARY:** This final order dismisses charges against R.R. Donnelley & Sons Co. in connection with Donnelley's 1990 acquisition of Meredith/Burda Company L.P., on the grounds that the product market for analyzing the effects of the acquisition is not as narrow as alleged and that anticompetitive effects are unlikely. This action reverses the initial decision of the Commission's Administrative Law Judge and nullifies his order that Donnelley divest various printing plants.

**DATES:** Complaint issued October 11, 1990. Final order issued July 21, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Robert Doyle, FTC/S–2105, Washington, D.C. 20580. (202) 326–2819.

(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. 96–9425 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint, Initial Decision, Opinion of the Commission, Final Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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**[Dkt. C–3632]**

## Reuters America 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a New York-based distributor of fast-turnaround verbatim news transcripts from agreeing to or attempting to agree to allocate customers or divide markets with any provider of news transcripts.

**DATES:** Complaint and Order issued December 18, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Michael Antalics, FTC/S–2627, Washington, D.C. 20580. (202) 326–2821.

**SUPPLEMENTARY INFORMATION:** On Thursday, October 5, 1995, there was published in the Federal Register, 60 FR 52194, a proposed consent agreement with analysis In the Matter of Reuters America 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.

No comments having been received, 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

[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.

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. 96–9424 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

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**[Dkt. C–3626]**

## Silicon Graphics, 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, among other things, permits the California-based corporation to acquire two entertainment graphics software firms, and requires the respondent to take certain steps, such as requiring that the respondent enter into a Commission-approved porting agreement with a Commission-approved porting partner in order to ensure that other companies that develop and sell entertainment graphics software and hardware can compete.

**DATES:** Complaint and Order issued November 14, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Howard Morse, FTC/S–3627, Washington, D.C. 20580. (202) 326–6320.

**SUPPLEMENTARY INFORMATION:** On Wednesday, July 5, 1995, there was published in the Federal Register, 60 FR 35032, a proposed consent agreement with analysis In the Matter of Silicon Graphics, 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.

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 an order to cease and desist in disposition of this proceeding.

[1] Copies of the Complaint, the Decision and Order, and statements by Commissioners Azcuenaga and Starek are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(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. 96–9426 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

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**[Dkt. C–3623]**

## Summit Communications Group, Inc., 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 or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, Summit and seven Wometco Cable TV companies from agreeing, attempting to agree or carrying out an agreement with any cable television provider to allocate or divide markets, customers, contracts or territories for cable television service in the incorporated and unincorporated areas of the Georgia counties of Cobb, Bartow, Dekalb, Walton, Gwinnett, Fulton, Douglas, Fayette, Coweta, Clayton, Henry, Rockdale, Newton and Cherokee. In addition, the consent order prohibits agreements to refrain from overbuilding any portion of any cable television system in these counties.

**DATES:** Complaint and Order issued October 20, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Jill Frumin, FTC/S–2105, Washington, D.C. 20580. (202) 326–2758.

**SUPPLEMENTARY INFORMATION:** On Wednesday, August 2, 1995, there was published in the Federal Register, 60 FR 39399, a proposed consent agreement with analysis In the Matter of Summit Communications Group, Inc., 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.

No comments having been received, 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.

[1] Copies of the Complaint, the Decision and Order, and statements by the Commission and Commissioner Azcuenaga are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(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. 96–9427 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

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**[Dkt. C–3628]**

## Third Option Laboratories, Inc., 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 or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, an Alabama company and its officers to pay $480,000 to be used either for refunds to consumers or as disgorgement to the U.S. Treasury, and to send a notice to consumers and distributors of the beverage, Jogging in a Jug, advising them of the consent order which requires the respondents to possess competent and reliable scientific evidence to substantiate any representation they make about the performance, safety, benefits, or efficacy of any food, dietary supplement, or drug they market in the future. In addition, the consent order prohibits the deceptive use of testimonials or endorsements and requires the respondents to clearly and prominently include a disclosure statement in future advertisements.

**DATES:** Complaint and Order issued November 29, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Toby Levin or Loren Thompson, FTC/S–4002, Washington, D.C. 20580, (202) 326–3156 or 326–2049.

**SUPPLEMENTARY INFORMATION:** On Thursday, May 11, 1995, there was published in the Federal Register, 60 FR 25230, a proposed consent agreement with analysis In the Matter of Third Option Laboratories, Inc., 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

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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, 52)

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9428 Filed 4–16–96; 8:45 am]

**BILLING CODE 6750–01–M**

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**[File No. 942–3171]**

## Zygon International, Inc.; Dane Spotts; Proposed Consent Agreement With Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Redmond, Washington-based company and its owner from making any claims about the performance, benefits, efficacy, or safety of any product or service they market without having competent and reliable substantiation to back up the claims. Zygon would also be required to pay up to $195,000 in consumer refunds. The Consent Agreement settles allegations stemming from Zygon's marketing of five products: the ''Learning Machine,'' ''SuperMind,'' ''SuperBrain Nutrient Program,'' ''Fat Burner Pills,'' and ''Day and Night Eyes.''

**DATES:** Comments must be received on or before June 17, 1996.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:**

Joel Winston, Federal Trade Commission, S–4002, 6th Street and Pennsylvania Avenue, NW, Washington, DC. 20580. (202) 326–3153.

Lesley Anne Fair, Federal Trade Commission, S–4002, 6th Street and Pennsylvania Avenue, NW, Washington, DC. 20580. 326–3081.

Dean C. Forbes, Federal Trade Commission, S–4002, 6th Street and Pennsylvania Avenue, NW, Washington, DC. 20580. (202) 326–2831.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

### Agreement Containing Consent Order to Cease and Desist

In the Matter of Zygon International, Inc., a corporation, and Dane Spotts, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Zygon International, Inc., a corporation, and Dane Spotts, individually and as an officer of said corporation (''proposed respondents''), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Zygon International, Inc., by its duly authorized officer, and Dane Spotts, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Zygon International, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its principal office of place of business at 18368 Redmond Way, Redmond WA 98052.

Proposed respondent Dane Spotts is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released.

The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint or that the facts as alleged in the draft of complaint other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order.

Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

*Order*

I.

*It is ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that the use of such product or program can or will have any effect on the user's:

A. Health or bodily structure or function, including but not limited to sleep; weight, bodyfat content, or body shape or tone; immune system; eyesight or night vision; stress; or jet lag; or

B. Smoking behavior, unless at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates such representation. For purposes of this Order, ''competent and reliable scientific evidence'' shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

II.

*It is further ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that the use of such product or program can or will have any effect on the user's cognitive or mental functions or skills, including but not limited to reading, vocabulary, learning, foreign language, verbal or math skills; intelligence or I.Q. or that of the user's children; attention or concentration levels; or memory, unless at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

III.

*It is further ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication:

A. Regarding the performance, benefits, efficacy, or safety of any food, drug, or device, as those terms are defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, or dietary supplement, unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates such representation.

B. Regarding the performance, benefits, efficacy or safety of any product or service (other than a product or service covered under Part III.A herein), unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

IV.

*It is further ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test or study.

V.

*It is further ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or program in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

A. Representing, directly or by implication, that consumers can receive a refund, through such terms as ''money-back guarantee'' or similar terms, unless respondents refund the full purchase price at the consumer's request in accordance with the provisions of Part V.B herein;

B. Failing to refund the full purchase price in accordance with the terms of a guarantee, warranty or refund policy within a reasonable period of time after the consumer complies with the conditions for receiving a refund that are stated clearly and prominently in the advertisement or solicitation. For purposes of this Part, a ''reasonable period of time'' shall be:

1. That period of time specified in respondents' advertisement or solicitation if such period is clearly and prominently disclosed in the advertisement or solicitation; or

2. If no period of time is clearly and prominently disclosed in the advertisement or solicitation, a period of thirty (30) days following the date that the consumer complies with the conditions for receiving a refund that are stated clearly and prominently in the advertisement or solicitation.

VI.

*It is further ordered* That respondents Zygon International, Inc., a corporation, its successors and assigns, and its officers, and Dane Spotts, individually and as an officer of said corporation, are jointly and severally liable for consumer redress as provided herein:

A. Not later than the date this Order becomes final, respondents shall deposit into an escrow account to be established

by the Commission for the purpose of receiving payments due under the provisions of this Order (''first escrow account''), the sum of $150,000. These funds, together with accrued interest, less any amount necessary to pay the costs of administering the first escrow account and redress program herein, shall be used by the Commission or its representative to provide refunds to any consumers:

1. Who, between the dates of October 15, 1995, and the date this Order becomes final, have returned or return any product(s) purchased from respondents to respondents for a refund within thirty days of their receipt of the product(s); and

2. Who have not previously received either a full refund or a full credit from a credit card issuer for the purchase of the product(s).

B. Any funds remaining in the first escrow account after refunds have been paid to consumers under Part VI.A herein, in the discretion of the Commission:

1. Shall be used to provide redress to purchasers of the Learning Machine who request a refund not later than sixty (60) days after the date this Order becomes final and have not previously received either a refund pursuant to Part VI.A herein, a full refund from respondents, or a full credit from a credit card issuer for the purchase of the product(s);

2. Shall be used to provide redress to purchasers who, prior to October 15, 1995, returned, or contacted respondents for authorization to return, any product(s) purchased from respondents to respondents for a refund within thirty (30) days of their receipt of the product(s); have not previously received either a full refund or a full credit from a credit card issuer for the purchase of the product(s); and whose identities become known to respondents or the Commission within sixty (60) days after the date this Order becomes final;

3. Shall be used to pay any attendant costs of administration; and/or

4. Shall be paid to the United States Treasury.

C. At any time after this Order becomes final, the Commission may direct the escrow agent to transfer funds from the first escrow account, including accrued interest, to the Commission to be distributed as herein provided. Respondents shall be notified as to how the funds are distributed, but shall have no right to contest the manner of distribution chosen by the Commission, *provided that* the manner of distribution chosen by the Commission comports with the terms of this Agreement. The Commission, or its representative, shall in its sole discretion select the escrow agent. Costs associated with the administration of the first escrow account and refund program provided herein, if any, shall be paid from funds in the first escrow account.

D. Respondents relinquish all dominion, control and title to the funds paid into the first escrow account, and all legal and equitable title to the funds shall vest in the Treasurer of the United States and in the designated purchasers. Respondents shall make no claim to or demand for the return of the funds, directly or indirectly, through counsel or otherwise; and in the event of bankruptcy of respondents, respondents acknowledge that the funds are not part of the debtor's estate, nor does the estate have any claim or interest therein.

E. Not later than the date this Order becomes final, respondents shall deposit into a second escrow account to be established by the Commission for the purpose of receiving payments due under the provisions of this Order (''second escrow account''), the sum of $45,000. These funds, together with accrued interest, less any amount necessary to pay the costs of administering the escrow account and redress program herein, shall be used by the Commission or its representative to provide refunds to consumers if refunds owed to consumers pursuant to Parts VI.A. and VI.B herein exceed the amount of money in the first escrow account.

F. At any time after this Order becomes final, the Commission may direct the escrow agent to transfer funds from the second escrow account, including accrued interest, to the Commission to be distributed as herein provided. Respondents shall be notified as to how the funds are distributed, but shall have no right to contest the manner of distribution chosen by the Commission, *provided that* the manner of distribution chosen by the Commission comports with the terms of this Agreement. The Commission, or its representative, shall in its sole discretion select the escrow agent. Costs associated with the administration of the second escrow account and refund program provided herein, if any, shall be paid from funds in the second escrow account. Any funds remaining in the second escrow account after all consumers have received refunds pursuant to Part VI.A, VI.B.1, VI.B.2, and VI.E herein shall be returned to respondents. If no funds from the second escrow account are needed to provide redress to consumers provided herein, the funds in the second escrow account, together with accrued interest, shall be returned to respondents within seventy-five (75) days after the date this Order becomes final. If funds from the second escrow account are needed to provide refunds to consumers as provided herein, the funds remaining in the second escrow account, together with accrued interest, less any amount necessary to pay the costs of administering the escrow account and redress program herein, shall be returned to respondents within one hundred twenty (120) days after the date this Order becomes final.

VII.

*It is further ordered* That within three (3) days after the date this Order becomes final, respondents shall, to the extent available, provide to the Commission, in computer readable form (standard MS–DOS diskettes or IBM-mainframe compatible tape) and in computer print-out form, a list of:

A. The name and address of all consumers in the United States who purchased the Learning Machine;

B. The name, address, and date of refund of all consumers in the United States who purchased the Learning Machine and received a full refund from respondents;

C. The name, address, and date of credit of all consumers in the United States who purchased the Learning Machine and received a full credit from a credit card issuer for the purchase of the product(s); and

D. The name, address, and date of refund of all consumers in the United States who purchased any product(s) from respondents and received a full refund between October 15, 1993 and October 15, 1995.

VIII.

*It is further ordered* That for three (3) years after this Order becomes final, respondents, and their successors and assigns, shall maintain and upon request make available to the Commission within three (3) business days:

A. Documents and records demonstrating the manner and form of respondents' compliance with Part VI of this Order; and

B. Copies of all correspondence and memorialization of other communications to or from any consumer regarding refunds or requests for refunds for any product(s) purchased from respondents.

IX.

*It is further ordered* That for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors

and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis upon which respondents relied for such representation, including but not limited to, including complaints from consumers, and complaints or inquiries from government organizations.

X.

*It is further ordered* That respondent Zygon International, Inc., its successors and assigns, shall:

A. Within thirty (30) days after service of this Order, provide a copy of this Order to each of its current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order; and

B. For a period of five (5) years from the date of entry of this Order, provide a copy of this Order to each of its future principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order within three (3) days after the person commences his or her responsiblities.

XI.

*It is further ordered* That respondent Zygon International, Inc., its successors and assigns, shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in its corporate structure, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, the planned filing of a bankruptcy petition, or any other change in the corporation that may affect compliance obligations arising out of this Order.

*It is further ordered* That respondent Dane Spotts shall, for a period of seven (7) years from the date of entry of this Order, notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment involving the advertising, offering for sale, sale, or distribution of any consumer product or service. Each notice of affiliation with any new business or employment shall include the respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his duties and responsibilities.

XIII.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

XIV.

*It is further ordered* that respondents shall, within sixty (60) days after service of this Order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

*Escrow Agreement*

Whereas Zygon International, Inc. and Dane Spotts (''Zygon and Mr. Spotts'') have agreed with the staff of the Federal Trade Commission (''the staff'') to settle a certain proposed action against them, and as part of the settlement of the proposed action for alleged violations of Sections 5(a) and 12 of the Federal Trade Commission Act, it was agreed that consumer redress will be paid;

Whereas the proposed Agreement Containing Consent Order to Cease and Desist executed by the parties provides for the payment by Zygon and Mr. Spotts of: (a) a minimum of $150,000 to be used for consumer redress or as otherwise specified in the Agreement Containing Consent Order to Cease and Desist; and (b) should the amount necessary for consumer redress exceed $150,000, up to an additional $45,000 to be used for consumer redress or as otherwise specified in the Agreement Containing Consent Order to Cease and Desist;

Whereas the staff requires as a condition of its recommendation of the proposed settlement to the Commission that $150,000 be held in escrow (''first escrow'') and $45,000 be held in a separate escrow (''second escrow''), pending approval of the settlement by the Commission, before being disbursed as directed by the terms of the Agreement Containing Consent Order to Cease and Desist;

Now, therefore, in consideration of the promises and mutual covenants, agreements, and conditions herein contained, Zygon and Mr. Spotts and the staff do hereby agree to and with each other as follows:

1. The Federal Trade Commission shall select the Escrow Agent for the first escrow account. The Escrow Agent shall receive from Zygon and Mr. Spotts the amount of $150,000, and will hold the same in trust for designated purchasers of products sold by Zygon and Mr. Spotts (''designated purchasers''), in accordance with the Agreement Containing Consent Order to Cease and Desist, for paying any attendant costs of administration, and for the Treasurer of the United States, by depositing the same into the Escrow Agent's interest-bearing trustee account. Zygon and Mr. Spotts will pay such $150,000 by a certified or cashier's check or cash.

2. It is understood and agreed by the parties to this Escrow Agreement that, by executing this Escrow Agreement, Zygon and Mr. Spotts acknowledge that they relinquish all dominion, control and title to the $150,000, and that all legal and equitable title to the $150,000 vests in designated purchasers, in accordance with the Agreement Containing Consent Order to Cease and Desist, with remaining funds, after the payment of any attendant costs of administration, vesting in the Treasurer of the United States, subject to being divested as specified in Paragraph 7 of this Escrow Agreement. Unless and until the first escrow is terminated as provided herein, Zygon and Mr. Spotts agree to make no claim to or demand the return of the $150,000, directly or indirectly, through counsel, or otherwise. In the event of Zygon's and/or Mr. Spotts' bankruptcy, Zygon and

Mr. Spotts agree to acknowledge by an appropriate written statement to the bankruptcy court that the $150,000 is not part of their estate(s), nor do their estate(s) have any claim or interest therein, unless and until the first escrow is terminated and the $150,000 is returned to Zygon and Mr. Spotts as specified in Paragraph 7 of this Escrow Agreement.

3. The Federal Trade Commission shall select the Escrow Agent for the second escrow account. The Escrow Agent shall receive from Zygon and Mr. Spotts the amount of $45,000, and will hold the same in trust for designated purchasers, in accordance with the Agreement Containing Consent Order to Cease and Desist, and for paying any attendant costs of administration, by depositing the same into the Escrow Agent's interest-bearing trustee account. Zygon and Mr. Spotts will pay such $45,000 by a certified or cashier's check or cash.

4. It is understood and agreed by the parties to this Escrow Agreement that, by executing this Escrow Agreement, Zygon and Mr. Spotts acknowledge that they relinquish all dominion, control and title to that portion of the $45,000 in the second escrow necessary to pay refunds to designated purchasers and any attendant costs of administration, and that all legal and equitable title to the portion of the $45,000 reserved for those designated purchasers vests in those designated purchasers with remaining funds, after the payment of any attendant costs of administration, vesting in Zygon and Mr. Spotts, subject to being divested as specified in Paragraph 7 of this Escrow Agreement. If no funds in the second escrow account are required to provide redress to designated purchasers, the second escrow principal,together with any interest earned on the second escrow principal during the pendency of the second escrow, less any attendant costs of administration, shall be returned to Zygon and Mr. Spotts in accordance with the Agreement Containing Consent Order to Cease and Desist. If funds in the second escrow account are required to provide redress to designated purchasers, the remaining second escrow principal, together with any interest earned on the second escrow principal during the pendency of the second escrow, shall thereafter be returned to Zygon and Mr. Spotts, less any attendant costs of administration, in accordance with the Agreement Containing Consent Order to Cease and Desist. Unless and until the second escrow is terminated as provided herein, Zygon and Mr. Spotts agree to make no claim to or demand the return of that portion of the $45,000 required to pay designated purchasers, or that portion required for paying any attendant costs of administration, directly or indirectly, through counsel, or otherwise. In the event of Zygon's and/or Mr. Spotts' bankruptcy, Zygon and Mr. Spotts agree to acknowledge by an appropriate written statement to the bankruptcy court that the portion of the $45,000 required to pay designated purchasers, or that portion required for paying any attendant costs of administration, is not part of their estate(s), nor do their estate(s) have any claim or interest therein, unless and until the second escrow is terminated and the $45,000 is returned to Zygon and Mr. Spotts as specified in Paragraph 7 of this Escrow Agreement.

5. The $150,000 so held in the first escrow and the $45,000 so held in the second escrow shall be disbursed in accordance with the Agreement Containing Consent Order to Cease and Desist executed by the parties, as well as with such other ancillary Federal Trade Commission regulations or procedures respecting such disbursements as may be applicable at the time.

6. The first escrow and the second escrow shall be irrevocable, and the escrow funds, less any amount necessary to pay the cost of administering the escrow accounts and redress program, shall be used for no purpose other than payment of the consumer redress as specified in the Agreement Containing Consent Order to Cease and Desist, except that the unused portion of the second escrow principal, together with any interest earned on the second escrow principal during the pendency of the second escrow, shall be the property of Zygon and Mr. Spotts. The parties agree, however, that this fact is not and will not be interpreted as an admission or acknowledgment by either side that any dominion, title or interest, either legal or equitable, in the portion of the second escrow principal required to pay redress to designated purchasers, or to pay any attendant costs of administration, remains in Zygon and Mr. Spotts. The Escrow Agent shall return such unused portion of the second escrow principal, together with any interest earned on the second escrow principal during the pendency of the second escrow, to Zygon and Mr. Spotts after consumer redress is paid to the designated purchasers, and the attendant costs of administration are paid, as specified in the Agreement Containing Consent Order to Cease and Desist.

7. Except as otherwise provided in Paragraphs 4 and 6 of this Escrow Agreement regarding the return of the unused portion of the second escrow principal and any interest earned on the second escrow principal during the pendency of the second escrow to Zygon and Mr. Spotts, the Escrow Agent may terminate the first and second escrows and return the principal and accrued interest from both escrow accounts to Zygon and Mr. Spotts only if the Agreement Containing Consent Order to Cease and Desist is not issued within two (2) years from the date the first and second escrows are created.

8. The parties of this Escrow Agreement expressly agree that in the event of a dispute, the escrow law of the State of New York shall apply.

*Analysis of Proposed Consent Order to Aid Public Comment*

The Federal Trade Commission has accepted an agreement to a proposed consent order from Zygon International, Inc. (''Zygon''), and its owner and officer, Dane Spotts.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charges respondents with deceptively advertising five products: the ''Learning Machine'' and the ''SuperMind,'' purported accelerated learning devices; the ''SuperBrain Nutrient Program,'' a supplement claimed to improve intelligence and memory; ''Fat Burner'' pills, a purported diet aid; and ''Day and Night Eyes'' pills, a supplement claimed to improve vision. The complaint also alleges that in many cases, respondents failed to honor their advertised money-back guarantee. Ads for the products appeared in national periodicals such as USA Today, Omni, Longevity, and USAir's in-flight magazine, as well as in Zygon's ''SuperLife'' catalog and on the Internet's World Wide Web.

According to the complaint, respondents made unsubstantiated representations that the Learning Machine enables users to learn foreign languages overnight, quadruple their reading speed, lose weight, stop smoking, and improve their vocabulary, memory, math skills, and learning ability. In addition, respondents claimed that the device would enable children to learn at a rate of 300% to 500% faster than their peers.

The complaint also alleges that respondents made unsubstantiated representations that the SuperMind enables users to learn foreign languages overnight, lose weight, and stop smoking; treats stress and jet lag; improves the functioning of the immune system; increases I.Q.; gives users the equivalent of eight hours of sleep after twenty minutes of use; and improves users' ability to learn and retain information. The complaint further alleges that respondents falsely represented that the SuperMind has been proven in a university study to teach foreign languages in one-third the time of traditional methods.

In addition, the complaint alleges that respondents represented without substantiation that the SuperBrain Nutrient Program improves users' memory, intelligence, concentration, and cognitive and mental functions, and that when taken by pregnant women, will enhance the intelligence of their children. According to the complaint, respondent's claims that Fat Burner pills could enhance the body's ability to burn fat and enable users to lose weight were also unsubstantiated. Regarding Day and Night Eyes pills, the complaint alleges that respondents made unsubstantiated claims that the product could improve night blindness and give users clearer vision during the day.

The complaint also alleges that respondents misrepresented that consumers who returned products within thirty (30) days would receive a full refund within a reasonable period of time. According to the complaint, in numerous instances, refunds were not provided within a reasonable period of time or at all. These practices are alleged to be deceptive.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent respondents from engaging in similar acts and practices in the future.

Part I of the order requires respondents to possess competent and reliable scientific evidence to support any claim that a product or program affects the user's health, bodily structure or function, or smoking behavior. Part II requires respondents to possess adequate substantiation for any claims that a product or program affects the user's cognitive or mental functions, including reading, vocabulary, learning, foreign languages, math skills, intelligence, I.Q., concentration levels, or memory. The substantiation level required is competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Part III.A requires respondents to possess competent and reliable scientific evidence to substantiate performance, benefits, efficacy or safety claims for foods, drugs, devices, or dietary supplements. Part III.B requires that similar claims for all other products or services be supported by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Part IV prohibits respondents from misrepresenting the existence, contents, results, conclusions, or interpretations of any test or study. Part V requires respondents to honor the terms of any advertised refund policy, including an obligation to make refunds within a reasonable period of time.

Part VI outlines a program to give refunds totalling up to $195,000 to eligible consumers. Refunds will be sent to Zygon customers who returned products for a refund between October 15, 1995 and the date the order becomes final, but never received a refund. Any remaining funds may be returned to purchasers of the Learning Machine who seek a refund from the Commission or respondents within sixty (60) days after the order is final, and to other purchasers who sought a refund prior to October 15, 1995, but never received it.

Parts VII through XII and XIV relate to respondents' obligations to make available to the Commission records concerning consumer refunds and future substantiation materials; to provide copies of the order to certain Zygon personnel; to notify the Commission of changes in corporate structure, or, in the case of the Mr. Spotts, changes in employment that would involve the advertising, sale, or distribution of any consumer product or service; and to file compliance reports with the Commission. Part XIII provides that the order will terminate after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

*Secretary.*

[FR Doc. 96–9280 Filed 4–16–96; 8:45 am]

BILLING CODE 6750–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Findings of Scientific Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

*Jamal Z. Farooqui, Ph.D., University of Cincinnati College of Medicine (UCCM):* Based on an investigation conducted by the institution as well as information obtained by ORI during its oversight review, ORI found that Jamal Z. Farooqui, Ph.D., Research Associate Professor, Department of Dermatology at UCCM, committed scientific misconduct by plagiarizing material in a Public Health Service (PHS) grant application from an application another research as submitted to the National Science Foundation (NSF). Dr. Farooqui received the NSF application from another faculty member at UCCM while that application was undergoing confidential peer review. Dr. Farooqui included the plagiarized material in the ''Prospective Significance'' and ''Methodology'' sections of his application entitled ''Proopimelanocortin expression in human epidermis,'' submitted to the National Institute of Arthritis and Musculosketetal and Skin Diseases.

Dr. Farooqui has entered into a Voluntary Exclusion Agreement with ORI in which he has voluntarily agreed, for the three (3) year period beginning April 3, 1996:

(1) that he is required to certify in every PHS research application or report that all contributors to the application or report are properly cited or otherwise acknowledged, that an institutional official must endorse the certification, and that the institution must send a copy of the certification to ORI; and

(2) to exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

No scientific publications were required to be corrected as part of this Agreement.

**FOR FURTHER INFORMATION CONTACT:** Director, Division of Research Investigations, Office of Research

Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Chris B. Pascal,

*Acting Director, Office of Research Integrity.*

[FR Doc. 96–9388 Filed 4–16–96; 8:45 am]

BILLING CODE 4160–17–M

## Findings of Scientific Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

*Danya J. Vardi, Harvard Medical School:* Based on an investigation conducted by the institution as well as information obtained by ORI during its oversight review, ORI found that Danya J. Vardi, former Harvard Medical School Research Associate in Psychology in the Department of Psychiatry at the Massachusetts Mental Health Center and former part-time Research Assistant at the Cambridge Hospital, committed scientific misconduct. ORI found that Ms. Vardi fabricated subject responses regarding recall and recognition of words having an emotional valence in research supported by a Public Health Service (PHS) grant entitled ''Psychophysiologic study of child abuse imagery in adults'' at the Manchester, New Hampshire VA Research Center.

Ms. Vardi has entered into a Voluntary Exclusion Agreement with ORI in which she has agreed to exclude herself voluntarily, for the three (3) year period beginning March 28, 1996, from:

(1) contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government, as defined in 45 CFR Part 76 (Debarment Regulations); and

(2) serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

The above voluntary exclusion, however, shall not apply to Ms. Vardi's future clinical training or practice whether as a student, resident, fellow, or licensed practitioner, as the case may be, unless that practice involves research or research training.

No scientific publications were required to be corrected as part of this Agreement.

**FOR FURTHER INFORMATION CONTACT:** Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Chris B. Pascal,

*Acting Director, Office of Research Integrity.*

[FR Doc. 96–9387 Filed 4–16–96; 8:45 am]

BILLING CODE 4160–17–M

## Health Care Financing Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey: Round–16; *Form No.:* HCFA–P–15A; *Use:* The Office of the Actuary, HCFA, proposes to supplement the questionnaire and sample for the September, 1996 Round–16 of the Medicare Current Beneficiary Survey (MCBS) to facilitate comparisons of the experiences of beneficiaries using managed care and those in the fee-for-service medical care delivery system. The MCBS, is a national survey of persons served by Medicare, used to support policy and research by measuring use and cost of services, sources of payment, insurance coverage, health status, access, satisfaction and other information; *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 1,900; *Total Annual Hours:* 1,900.

To obtain copies of the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 3, 1996.

Kathleen B. Larson,

*Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.*

[FR Doc. 96–9395 Filed 4–16–96; 8:45 am]

BILLING CODE 4120–03–P

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collection for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Geographical Classification Review Board (MGCRB) Procedures and Criteria; *Form No.:* HCFA–R–138; *Use:* This regulation sets up an application process for prospective payment system hospitals who choose to appeal their geographic status to the Medicare Geographic Classification Review Board (MGCRB). This regulation also establishes procedural guidelines for the MGCRB. *Frequency:* Annually; *Affected*

*Public:* Business or other for profit, and Not for profit institutions; *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours Requested:* 1,000.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Louis Blank, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 9, 1996.

Kathleen B. Larson,

*Director, Management Planning and Analysis Staff, Office of Financial and Human Resources.*

[FR Doc. 96–9396 Filed 4–16–96; 8:45 am]

BILLING CODE 4120–03–P

## Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–0525.

FY 1997/1998 Community Mental Health Services Block Grant Application Voluntary Format and Content—Extension of a currently approved collection—The Public Health Service Act (42 U.S.C. 300x 1–9) authorizes block grants to States for the purpose of providing community based mental health services. Under the provisions of the law, States may receive allotments only after an application is approved by the Secretary, DHHS. The annual burden estimate is shown below:

| | |
|---|---|
| No. of respondents | 59 |
| No. of responses per respondent | 1 |
| Avg. burden per response (hours) | 320 |
| Total annual burden (hours) | 18,880 |

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Virginia Huth, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10236, Washington, D.C. 20503.

Dated: April 11, 1996.

Richard Kopanda,

*Executive Officer, SAMHSA.*

[FR Doc. 96–9442 Filed 4–16–96; 8:45 am]

BILLING CODE 4162–20–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

### Notice of Receipt of Applications for Approval

The following applicants have applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Jan Roger van Oosten, Seattle, WA. The applicant wishes to establish a cooperative breeding program for the Cardinal lory (*Chalcopsitta cardinalis*), Yellow-bibbed lory (*Lorius chorocercus*), Coconut (*Massena's*) lorikeet (*Trichoglossus haematodus massena*), Palm lorikeet (*Charmosyna palmarum*), Duchess lorikeet (*Charmosyna margarethae*) and the Solomon Island eclectus (*Eclectus roratus solomonensis*). Mr. van Oosten wishes to be an active participant in this program with seven other private individuals. The International Loriinae Society has assumed the responsibilty for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 11, 1996.

Susan Lieberman,

*Chief, Branch of Operations, Office of Management Authority.*

[FR Doc. 96–9405 Filed 4–16–96; 8:45 am]

BILLING CODE 4310–55–P

## Bureau of Land Management

**[WO–350–1430–00]**

### Extension of Currently Approved Information Collection; OMB Approval Number 1004–0029

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request extension of approval for the collection of information from those persons seeking to acquire title to public land under the color-of-title authority. The BLM collects information to assure that statutory requirements for conveyance of title under the Color-of-Title Act have been met.

**DATES:** Comments on the proposed information collection must be received by June 17, 1996 to be considered.

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

Comments may be sent via Internet to: !WO140@attmail.com. Please include ''Attn: 1004–0029'' and your name and return address in your Internet address.

Comments may be hand delivered to the Bureau of Land Management Administrative Record, Room 401, L Street NW, Washington, D.C. 20036.

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

**FOR FURTHER INFORMATION CONTACT:** Vanessa R. Engle, Realty Use Group, 202–452–7776.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 CFR 1320.12(a), the BLM is required to provide 60-day notice in the Federal Register concerning a collection of information contained in published current rules to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Color-of-Title Act of December 22, 1928, as amended (43 U.S.C. 1068, 1068a, 1068b), provides for the issuance of a land patent (deed) to eligible individuals, groups, or corporations who believe they have a valid claim to public lands under color-of-title. The information collected on Color-of-Title Application Form 2540–1, is required by Departmental regulations at 43 CFR 2541.2 (35 FR 9592, June 13, 1970), and is used by the agency to identify information concerning improvements, cultivation, title ownership and related matters.

Any individual seeking to acquire a title to public land under the color-of-title authority must make application and provide information essential to compliance with law, regulations, and procedures. As required by the Color-of Title Act and 43 CFR 2541.2(b) and (c), information provided on Form 2540–1 is used to certify the applicant's claim for land property title rights from the Federal government. Without this information, BLM cannot finalize the claim.

Form 2540–1 may be submitted in person or by mail to the proper BLM office. The following specific items of information are requested on Color of Title Application Form 2540–1, pursuant to 43 CFR 2541.2(b) and (c): (1) the name of applicant; (2) applicant's address; (3) applicant's phone number; (4) the legal description of the lands claimed; (5) type of claim (class 1 or class 2); (6) record title holder declaration and explanation; (7) description and copy of written instrument asserting ownership (deed, will, court order, etc.); (8) date applicant learned about title problem; (9) source of information from which applicant learned of title problem; (10) title search information; (11) purchase price of property, value of improvements, revenue from forest products; (12) cultivation information; (13) property improvement information; (14) mineral estate information; and (15) filing fee ($10), applicant's signature and date of application. Response is mandatory if the color-of-title claimant wishes to obtain the benefits of the statute and gain clear title to his claimed property. Failure to provide the necessary information results in the rejection of the color-of-title application.

If BLM did not collect the information on Color of Title Application Form 2540–1, the agency would be unable to carry out the mandate of the Color-of-Title Act and the responsibilities for implementing 43 CFR 2540 and 2541. Form 2450–1 requires only the minimal information necessary to determine claim validity.

Based on its experience processing Color-of-Title applications, BLM estimates the public reporting burden for completing Color of Title Application Form 2540–1 is 15 minutes. BLM estimates that approximately 37 Color-of-Title applications are filed annually for a total annual burden of 9 hours.

Any interested member of the public may request and obtain, without charge, a copy of Color of Title Application Form 2540–1 by contacting any BLM Office or the person identified under **FOR FURTHER INFORMATION CONTACT.**

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: April 9, 1996.

Annetta L. Cheek,

*Chief, Regulatory Management Team.*

[FR Doc. 96–9392 Filed 4–16–96; 8:45 am]

**BILLING CODE 4310–84–P**

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**[OR–85–06–6310–04: G6–0118]**

## Emergency Closure of Public Lands and Access Roads in Benton County, Oregon

**SUMMARY:** Notice is hereby given that certain public lands and access roads in Benton County, Oregon, are temporarily closed to all public use, including vehicle operation, camping, shooting, hiking, and sightseeing, from April 9, 1996, through December 31, 1996. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this emergency closure are specifically identified as follows:

T. 14 S., R. 7 W., Section 19, Lot 2 (NW¼NE¼);
Lot 3 (NE¼NW¼);
Lot 4 (NW¼NW¼);
Lot 5 (SW¼NW¼);
Lot 6 (NW¼SW¼);
Lot 7 (SW¼SW¼);
S½NE¼, SE¼NW¼, E½SW¼, SE¼;

Willamette Meridian, Oregon.

The Bureau of Land Management (BLM) road affected by this closure is: Road 14–7–18 from the South Fork Alsea County Road 48200 to the gate located approximately 100 feet north of the junction of Roads 14–7–18 and 14–7–32.2. The closure includes all area within 150 feet slope distance on either side of the above-listed road.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: BLM employees; State, local, and Federal law enforcement and fire protection personnel; the holders of BLM road use permits that include roads within the closure area; the purchaser of BLM timber within the closure area and its employees and subcontractors. Access by additional parties may be allowed but must be approved in advance in writing by the Authorized Officer or his Designated Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months, as well as the penalties provided under Oregon State law.

The public lands and roads temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this emergency temporary closure is to protect persons from potential harm from logging operations, protect valuable public timber resources from unauthorized damage, and to facilitate authorized timber harvest operations.

**DATES:** This closure is effective from April 9, 1996, through December 31, 1996.

Copies of the closure order and maps showing the location of the closed lands and roads are available from the Salem District Office, 1717 Fabry Rd. SE, Salem, OR 97306.

**FOR FURTHER INFORMATION CONTACT:** John Bacho, Marys Peak Resource Area Manager, Salem District Office, at (503) 315–5969.

John Bacho,

*Marys Peak Resource Area Manager.*

[FR Doc. 96–9390 Filed 4–16–96; 8:45 am]

**BILLING CODE 4310–33–P**

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**[WY–985–06–0777–72]**

## Call for Nominations on Resource Advisory Councils

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to solicit nominations from the public for Wyoming Bureau of Land Management (BLM) Resource Advisory Council. This council provides advice and recommendations to BLM on management of public lands.

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 authorizes 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 members appointed to the council will reflect a balanced membership representative of the various interests concerned with the management of the public lands and users of the public lands. These include:

- group 1—holder of federal grazing permit/lease, transportation/rights of way, developed outdoor recreation, off-highway vehicle user, commercial recreation activity commercial timber industry, energy/mineral development;
- group 2—national/regional environmental organization, resource conservation group, dispersed recreational activity, archeological or historical interest, national/regional wild horse/burro groups; and
- group 3—holder of state/county/local elected office, State agency employee in field of natural resources/land/water, Native American tribes, academicians involved in natural sciences, and the public at large.

Individuals may nominate themselves or others. Nominees must be residents of the State of Wyoming. 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 decisionmaking. At least one member of each Resource Advisory Council must be an elected official of general purpose government serving the people within the geographic area for which an advisory council is established.

All nominations must include: nominee's full name; business address and phone; home address and phone; occupation and title; career highlights; education, training and/or experience; experience or knowledge of council's geographic area of jurisdiction; experience in working with disparate groups to achieve collaborative solutions (e.g, civic organizations, planning commissions, school boards); area of interest to be represented (group 1, 2, or 3). Nominations are to be accompanied by letters of reference from represented interests or organizations.

The Wyoming BLM State Office will issue a press release providing additional instructions for nominations.

Nominations for the Wyoming Resource Advisory Council should be sent to the State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003.

**DATES:** All nominations must be received by close of business on May 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Jay Guerin, Bureau of Land Management, 5353 Yellowstone, Cheyenne, WY 82001, (307) 775–6011.

Alan R. Pierson,

*State Director.*

[FR Doc. 96–8451 Filed 4–16–96; 8:45 am]

**BILLING CODE 4210–84–M**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–379]**

### Certain Starter Kill Vehicle Security Systems; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation and Notice of Schedule for Filing Response To Petition for Review of Order Denying Motion for Sanctions

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ's) initial determination (ID) (Order No. 13) in the above-captioned investigation terminating the investigation based on withdrawal of the complaint. Notice is also given of the schedule for complainant to file a response to respondents' petition for review of the ALJ's order denying respondents' motion for sanctions (Order No. 12).

**FOR FURTHER INFORMATION CONTACT:** Andrea C. Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3105.

**SUPPLEMENTARY INFORMATION:** On November 20, 1995, Code Alarm, Inc. of Madison Heights, Wisconsin filed a complaint with the Commission alleging violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain starter kill vehicle security systems by reason of alleged contributory and induced infringement of certain claims of a U.S. patent owned by complainant.

The Commission instituted an investigation of the complaint, and published a notice of investigation in the Federal Register on Nov. 28, 1995. 60 FR 58638. The notice named Directed Electronics, Inc. of Vista, California, and Nutek Company of Taipei, Taiwan as respondents.

A preliminary conference was held on Feb. 2, 1996, at which the deadline for completion of discovery was set as May 31, 1996, and the date for commencement of the hearing was set as June 24. At present, discovery is in an early phase and no depositions have been taken.

On Feb. 20, 1996, respondents filed a motion for summary determination of non-infringement. On Feb. 26, 1996, complainant filed a motion to terminate the investigation, pursuant to Commission rule 210.21, 19 CFR 210.21, based upon withdrawal of the complaint. Respondents opposed the motion, but the Commission investigative attorney (IA) filed a response in support of complainant's motion.

On Feb. 29, 1996, respondents filed a motion for sanctions against complainant. Complainant and the IA opposed the motion.

On March 5, 1996, the ALJ issued an ID granting complainant's motion to terminate the investigation. Order No. 13. Concurrently, the ALJ issued an order denying respondents' motion for sanctions. Order No. 12. On March 15, 1996, respondents filed a petition for review of the orders. The IA filed a response in opposition to both aspects of the petition. Complainant filed a response in opposition to the petition for review of the ID, but did not respond to the petition for review of the order denying sanctions.

Commission rule 210.25(d) provides, in pertinent part, that if an ALJ's order concerning sanctions is issued concurrently with an ID terminating the investigation, the periods for filing a petition for review of such order and for responding to such petition will be specified in the Commission notice stating the Commission's decision on whether to review the ID. 19 CFR 210.25(d). Since respondents have already filed a petition for review of the ALJ's order denying sanctions, and the IA has already filed a response to that petition, it is unnecessary to set a date

for respondents to file a petition or for the IA to respond. However, pursuant to rule 210.25(d), complainant will have until April 15, 1996, to file a response to respondents' petition for review of Order No. 12.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rules 210.42 and 210.25, 19 CFR 210.42 and 210.25.

Copies of the ALJ's ID and his order denying sanctions, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436 (telephone 202–205–2000). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

By order of the Commission.

Issued: April 9, 1996.

Donna R. Koehnke,

*Secretary.*

[FR Doc. 96–9479 Filed 4–16–96; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993; Michigan Materials and Processing Institute

Notice is hereby given that, on August 1, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Michigan Materials and Processing Institute (''MMPI'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its organization. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. MMPI has reorganized from a membership-based non-profit corporation to a stock-based non-profit organization. Industrial shareholders are required to fund minimum levels of research, based on their sales of polymer composite materials or the base materials used in structural polymer composite materials. Aside from the funding mechanism, the structure of MMPI is essentially unchanged, with industrial shareholders receiving preferential rights to negotiate for rights to intellectual property derived from MMPI's research program.

No other changes have been made in either the membership or the planned activity of the group research project. Membership in this group research project remains open, and MMPI intends to file additional written notification disclosing all changes in membership.

On August 7, 1990, MMPI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on September 6, 1990, 55 Fed. Reg. 36710. The last notification was filed with the Department on July 24, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act of March 12, 1996, 61 Fed. Reg. 10012–01.

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

[FR Doc. 96–9389 Filed 4–16–96; 8:45 am]

BILLING CODE 4410–01–M

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice

**SUMMARY:** The Department of Labor, Employment and Training Administration (DOL/ETA) is moving to the next phase of development of O*NET, the Occupational Information Network. Accordingly DOL/ETA is: 1. soliciting applications from State governments for O*NET facilitation grants; 2. requesting proposals from small business concerns for the provision of technical assistance to facilitate the implementation and integration of the O*NET Prototype in State employment and training systems, particularly to the States selected to receive facilitation grants; and 3. announcing the qualified release of the developmental prototype of O*NET for testing and evaluation purposes. These actions are in response to broad public anticipation of the availability of the O*NET and are designed to encourage significant, entrepreneurial, business and public sector participation in the development of innovative workforce development tools for the marketplace using the O*NET Database and Prototype.

**BACKGROUND:** O*NET is a multi-year project to develop an automated replacement for the Dictionary of Occupational Titles (DOT). O*NET is replacing the DOT with a relational database that contains comprehensive, skills-based information about worker requirements and characteristics, experience requirements and occupational requirements and characteristics. The O*NET content model offers a common language and a standardized framework of information for consistent use across all occupational and industrial sectors. O*NET can identify broadly transferable skills by utilizing a variety of cross-job descriptors that organize job-specific information into broad, empirically-based occupational clusters.

The Employment and Training Administration is nearing completion of the first phase of development of the O*NET Database and Prototype. The O*NET Database has been developed on an industry standard, flexible and user-friendly open platform. It is comprised of 11 separate databases of O*NET content model descriptor information all related by the O*NET occupational code. Files provide mean ratings for all available content model constructs in .dbf file format. The O*NET Database is designed for maximum utility to researchers and career information software developers and vendors.

The O*NET Prototype is a basic application of the O*NET Database. The prototype incorporates a user interface designed to acquaint users with variables in the database, and facilitate access to O*NET's data fields. It will allow users to browse the database, learn about occupations, crosswalk O*NET information to other occupational classification structures, search for and select occupations and variables, match occupations to predefined criteria, and export data in various file formats. The O*NET Prototype is designed for broad, non-technical employment, training, and general workforce development program usage.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lorraine Saunders and Mr. Willie Harris, U.S. Department of Labor, Division of Acquisition and Assistance, Room No. S–4203, 200 Constitution Avenue NW., Washington, DC 20210. Telephone No. (202) 219–8698 (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

A. Solicitation for State Grant Applications

During April 1996, DOL/ETA will solicit applications for O*NET Facilitation Grants. State governments are eligible applicants. Four to five grants will be awarded. Grant awards will be made no later than June 30,

1996. The grant awardees will be responsible for: 1. establishing collaborative relationships among workforce development program, system and software providers; 2. integrating the O*NET Prototype into State and local employment, training and human resource development programs; and 3. implementing O*NET as the driving engine for the development of career and occupational information applications meeting business and education and training program users' needs.

B. Request for Proposals

During April 1996, DOL/ETA will request proposals to facilitate the implementation and integration of the O*NET Prototype in State employment and training systems. Small business concerns are eligible applicants. One contract will be awarded. Contract award date will be no later than June 30, 1996. The contract awardee will be responsible for: linking current O*NET research and development work to workforce development program, systems and software development; providing technical assistance as necessary to refine and enhance the current O*NET Prototype as a flexible, user-friendly platform for applications development; and developing and providing technical assistance and staff support to a user group of employment, training, and human resource development systems involved in O*NET implementation and integration.

C. Qualified Release of O*NET

During the Fall of 1996, DOL/ETA is planning a qualified release of a developmental version of the O*NET Database and Prototype, as completed at that point in time, to users, developers and vendors for purposes of evaluation, testing, building and enhancement. DOL/ETA is planning to license users, developers and vendors for participation in a program supporting continued O*NET development. Participants may choose from a menu of options likely to include: review, comment, and critique of the content and functionality of the Database and Prototype; validation of Database content; building the Database through contribution of occupational information; and/or further development and enhancement of the Prototype through application development. Participants are advised that the O*NET Database and Prototype may undergo substantial changes in design, content and format after the date of its release, and DOL/ETA makes no representations of similarity or compatibility with later versions. DOL/ETA is in the process of determining licensing issues, participation options and fees that may be charged for participation. Further details will be made available as plans for this program develop.

Dated: April 11, 1996.

Raymond J. Uhalde,

*Deputy Assistant Secretary, Employment and Training Administration.*

[FR Doc. 96–9406 Filed 4–16–96; 8:45 am]

BILLING CODE 4510–30–M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 96–042]**

### NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Sun-Earth Connection Advisory Subcommitte; 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, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

**DATES:** Wednesday, May 1, 1996, 8:30 a.m. to 5:00 p.m.; Thursday, May 2, 1996, 8:30 a.m. to 5:00 p.m.; and Friday, May 3, 1996, 8:30 a.m. to 5:00 p.m.

**ADDRESS:** National Aeronautics and Space Administration, Program Review Center Ninth Floor, Room 9H40 (May 1), MIC Room 7H46 West (May 2–3), 300 E Street, SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** George L. Withbroe, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Sun-Earth Connection Program Overview: Budget, Ongoing Program, Future Activities
—Program Reports for Magnetospheric Physics; Helispheric Physics; Solar Physics; and lonospheric-Thermospheric-Mesospheric Physics
—Strategic Planning Activities and Development of Sun-Earth-Heliosphere Roadmap
—Discussion and writing Groups.

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 5, 1996.

Leslie M. Nolan,

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 96–9452 Filed 4–16–96; 8:45 am]

BILLING CODE 7510–01–M

## NATIONAL SCIENCE FOUNDATION

### Collection of Information; Submission for OMB Review; Comments Requested by April 26, 1996

Title of Proposed Collection, ''Undergraduate Faculty Enhancement Program Survey''

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, on Tuesday, April 11, 1995, Federal Register Vol. 60, No. 69 18427, the National Science Foundation (NSF) published, for public comment, a proposed generic clearance for collection of information, ''Generic Clearance—NSF Surveys To Measure Customer Satisfaction.'' *No public comments were received.* A proposed collection to be considered under that generic clearance is being forwarded to the Office of Management and Budget for consideration. Comments on the proposed data collection plans and instruments may be directed to OMB at the following address: Office of Management and Budget, IRA, ATTN.: Jonathan Winer, New Executive Office Building, Room 3208, Washington, DC 20503.

Written comments should be received by April 26, 1996.

Abstract

This survey is to provide an accounting of the faculty development workshops run by the Undergraduate Faculty Enhancement (UFE) Projects supported by the National Science Foundation. This is an annual survey of each workshop. It includes questions about the individual involved in each workshop, the number of participants, and the nature of the individuals who benefited from the workshops. The data collection addresses questions asked internally about the UFE program by NSF program officers in their program planning and in conjunction with the development of the EHR Impact Database. It also addresses questions asked by the Congress and other interested parties. The UFE program will use these data to establish the influence on faculty of the UFE program. It will also show other sources of income and support received by the projects for faculty enhancement.

*Respondents and burden hours:* 120 responses at approximately one hour per response.

Dated: April 9, 1996.

Herman G. Fleming,

*NSF Clearance Officer.*

[FR Doc. 96–9391 Filed 4–16–96; 8:45 am]

BILLING CODE 7555–01–M

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–413 and 50–414]**

## Duke Power Company, et al.; Catawba Nuclear Station, Units 1 and 2, Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by letter dated February 13, 1996, Mr. C. Morris submitted a Petition pursuant to 10 CFR 2.206 requesting the U.S. Nuclear Regulatory Commission (NRC or the Commission) to take action with regard to the Catawba Nuclear Station (CNS), Units 1 and 2.

The Petitioner requests that the operating licenses for CNS and ''some ten other licensees with uncoordinated breakers'' (not specfically identified in the Petition) be suspended until the lack of circuit breaker coordination has been remedied, that enforcement conferences be held on these aforementioned cases, and that the CNS be defueled. The Petitioner also requests that the NRC take enforcement action against CNS for operating with a ''known safety deficiency of which they did not inform the NRC . . .''

As bases for the requests, the Petitioner has submitted documentation that included a memorandum to William T. Russell, Director of the Office of Nuclear Reactor Regulation, dated May 6, 1994, wherein the Petitioner expressed a differing professional view (DPV) regarding the resolution of a breaker coordination issue identified during an electrical distribution system functional inspection (EDSFI) conducted at CNS during January-February 1992, and an NRC memorandum dated July 21, 1994, responding to the Petitioner's DPV. The NRC memorandum of July 21 confirmed that the CNS licensee's analysis prepared during the inspection, showed that the breaker coordination at CNS did not satisfy the CNS Final Safety Analysis Report (FSAR). The Petitioner also included a memorandum to James M. Taylor, Executive Director for Operations, dated July 28, 1994, wherein the Petitioner expressed a differing professional opinion concerning the uncoordinated breakers at CNS, based on the Petitioner's concern that the staff was inclined to accept a licensee proposal to change the FSAR commitment rather than the circuit breakers without adequate justification or documentation to support such acceptance.

By letter dated April 2, 1996, the Director denied the Petitioner's request for immediate suspension of the CNS license and the defueling of CNS. The letter also indicated that no action is being taken on the Petitioner's request for suspension of operating licenses for ''some ten other licensees with uncoordinated breakers'' based on a lack of specificity and factual basis to support the concern.

The Petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations and has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action with regard to the Petitioner's request will be taken within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 2nd day of April 1996.

William T. Russell,

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 96–9453 Filed 4–16–96; 8:45 am]

BILLING CODE 7590–01–P

## Privacy Act of 1974; Proposed Revisions to an Existing System of Records

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed revisions to an existing system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Nuclear Regulatory Commission (NRC) is publishing an amendment to an existing system of records currently entitled NRC–32, ''Licensee and Applicant Taxpayer Identification Number Records—NRC.'' NRC–32 was last published in the Federal Register on September 13, 1994, when six new routine uses were added to enhance NRC's ability to collect certain licensee fee debts. This amendment renames the system of records ''Office of the Controller Financial Transactions and Debt Collection Management Records—NRC'' to cover expansion of NRC–32 to include information on nonlicense fee debts of individuals as well as information on individuals who receive money or payment from the NRC. As a result, the system of records notice is being revised in its entirety and will become the NRC's system of records for maintaining, tracking, and disseminating information on all payment and collection activities.

**EFFECTIVE DATES:** The revised system of records will become effective without further notice on May 28, 1996 unless comments received on or before that date cause a contrary decision. If changes are made based on NRC's review of comments received, NRC will publish a new final notice.

**ADDRESSES:** Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm Federal workdays. Copies of comments may be examined at the NRC Public Document Room at 2120 L Street, NW., Lower Level, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jona L. Souder, Freedom of Information/Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7170.

**SUPPLEMENTARY INFORMATION:** The NRC is entering into a Memorandum of Understanding with the Department of the Treasury's (Treasury) Debt Management Services (DMS) to establish the terms and conditions for debt collection operations to be provided by DMS on behalf of NRC to satisfy, in whole or in part, debts owed to the U.S. Government. The types of debt NRC is transferring to DMS for collection include both commercial and consumer debt. A review of the system of records (SOR) notice was conducted to determine if the published routine uses for NRC–32 would permit disclosures of information on nonlicense fee delinquent debts incurred by individuals, such as former employees and Freedom of Information Act (FOIA) requesters to Treasury's DMS for cross servicing. Cross servicing includes the possible use of all debt collection tools including administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice.

It was determined that although NRC–32 permits disclosure of information on NRC licensees and applicants for NRC licenses to debt collection contractors, it does not cover the maintenance and/or disclosure of nonlicense fee delinquent debts of individuals. NRC–32, currently entitled ''Licensee and Applicant Taxpayer Identification Number Records—NRC,'' was last published on September 13, 1994 (59 FR 46997). In order to permit NRC to maintain and disseminate information on nonlicense fee debts of individuals, the SOR is being amended to cover anyone who owes money to the NRC or the U.S. Government.

NRC–32 is also being revised to cover those individuals who receive money or payment from the NRC. This change is needed because all NRC financial transactions are now part of an overall agency accounting system from which information is retrieved in a number of ways, including by name or other personal identifier. The accounting system will be maintained in NRC–32.

In addition to revising the ''Categories of Individuals Covered by the System,'' six new routine uses have been added to NRC–32 to permit disclosures of information:

(1) Provided on W–2 and 1099 Forms to the Internal Revenue Service and applicable State and local Governments to be included as income to an individual;

(2) To banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose;

(3) To other Federal agencies that have asked NRC to effect an administrative offset to help collect a debt owed the United States;

(4) To a Federal agency when NRC has entered into an agreement with the agency for cross servicing debt collection operations;

(5) To Treasury in order to request payment to individuals owed money by NRC, and;

(6) To the National Archives and Records Administration or the General Services Administration for records management inspections.

The ''Categories of Records in the System'' has been expanded to more accurately reflect the types of records maintained in the system. In addition, most of the other sections in the SOR notice have also been revised.

As required by 5 U.S.C. 552a(r) of the Privacy Act and Appendix I to Office of Management and Budget (OMB) Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' the altered system of records report has been submitted to OMB, the Committee on Government Reform and Oversight of the U.S. House of Representatives, and the Committee on Governmental Affairs of the U.S. Senate.

Accordingly, NRC proposes to amend NRC–32 in its entirety to read as follows:

NRC–32

*System Name:*

Office of the Controller Financial Transactions and Debt Collection Management Records—NRC.

*System Location:*

Primary system—Office of the Controller, NRC, 11545 Rockville Pike, Rockville, Maryland.

Duplicate systems—Duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2. Other NRC systems of records contain payment and/or collection transaction records and background information that may duplicate some of the records in this system. These other systems include, but are not limited to:

NRC–5, Contracts Records Files—NRC;

NRC–7, Telephone Call Detail Records—NRC;

NRC–10, Freedom of Information Act (FOIA) and Privacy Act (PA) Requests—NRC;

NRC–18, Office of the Inspector General Investigative Records—NRC;

NRC–19, Official Personnel Training Records Files—NRC;

NRC–20, Official Travel Records—NRC;

NRC–21, Payroll Accounting Records—NRC; and

NRC–24, Government Property Accountability System—NRC.

*Categories of Individuals Covered by the System:*

Individuals the NRC owes money to or who receive a payment from NRC and those who owe or owed money to the United States. Individuals receiving payments include, but are not limited to, current and former employees, contractors, consultants, vendors, and others who travel or perform certain services for NRC. Individuals owing money include, but are not limited to, those who have received goods or services from NRC for which there is a charge or fee (NRC licensees, applicants for NRC licenses, Freedom of Information Act (FOIA) requesters, etc.) and those who have been overpaid and owe NRC a refund (current and former employees, contractors, consultants, vendors, etc.).

*Categories of Records in the System:*

Information in the system includes, but is not limited to, names, addresses, telephone numbers, Social Security numbers, Taxpayer Identification numbers, fee categories, application and license numbers, contract numbers, vendor numbers, amounts owed, background and supporting documentation, correspondence concerning claims and debts, credit reports, and billing and payment histories. The overall agency accounting system contains data and information integrating accounting functions such as general ledger, funds control, travel, accounts receivable, accounts payable, equipment, and appropriation of funds. Although this system of records contains information on corporations and other business entities, only those records that contain information about individuals that is retrieved by the individual's name or other personal identifier are subject to the Privacy Act.

*Authority for Maintenance of the System:*

5 U.S.C.552a(b)(12); 5 U.S.C. 5514; 15 U.S.C. 1681a(f); 26 U.S.C. 6103(m)(2); 31 U.S.C. 37, subchapters I and II; 31 U.S.C. 3701(a)(3) (1988); 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3718; 31 U.S.C. 3720A (1988); 42 U.S.C. 2201 (1988); 42 U.S.C. 5841 (1988); Cash Management Improvement Act Amendments of 1992 (Pub. L. 102–589); 10 CFR Parts 15, 16, 170, 171 (1995); Executive Order 9397, November 22, 1943; Section 201 of Executive Order 11222.

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:*

In addition to the disclosures permitted under subsection (b) of the Privacy Act, the NRC may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

a. To debt collection contractors or to other Federal agencies such as the Department of the Treasury (Treasury) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

b. To the Defense Manpower Data Center, Department of Defense; the United States Postal Service; or any other Federal, State, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals who are

delinquent in their repayment of debts owed to the U.S. Government under certain programs or services administered by the NRC in order to collect the debts under common law or under the provisions of the Debt Collection Act of 1982 (5 U.S.C. 5514) by voluntary repayment, by administrative or salary offset, or by referral to debt collection contractors.

c. To the U.S. General Accounting Office, Department of Justice, United States Attorney, or other Federal agencies for further collection action on any delinquent account when circumstances warrant.

d. To credit reporting agencies for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

e. To any Federal agency where the debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt owed the Federal government on NRC's behalf by counseling the debtor for voluntary repayment or by initiating administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982 (5 U.S.C. 5514).

f. To the Internal Revenue Service (IRS) by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by NRC against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3717, and 3718 or common law. Redisclosure of a mailing address obtained from the IRS may be made only for debt collection purposes, including to a debt collection agent to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that redisclosure of a mailing address to a reporting agency is for the limited purpose of obtaining a credit report on the particular taxpayer. Any such mailing address information obtained from the IRS will not be used or shared for any other NRC purpose or disclosed by NRC to another Federal, State, or local agency which seeks to locate the same taxpayer for its own debt collection purpose.

g. Referral of legally enforceable debts to the IRS or to Treasury's Debt Management Services to be offset against the debtor's tax refunds under the Federal Tax Refund Offset Program.

h. To prepare W–2, 1099, or other forms to submit to the IRS and applicable State and local Governments for tax reporting purposes. W–2 and 1099 Forms contain information on items to be considered as income to an individual, including certain travel related payments to employees, payments made to persons not treated as employees (e.g., fees to consultants and experts), and amounts written-off as legally or administratively uncollectible, in whole or in part.

i. To banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose.

j. To another Federal agency that has asked the NRC to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to name, address, Social Security number, and other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

k. To Treasury or other Federal agencies with whom NRC has entered into an agreement establishing the terms and conditions for debt collection cross servicing operations on behalf of the NRC to satisfy, in whole or in part, debts owed to the U.S. Government. Cross servicing includes the possible use of all debt collection tools such as administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice.

l. To Treasury in order to request a payment to individuals owed money by the NRC.

m. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

n. For any of the routine uses specified in the Prefatory Statement of General Routine Uses.

*Disclosures to Consumer Reporting Agencies:*

*Disclosures Pursuant to 5 U.S.C. 552a(b)(12):*

Disclosures of information to a consumer reporting agency are not considered a routine use of records. Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(a)(f)) or the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701(a)(3)).

*Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:*

*Storage:*

Information in this system is stored on paper and microfiche, and in computer media.

*Retrievability:*

Information is retrieved a number of ways, including by name, Social Security number, Taxpayer Identification number, license or application number, contract or purchase order number, invoice number, voucher number, and vendor code.

*Safeguards:*

Records are maintained in a building where access is controlled by a security guard force. They are kept in lockable file rooms or at user's workstations in an area where access is controlled by keycard and is limited to NRC and contractor personnel who need the records to perform their official duties. The records are under visual control during duty hours. Access to automated data requires use of proper password and user identification codes by NRC or contractor personnel.

*Retention and Disposal:*

Hard copy records are destroyed when six years and three months old except that administrative claims files, for which collection action is terminated without extension, are destroyed when ten years and three months old. Computer files are deleted after the expiration of the retention period authorized under the GRS for the disposable hard copy file or when no longer needed, whichever is later.

*System Manager:*

Director, Division of Accounting and Finance, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

*Notification Procedure:*

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

*Records Access Procedures:*

Same as ''Notification Procedure.''

*Contesting Record Procedures:*

Same as ''Notification Procedure.''

*Record Source Categories:*

Record source categories include, but are not limited to, individuals covered by the system, their attorneys, or other representatives; NRC; collection agencies or contractors; employing agencies of debtors; and Federal, State and local agencies.

*Systems Exempted From Certain Provisions of the Act:*

None.

Dated at Rockville, MD, this 4th day of April 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

*Executive Director for Operations.*

[FR Doc. 96–9455 Filed 4–16–96; 8:45 am]

BILLING CODE 7590–01–P

**[Docket No. 040–00501]**

## Notice of Removal From the Site Decommissioning Management Plan for the Cleveland Works Facility of the Aluminum Company of America, Inc. (ALCOA)

This notice is to inform the public that the Nuclear Regulatory Commission is removing the Cleveland Works Facility of the Aluminum Company of America (ALCOA) in Cleveland, Ohio, from the Site Decommissioning Management Plan (SDMP). ALCOA used thorium at this site from the early 1900s and under license No. C–5023 from the Atomic Energy Commission (AEC) from 1954 until 1961. Surveys performed in 1989 and 1990 showed thorium contamination at several locations on the facility. Fugitive depleted uranium from Chemetron, Inc., an adjoining facility to the east, was also found on the site. ALCOA began site remediation/clean-up in 1991 and completed remediation/clean-up in 1995. Based on: (1) Remedial actions taken by ALCOA and Chemetron, (2) the NRC staff's review of ALCOA and Chemetron termination surveys, (3) ALCOA information on previous thorium waste disposal practices, and (4) the results of the NRC's confirmatory surveys, the NRC concludes that remediation/clean-up activities are complete and the site is suitable for unrestricted use. Removal from the SDMP will be reopened only if additional contamination, or noncompliance with remediation commitments is found indicating a significant threat to public health and safety.

For further information, contact John Buckley, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, telephone: (301) 415–6607.

Dated at Rockville, Maryland, this 9th day of April, 1996.

For the Nuclear Regulatory Commission.

Robert A. Nelson,

*Acting Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 96–9454 Filed 4–16–96; 8:45 am]

BILLING CODE 7590–01–P

# SECURITIES AND EXCHANGE COMMISSION

## Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension: Rule 17a–11, SEC File No. 270–94, OMB Control No. 3235–0085

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') is publishing the following summaries of collections for public comment.

Rule 17a–11 requires broker-dealers to give notice when certain specified events occur. Specifically, the rule requires broker-dealers to send notice promptly (but within 24 hours) after the broker-dealer's aggregate indebtedness is in excess of 1,200 percent of its net capital, its net capital is less than 5 percent of aggregate debt items or its total net capital is less than 120 percent of the broker-dealer's required minimum net capital. In addition, broker-dealers are required to give notice that if they fail to make and keep current books and records required by Rule 17a–3 or if they discover any material inadequacy as defined in Rule 17a–5(g).

The notice required by the rule alerts the Commission and self-regulatory organizations (''SROs''), which have oversight responsibility over broker-dealers, to those firms having financial or operational problems.

Because broker-dealers are required to file pursuant to Rule 17a–11 only when certain specified events occur, it is difficult to develop a meaningful figure for the cost of compliance with Rule 17a–11. It is anticipated that approximately 650 broker-dealers will each spend 1 hour per year complying with Rule 17a–11. The total cost is estimated to be approximately 650 hours. With respect to those broker-dealers that must give notice under Rule 17a–11, the cost is approximately $10 per response for a total annual expense for all broker-dealers of $6,500.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: April 9, 1996.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–9404 Filed 4–16–96; 8:45 am]

BILLING CODE 8010–01–M

**[Rel. No. IC–21887; No. 812–9818]**

## Companion Life Insurance Company, et al.

April 10, 1996.

**AGENCY:** Securities and Exchange Commission (''SEC'' or ''Commission'').

**ACTION:** Notice of application for an order under the Investment Company Act of 1940 (''1940 Act'').

**APPLICANTS:** Companion Life Insurance Company (''Companion Life''), Companion Life Separate Account C (''Separate Account''), and Mutual of Omaha Investors Services, Inc. (''Services'').

**RELEVANT 1940 ACT SECTIONS:** Order requested under Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), and 27(c)(2) of the Act and Rule 22c–1 thereunder.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit the deduction of a mortality and expense risk charge and an enhanced death benefit charge from the assets of the Separate Account or any other separate account (''Other Accounts'') established by Companion Life to support certain flexible premium individual deferred variable annuity contracts (''Contracts'') as well as other

variable annuity contracts that are substantially similar in all material respects to the Contracts (''Future Contracts''). In addition, Applicants propose that the order extend to any broker-dealer other than Services, that may in the future serve as principal underwriter for the Contracts or Future Contracts, the same exemptions granted to Services (''Future Broker-Dealers''). Any such broker-dealer and will be registered under the Securities Exchange Act of 1934 (''1934 Act'') as a broker-dealer and will be a member of the National Association of Securities Dealers, Inc. (''NASD'').

**FILING DATE:** The application was filed on October 16, 1995 and was amended on April 4, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Applicants, Kenneth W. Reitz, Esq., Mutual of Omaha Companies, Mutual of Omaha Plaza, 3-Law, Omaha, Nebraska 68175–1008.

**FOR FURTHER INFORMATION CONTACT:** Pamela K. Ellis, Senior Counsel, at (202) 942–0670, Office of Insurance Products (Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Companion Life, a stock life insurance company, is incorporated in New York, and principally is engaged in the sale of life insurance and annuity policies in New York. Companion Life is a wholly owned subsidiary of United of Omaha Life Insurance Company. Both Companion and United of Omaha Life Insurance Company are Mutual of Omaha Companies.

2. The Separate Account is a separate account established by Companion Life to fund the Contracts. The Separate Account is registered with the Commission as a unit investment trust under the 1940 Act, and the Contracts are registered as securities under the Securities Act of 1933.

3. Companion Life will establish for each investment option offered under the Contract a Separate Account subaccount (''Subaccount''), which will invest solely in a specific corresponding portfolio of certain designated investment companies (''Funds''). The Funds will be registered under the 1940 Act as open-end management investment companies. Each Fund series will have separate investment objectives and policies.

4. Services will serve as the distributor and principal underwriter of the Contracts, and also may serve in these capacities for the Future Contracts. Services, an affiliate of Companion life, is registered under the 1934 Act as a broker-dealer and is a member of the NASD.

5. In addition, broker-dealers other than Services also may serve as distributors and principal underwriters of certain of the Contracts as well as the Future Contracts. Future Broker-Dealers will be registered under the 1934 Act as broker-dealers and will be members of the NASD.

6. The Contracts are individual flexible premium variable deferred annuity contracts. They may be purchased on a non-tax qualified basis (''Non-Qualified Contracts'') or they may be purchased and used in connection with retirement plans or individual retirement accounts that qualify for favorable federal income tax treatment (''Qualified Contracts''). Both the Non-Qualified Contracts and the Qualified Contracts may be purchased with an initial premium of $5,000, except under the electronic fund transfer program where the minimum initial purchase payment is $2,000.[1] The minimum subsequent premium for both the Unqualified and Qualified Contracts if $500 (or $100 if made in connection with the electronic fund transfer program). Net purchase payments may be allocated to one or more of the Separate Account Subaccounts that have been established to support the Contracts. The Contracts also provide for the allocation of net purchase payments to the general account of Companion Life, where such purchase payments are credited with a predetermined fixed rate of interest.

7. The Contracts provide for a series of annuity payments beginning on the annuity date. The Contract owner may select from several payout options which provide periodic annuity payments on a fixed basis.

8. The Contracts provide for a death benefit if the annuitant dies during the accumulation period. Any applicable premium taxes not previously deducted will be deducted from the death benefit payable. The standard death benefit is the greater of: (1) the accumulation value (without deduction of the contingent deferred sales charge, as defined below) on the later of the date on which due proof of death or an election of payout option is received by Companion Life's service office less any charge for applicable premium taxes; or (2) the sum of all net purchase payments, less any partial withdrawals. If the Contract owner elected the enhanced death benefit and dies before age 81, Companion Life will provide an enhanced death benefit that will equal the greater of: (1) the accumulation value as of the end of the valuation period during which due proof of death and an election of a payout option are received by Companion Life's service center; (2) the greatest anniversary value,[2] plus any subsequent net purchase payments and less any subsequent partial withdrawals; and (3) the sum of all net purchase payments less any partial withdrawals, accumulated at a 4.5% annual rate of interest, up to a maximum of two times each purchase payment. If the Contract owner elected the enhanced death benefit and dies after attaining age 81, the enhanced death benefit under the Contract will equal the greatest of:

(1) the accumulation value as of the end of the valuation period during which due proof of death and an election of a payout option are received by Companion Life's service center; (2) the greatest anniversary value up to the last Contract anniversary before the Contract owner attains age 81, plus any subsequent purchase payments and less any subsequent partial withdrawals; and (3) the sum of all net purchase payments paid prior to the last Contract anniversary before the Contract owner attained age 81, less any partial withdrawals, accumulated at a 4.5% annual rate of interest, up to a maximum of two times each purchase payment.

9. Certain charges and fees are assessed under the Contracts. There is no transfer fee charged for the first 12 transfers from Subaccounts of the Separate Account in each Contract year. Subsequent transfers within a Contract

[1] Companion Life reserves the right to increase or decrease these amounts.

[2] The anniversary value equals the accumulation value on the Contract anniversary.

year, however, will be assessed a fee of $10 per transfer.

10. Companion Life will deduct an administration charge from each Subaccount of the Separate Account. The charge is equal, on an annual basis, to .20% of the net asset value of each Subaccount.

11. An annual policy fee of $30 will be charged against each Contract. This charge will be deducted pro rata from each Subaccount in which the Contract owner is invested at the end of each Contract year prior to the annuity starting date (and upon a complete surrender) to compensate Companion Life for the administrative services provided to Contract owners. Currently, this fee is waived if the accumulation value exceeds $50,000.

12. Applicants represent that the transfer fee, administration charge, and the annual policy fee will not increase regardless of the actual cost incurred. In addition, Applicants represent that these charges are at cost with no anticipation of profit.

13. A contingent deferred sales charge (''CDSC'') may be imposed on certain withdrawals. The amount of the CDSC decreases annually from 7% to 0% over 8 Contract years. For the purposes of determining the CDSC, withdrawals will be allocated first to premiums on a first-in, first-out basis so that all withdrawals are allocated to premiums to which the lowest (if any) CDSC applies, then to earnings. In addition, there is a free withdrawal amount equal to up to 15% of accumulation value each Contract year. A CDSC also will not be applied on the annuity starting date if the accumulation value is applied after the second Contract anniversary to provide lifetime annuity payments. No CDSC will be imposed as a result of any death benefit payment, or, under Qualified Plans, any refund of contributions paid in excess of the Contract owner's deductible amounts. Applicants state that the CDSC will not increase.

14. Companion Life proposes to direct a daily mortality and expense risk charge. Companion Life represents that this charge is equal to an effective annual rate of 1.00% of the net asset value of the Separate Account, and that it will not increase. Of this amount, approximately .75% is for mortality risk and .25% is for expense risks.

15. Companion Life assumes the mortality risk that the life expectancy of the annuitant will be greater than that assumed in the guaranteed annuity purchase rates, thus requiring Companion Life to pay out more in annuity income than it had planned. Additional mortality risks assumed by Companion Life are that it will waive the CDSC in the event of the death of the owner and Companion Life's contractual obligation to provide a standard and an enhanced death benefit prior to the annuity date. Thus, Companion Life assumes the risk that it may not be able to cover its distribution expenses and that the owner may die at a time when the amount of the death benefit payable exceeds the then net surrender value of the Contracts. The expense risk assumed by Companion Life is that the contract administration charge will be insufficient to cover the cost of administering the Contracts.

16. In the event the mortality and expense risk charges are more than sufficient to cover Companion Life's costs and expenses, any excess will be a profit to Companion Life. The cost of distributing the Contracts will be met from funds derived from the CDSC and from Companion Life's general account, which may include amounts derived from the mortality and expense risk charge.

17. There will be a charge made each year for expenses related to the enhanced death benefit. Companion Life deducts this charge through the cancellation of accumulation units at each Contract anniversary and at surrender to compensate it for the increased risks associated with providing the enhanced death benefit. The charge at full surrender will be a pro-rata portion of the annual charge. Companion Life guarantees that this charge will never exceed an annual rate of .35% of the average death benefit amount.[3]

18. If premium taxes are assessed, Companion Life may deduct a charge for aggregate premium taxes paid with respect to a particular Contract from purchase payments of from accumulation value (upon complete surrender, death of any Contract owner, or at the annuity starting date).

In addition, no charges are currently made for any other federal, state, or local taxes. Companion Life, however, may deduct charges for such taxes (or the economic burden thereof) from the Separate Account in the future. In such case, Companion Life will either seek exemptive relief to the extent necessary to permit the deduction of such taxes or treat those deductions as deductions of sales load.[4]

[3] The average death benefit amount is the mean of the death benefit amount on the most recent Contract anniversary and the death benefit amount on the immediately preceding Contract anniversary.

[4] Applicants represent that they will file an amendment to their application during the notice period to reflect this representation.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the 1940 Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Section 26(a)(2)(C) and 27(c)(2) of the 1940, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

3. Applicants request exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction from the net assets of the Separate Account and the Other Accounts in connection with the Contracts and Future Contracts of the 1.00% charge for the assumption of mortality and expense risks, and .35% of the average death benefit amount for the enhanced death benefit charge, and that the foregoing exemptions extend to Future Broker-Dealers.

4. Applicants assert that the terms of the relief requests with respect to any Future Contracts funded by the Separate Account or Other Accounts, as well as for Future Broker-Dealers, are consistent with the standards enumerated in Section 6(c) of the 1940 Act. Without the requested relief, Applicants would have to request and obtain exemptive relief for each new Other Account it establishes to fund any Future Contract, as well as for each Future Broker-Dealer that distributes the Contracts or the Future Contracts. Applicants submit that any such additional request for exemption would present no issues under the 1940 Act that have not already been addressed in this application, and that investors would not receive any benefit or additional protections thereby.

Applicants submit that the requested relief is appropriate in the public interest, because it would promote competitiveness in the variable annuity contract market by eliminating the need for Applicants to file redundant exemptive applications, thereby

reducing their administrative expenses and maximizing the efficient use of their resources. The delay and expense involved in having repeatedly to seek exemptive relief would reduce Applicant's ability effectively to take advantage of business opportunities as they arise.

Applicants further submit that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. Applicants thus believe that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

5. Applicants represent that the 1.00% per annum mortality and expense risk charge is within the range of industry practice for comparable annuity contracts. This representation is based upon an analysis of publicly available information about similar industry products, taking into consideration such factors as, among others, the current charge levels and benefits provided, the existence of expense charge guarantees, guaranteed death benefits, and guaranteed annuity rates. Companion Life will maintain at its principal offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, Applicants' comparative review.

6. Applicants also assert that the charge equal to an annual rate of .35% of the average death benefit amount for Contracts and Future Contracts issued with the enhanced death benefit is reasonable in relation to the risks assumed by Companion Life. In arriving at this determination, Companion Life projected its expected cost in providing this benefit by using the price of put options which could be used to hedge the risk inherent in providing the enhanced death benefit. Companion Life undertakes to maintain at its home office a memorandum, available to the Commission, setting forth in detail the methodology used in determining that the risk charge equal to an annual rate of .35% of the average death benefit amount under certain Contracts and Future Contracts for the enhanced death benefit is reasonable in relation to risks assumed by Companion Life under the Contracts and Future Contracts.

7. Companion Life has concluded that there is a reasonable likelihood that the Separate Accounts and Other Accounts' proposed distribution financing arrangements will benefit the Separate Accounts and their investors. Companion Life represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion.

8. The Separate Account and Other Accounts will be invested only in management investment companies that undertake, in the event the company should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the 1940 Act, to have such plan formulated and approved by the company's board members, the majority of whom are not ''interested persons'' of the management investment company within the meaning of Section 2(a)(19) of the 1940 Act.

9. Section 2(a)(32) of the 1940 Act defines a redeemable security as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Sections 22(c) and 27(c)(1) of the 1940 Act and Rule 22c–1 thereunder, in pertinent part, prohibit a registered investment company, its depositor, or principal underwriter, from selling periodic payment plan certificates unless such certificates are redeemable securities.

10. Applicants request exemptions from Sections 2(a)(32), 22(c), and 27(c)(1) of the 1940 Act, and Rule 22c–1 thereunder, to permit the deduction upon surrender of the prorated enhanced death benefit charge equal to .35% of the average death benefit.

11. Applicants assert that the enhanced death benefit charge is assessed to compensate Companion Life for the increased risk it bears if the Contract owner elects the enhanced death benefit. The death benefit represents an optional insurance benefit that Companion Life may provide through the life of the Contract or Future Contract for which it is entitled to receive compensation. Normally, the enhanced death benefit charge accrues each Contract year and is deducted retroactively on each Contract anniversary, for that prior Contract year. By deducting a prorated enhanced death benefit charge upon a Contract owner's surrender, Companion Life is compensated by the Contract owner for the additional risk the company bears during the period between the last Contract anniversary and the date of surrender.

12. Applicants further assert that the assessment of the prorated enhanced death benefit charge upon surrender does not alter a Contract owner's current net asset value. As previously discussed, Companion Life deducts the enhanced death benefit charge through the cancellation of a Contract owner's accumulation units. Accordingly, the assessment of the prorated enhanced death benefit charge upon surrender, or at any other time during the life of a Contract or Future Contract, will not alter the Contract or Future Contract's current net asset value.

13. In addition, Applicants assert that the assessment of a prorated enhanced death benefit charge upon a Contract owner's surrender, which is fully disclosed in the prospectus for the Contract, should not be construed as a restriction on redemption. Applicants maintain that the Contracts and Future Contracts are and will be redeemable securities and that the imposition of the prorated enhanced death benefit charge upon surrender represents nothing more than the proportionate deduction of an insurance charge that could otherwise be deducted daily through the life of the Contract or Future Contract. Moreover, as stated previously, Applicants only assess the charge if the Contract owner has elected the enhanced death benefit.

Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–9402 Filed 4–16–96; 8:45 am]

**BILLING CODE 8010–01–M**

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**[Rel. No. IC–21885; 812–9972]**

## UAM Funds, Inc., et al.; Notice of Application

April 10, 1996.

**AGENCY:** Securities and Exchange Commission (''SEC'').

**ACTION:** Notice of Application for Exemption Under the Investment Company Act of 1940 (the ''Act'').

**APPLICANTS:** UAM Funds, Inc., UAM Funds Trust, AEW Commercial Mortgage Securities Fund, Inc., (''AEW'') (collectively, the ''Existing Funds''); Acadian Asset Management, Inc., Aldrich, Eastman & Waltch, L.P., Barrow, Hanley, Mewhinney & Strauss, Inc., C.S. McKee & Company, Inc., Cambiar Investors, Inc., Chicago Asset Management Company, Cooke & Bieler, Inc., Dewey Square Investors Corp.,

Dwight Asset Management Company, Fiduciary Management Associates, Inc., Hanson Investment Management Company, Investment Counselors of Maryland, Inc., Investment Research Company, Murray Johnstone International Ltd., Newbold's Asset Management, Inc., NWQ Investment Management Company, Rice, Hall, James & Associates, Sirach Capital Management, Inc., Spectrum Asset Management, Inc., Sterling Capital Management Company, Thompson, Siegel & Walmsley, Inc., and Tom Johnson Investment management, Inc. (collectively, the ''Advisers'').

**RELEVANT ACT SECTION:** Order requested under section 17(d) of the Act and rule 17d–1 thereunder.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain investment companies to deposit their uninvested cash balances in one or more joint accounts to be used to enter into short-term investments.

**FILING DATES:** The application was filed on January 29, 1996 and amended on April 9, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o Audrey C. Talley, Esq., Stradley, Ronon, Stevens & Young, 2600 One Commerce Square, Philadelphia, PA 19103–7098.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or Robert A. Robertson, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

## Applicants' Representations

1. UAM Fund, Inc., a Maryland corporation, and UAM Funds Trust, a Delaware business trust, are open-end management investment companies comprised of multiple series of shares. AEW, a Maryland corporation, is a closed-end investment company. Each of the Advisers, except Aldrich, Eastman & Waltch, L.P. (''Aldrich, Eastman''), is a wholly-owned subsidiary of United Asset Management Corporation (''United''). Aldrich, Eastman is a limited partnership of which United is the sole limited partner. United is a holding company incorporated for the purpose of acquiring and owning investment management firms.[1]

2. Applicants request that any relief granted pursuant to the application also apply to any future registered investment companies that are advised by an Adviser, or any entity controlling, controlled by, or under common control with an Adviser and that are in the same ''group of investment companies,'' as defined in rule 11a–3 under the Act, as the Existing Funds (together with the Existing Funds, the ''Portfolios''). In addition, applicants request that any relief granted also apply to any entity controlling, controlled by, or under common control with an Adviser that serves as investment adviser to any of the Portfolios. All Portfolios that currently intend to rely on the requested order are named as applicants.

3. The Existing Funds have each entered into an administration agreement with Chase Global Fund Services Company, formerly, Mutual Fund Services Company (the ''Administrator'') pursuant to which the Administrator provides transfer agent, accounting and administrative services. Morgan Guaranty Trust Company of New York (''Morgan Guaranty'') serves as the Existing Funds' custodian. Bank of New York serves as the Existing Funds' custodian. The distributor of the open-end Existing Funds, UAM Fund Distributors, Inc., formerly Regis Retirement Plan Services, is a wholly-owned subsidiary of United.

4. At the end of each trading day, the Portfolios have uninvested cash balances in their accounts at their custodian bank that would not otherwise be invested in Portfolio securities by their respective Adviser. Generally such cash balances are invested in short-term liquid assets such as commercial paper or U.S. Treasury bills. Cash balances may also be invested in shares of the money market Portfolios.[2]

5. Applicants propose to deposit uninvested cash balances of the Portfolios that remain at the end of the trading day, as well as cash for investment purposes, into one or more joint accounts (the ''Joint Accounts'') and to invest the daily balance of the Joint Accounts in: (a) repurchase agreements collateralized by U.S. government securities (as defined in the Act) or by First Tier Securities (as defined in rule 2a–7 under the Act); (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term money market instruments, including variable rate demand notes and other tax-exempt money market instruments, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (collectively, ''Short-Term Investments'').

6. Applicants proposes to enter into hold-in-custody repurchase agreements, i.e., repurchase agreements where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement, only where cash is received very late in the business day and otherwise would be unavailable for investment.

7. A Portfolio's decision to use a Joint Account would be based on the same factors as its decision to make any other short-term liquid investment. The sole purpose of the Joint Accounts would be to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Portfolios necessary to manage their respective daily account balances.

8. The Advisers will be responsible for investing funds held by the Joint Accounts, establishing accounting and control procedures, and ensuring fair treatment of the Portfolios. The Advisers will manage investments in the Joint Accounts in essentially the same manner as if it had invested in such instruments on an individual basis for each Portfolio.

9. Any repurchase agreements entered into through the joint account will comply with the terms of Investment Company Act Release No. 13005 (February 2, 1983). Applicants acknowledge that they have a continuing obligation to monitor the SEC's published statements on repurchase agreements, and represent that repurchase agreement transactions

[1] United does not engage in any investment activities that would require it to be registered as an investment adviser or investment company. *See*, United Asset Management Corp., SEC No-Action Letter (pub. avail. Nov. 2, 1981).

[2] *UAM Funds*, Investment Company Act Release Nos. 21739 (Feb. 9, 1996) (notice) and 21809 (March 6, 1996) (order).

will comply with future positions of the SEC to the extent that such positions set forth different or additional requirements regarding repurchase agreements. In the event that the SEC sets forth guidelines with respect to other Short-Term Investments, all such investments made through the Joint Account will comply with those guidelines.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 thereunder prohibit an affiliated person of a registered investment company from participating in any joint enterprise or arrangement in which such investment company is a participant, without an SEC order.

2. The Portfolios, by participating in the proposed Joint Account, and the Advisers, by managing the proposed Joint Account, could be deemed to be ''joint participants'' in a transaction within the meaning or section 17(d). In addition, the proposed Joint Account could be deemed to be a ''joint enterprise or other joint arrangement'' within the meaning of rule 17d–1.

3. Although the Advisers will realize some benefits through administrative convenience and some possible reduction in clerical costs, the Portfolios will be the primary beneficiaries of the Joint Accounts because the account may result in higher returns and would be a more efficient means of administering daily cash investments.

4. Applicants believe that no Portfolio will be in a less favorable position as a result of the Joint Accounts. Each Portfolio's investment in a Joint Account would not be subject to the claims of creditors, whether brought in bankruptcy, insolvency, or other legal proceeding, of any other Portfolio. Each Portfolio's liability on any Short-Term Investment will be limited to its interest in such investment; no Portfolio will be jointly liable for the investments of any other Portfolio.

5. Portfolios may earn a higher rate of return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, it is generally possible to negotiate a rate of return on larger repurchase agreements and other Short-Term Investments that is higher than the rate available on smaller repurchase agreements and other Short-Term Investments.

6. The Joint Accounts may result in certain administrative efficiencies and a reduction of the potential for errors by reducing the number of trade tickets and cash wires that must be processed by the sellers of Short-Term Investments, the Portfolios' custodian and the Advisers's accounting and trading departments. For the reasons set forth above, applicants believe that granting the requested order is consistent with the provisions, policies, and purposes of the Act and the intention of rule 19d–1.

Applicants' Conditions

Applicants will comply with the following procedures as conditions to any SEC order:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by the Portfolios at their custodian except that monies from the Portfolios will be deposited in the Joint Account on a commingled basis. The Joint Accounts will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by the Advisers of uninvested cash balances.

2. Cash in the Joint Accounts will be invested in one or more of the following, as directed by the Advisers: (a) repurchase agreements collateralized fully as defined in rule 2a–7 under the act by: (i) U.S. Government obligations; (ii) obligations issued or guaranteed as to principal and interest or otherwise backed by any of the agencies or instrumentalities of the U.S. Government; (iii) certain obligations of the U.S. Government in the form of separately traded principal and interest components of securities issued or guaranteed by the U.S. Treasury; and (iv) certain U.S. government agency securities such as mortgage-backed certificates issued by the Government National Mortgage Association, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, representing ownership interests in mortgage pools; (b) interest bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) in any other short-term money market instruments, including tax-exempt money market instruments, that constitute ''Eligible Securities'' within the meaning of rule 2a–7 under the Act. No Portfolio would be permitted to invest in a Joint Account unless the Investments in such Joint Account satisfied the investment policies and guidelines of that Portfolio. Investments that are joint repurchase transactions would have a remaining maturity or deemed maturity of 60 days or less and other Investments would have a remaining maturity of 90 days or less, each as determined pursuant to rule 2a–7 under the Act.

3. All assets held in the Joint Accounts would be valued on an amortized cost basis to the extent permitted by applicable SEC releases, rules, or orders.

4. Each Portfolio, in reliance on rule 2a–7 under the Act, will use the average maturity of the instruments in the Joint Account in which such Portfolio has an interest (determined on a dollar weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Portfolio to use any part of a balance of a Joint Account credited to another Portfolio, no Portfolio will be allowed to create a negative balance in any Joint Account for any reason, although each Portfolio would be permitted to draw down its entire balance at any time. Each Portfolio's decision to invest in a Joint Account would be solely at its option, and no Portfolio will be obligated to invest in the Joint Account or to maintain any minimum balance in the Joint Account. In addition, each Portfolio will retain the sole rights of ownership to any of its assets invested in the Joint Account, including interest payable on such assets invested in the Joint Account.

6. The Advisers will administer the investment of cash balances in and operation of the Joint Accounts as part of its general duties under its advisory agreements with Portfolios and will not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Accounts would be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

8. The directors and trustees of the Portfolios will adopt procedures pursuant to which the Joint Accounts will operate, which will be reasonably designed to provide that the requirements of the application will be met. The respective directors and trustees will make and approve such changes as they deem necessary to ensure that such procedures are followed. In addition, the directors and trustees will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the proposed procedures and will only permit a Portfolio to continue to participate therein if it determines that there is a reasonable likelihood that the Portfolio and its shareholders (or beneficiaries, as applicable) will benefit from the Portfolio's continued participation.

9. Any Short-Term Investments made through the Joint Accounts will satisfy the investment criteria of all Portfolios in that investment.

10. The Advisers and the custodian of each Portfolio will maintain records documenting, for any given day, each Portfolio's aggregate investment in a Joint Account and each Portfolio's *pro rata* share of each Investment made through such Joint Account. The records maintained for each Portfolio that is a Fund or an investment portfolio thereof shall be maintained in conformity with section 31 of the Act and the rules and regulations thereunder.

11. Every Portfolio in the Joint Accounts will not necessarily have its cash invested in every Short-Term Investment. However, to the extent that a Portfolio's cash is applied to a particular Short-Term Investment, the Portfolio will participate in an own its proportionate share of such Short-Term Investment, and any income earned or accrued thereon, based upon the percentage of such investment purchased with monies contributed by the Portfolio.

12. Short-Term Investment held in a Joint Account generally will not be sold prior to maturity except if: (a) the Advisers believe the investment no longer presents minimal credit risks; (b) the investment no longer satisfies the investment criteria of all Portfolios in the investment because of a downgrading or otherwise; or (c) in the case of a repurchase agreement, the counterparty defaults. The Advisers may, however, sell any Short-Term Investment (or any fractional portion thereof) on behalf of some or all Portfolios prior to the maturity of the investment if the cost of such transactions will be borne solely by the selling Portfolios and the transaction will not adversely affect other Portfolios. In no case would an early termination by less than all participating Portfolios be permitted if it would reduce the principal amount or yield received by other Portfolios participating in a particular Joint Account or otherwise adversely affect the other participating Portfolios. Each Portfolio will be deemed to have consented to such sale and partition of the investments in the Joint Account.

13. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and, for any Portfolio that is an open-end investment company registered under the Act, subject to the restriction that the Portfolio may not invest more than 15% (or such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, if the Advisers cannot sell the instrument, or the Portfolio's fractional interest in such instrument, pursuant to the preceding condition.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–9401 Filed 4–16–96; 8:45 am]

**BILLING CODE 8010–01–M**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

### Office of Hazardous Materials Safety; Notice of Applications for Exemptions

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applicants for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before May 17, 1996.

**ADDRESS COMMENTS TO:** Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

| Application No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|
| 11662–N | FIBA Technologies, Inc., Westboro, MA. | 49 CFR 173.304(a)(2) | To authorize the transportation in commerce of hexafluorethane, Division 2.2, in DOT–3T 2400 cylinders. (modes 1, 2, 3) |
| 11663–N | Pfizer Inc., Groton, CT | 49 CFR 173.304(a)(2), 174.67(i)&(j). | To authorize rail cars to remain connected during unloading process without the physical presence of an unloader. (mode 2) |
| 11664–N | Breed Technologies, Inc., Lakeland, FL. | 49 CFR 173.166(e) | To authorize the transportation in commerce of airbag modules, Class 9, in fiberboard intermediate bulk containers. (modes 1, 2, 3, 5) |
| 11665–N | Pan Air, Houston, TX | 49 CFR 171.11, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B. | To authorize the transportation in commerce of Diviaion 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden for shipment by air or are in quantities greater than those prescribed for shipment by air. (mode 4) |
| 11666–N | UCar International Inc., Danbury, CT. | 49 CFR 173.240(b) | To authorize the transportation of graphite products classified as Miscellaneous Hazardous Class 9 material in bulk packaging strapped to wooden pallets on an open flat truck bed. (mode 1) |

NEW EXEMPTIONS—Continued

| Application No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|---|---|---|---|
| 11667–N | Weldship Corp., Bethlehem, PA | 49 CFR 173.34(e) | To authorize an alternative retesting method of DOT–3AAX, 3T, 107A, 3A and 3AA compressed gas cylinders. (mode 1) |
| 11668–N | AlliedSignal, Inc., Morristown, NJ | 49 CFR 173.420(2)(d) | To authorize the one time shipment of space defective Model 48 OM cylinder containing uranium hexafluoride, Class 7. (mode 1) |
| 11669–N | Ciba-Geigy Corp., Tarrytown, NJ | 49 CFR 177.834(i)(2) | To authorize the unloading of Division 2.2 and Division 2.3 material from cargo tanks into storage tanks without the physical presence of an unloader. (mode 1) |
| 1670–N | Oilphase Sampling Services Limited, Dye, Aberdeen, Scotland. | 49 CFR 178.36(3A) | To authorize the transportation in commerce of pressurised oil well formation samples from the well site to the analysis laboratory in specially designed non-DOT specification packaging. (modes 1, 2, 3, 4) |
| 1671–N | Matheson Gas Products, Secaucus, NJ. | 49 CFR 172.101, Col. (9B) | To authorize the transportation in commerce of arsine and phosphine, Division 2.3 in DOT specification cylinders by cargo only aircraft. (mode 4) |

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 11, 1996.

J. Suzanne Hedgepeth,

*Director, Office of Hazardous Materials Exemptions and Approvals.*

[FR Doc. 96–9411 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–60–M**

## Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging, design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. Application numbers with the suffix ''P'' denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

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

**ADDRESS COMMENTS TO:** Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

| Application No. | Applicant | Renewal of exemption |
|---|---|---|
| 9706–M | Taylor-Wharton, Harrisburg, PA (See Footnote 1) | 9706 |
| 11058–M | Spex Certiprep Inc., Metuchen, NJ (See Footnote 2) | 11058 |
| 11296–M | Ashland Chemical, Inc., Dublin, OH (See Footnote 3) | 11296 |
| 11335–M | Trinity Industries, Inc., Dallas, TX (See Footnote 4) | 11335 |
| 11512–M | Alaska Eskimo Whaling Commission (AEWC), Barrow, AK (See Footnote 5) | 11512 |

1. To modify exemption to provide for various changes in the construction of non-DOT specification cylinders for use in transporting certain Division 2.1 gases, Division 2.2 gases and Division 6.1 materials.
2. To modify the exemption to provide for cellulose wading as absorbent material in combination packaging containing dilute nitric acid.
3. To reissue the exemption originally issued on an emergency basis to authorize the transportation of certain waste aerosol cans containing flammable gas propellants, including isobutane and propane, overpacked in removable head DOT Specification 17H of UN1A2 steel drum, for disposal.
4. To reissue exemption originally issued on an emergency basis to provide for alternative testing of repairs of DOT-Specification tank car tanks.
5. To reissue exemption originally issued on an emergency basis to authorize shipment of black powder, Division 1.1D and powder, smokeless, Division 1.3C by cargo aircraft.

| Application No. | Applicant | Parties to exemption |
|---|---|---|
| 4453–P | S.A.S. Contracting Corporation, Chesterhill, OH | 4453 |
| 5206–P | Mt. State Bit Service, Inc., Morgantown, WV | 5206 |
| 6691–P | Corp Brothers, Inc., Providence, RI | 6691 |

| Application No. | Applicant | Parties to exemption |
|---|---|---|
| 6971–P | Absolute Standards, Inc., Hamden, CT | 6971 |
| 8009–P | Columbia Gas of Kentucky, Columbus, OH | 8009 |
| 8009–P | Columbia Gas of Maryland, Columbus, OH | 8009 |
| 8009–P | Columbia Gas of Ohio, Columbus, OH | 8009 |
| 8009–P | Columbia Gas of Pennsylvania, Columbus, OH | 8009 |
| 8009–P | Commonwealth Gas (Virginia), Columbus, OH | 8009 |
| 8273–P | Takata Restraint Systems, Greenwood, MS | 8273 |
| 8445–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 8445 |
| 8451–P | Rockwell International Corporation, Canoga Park, CA | 8451 |
| 8453–P | Mt. State Bit Service, Inc., Morgantown, WV | 8453 |
| 8554–P | S.A.S. Contracting Corporation, Chesterhill, OH | 8554 |
| 9198–P | Minnesota Department of Natural Resources, Brainerd, MN | 9198 |
| 9571–P | United States Pollution Control, Inc., Columbia, SC | 9571 |
| 9617–P | S.A.S. Contracting Corporation, Chesterhill, OH | 9617 |
| 9623–P | S.A.S. Contracting Corporation, Chesterhill, OH | 9623 |
| 9723–P | Envirochem Environmental Services, Inc., Apex, NC | 9723 |
| 9723–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 9723 |
| 9769–P | Bryson Industrial Services, Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services (FS), Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services (North East), Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services (TG), Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services of California, Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services of Illinois, Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services (TS), Inc., Columbia, SC | 9769 |
| 9769–P | Laidlaw Environmental Services (TES), Inc., Columbia, SC | 9769 |
| 10298–P | Rotor Air Alaska, Inc., Soldotna, AK | 10298 |
| 10307–P | Elf Atochem North America, Portland, OR | 10307 |
| 10441–P | United States Pollution Control, Inc., Columbia, SC | 10441 |
| 10441–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 10441 |
| 10497–P | Lockheed Martin Astro Space Division, Princeton, NJ | 10497 |
| 10717–P | ACF Industries, Inc., St Charles, MO | 10717 |
| 10751–P | S.A.S. Contracting Corporation, Chesterhill, OH | 10751 |
| 10821–P | Safety Disposal System, Inc., Opa Locka, FL | 10821 |
| 10880–P | S.A.S. Contracting Corporation, Chesterhill, OH | 10880 |
| 10949–P | United States Pollution Control, Inc., Columbia, SC | 10949 |
| 10949–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 10949 |
| 10996–P | Vulcan Systems, Inc., Colorado Springs, CO | 10996 |
| 10996–P | Hybridine Aerospace Corp., Inc., Nicholson, GA | 10996 |
| 11043–P | United States Pollution Control, Inc., Columbia, SC | 11043 |
| 11043–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 11043 |
| 11156–P | S.A.S. Contracting Corporation, Chesterhill, OH | 11156 |
| 11156–P | Mt. State Bit Service, Inc., Morgantown, WV | 11156 |
| 11156–P | Hilltop Energy, Inc., Mineral City, OH | 11156 |
| 11197–P | Halliburton Energy Services, Duncan, OK | 11197 |
| 11197–P | INDSPEC Chemical Corporation, Pittsburgh, PA | 11197 |
| 11197–P | Shell Norco Refining Company, Norco, LA | 11197 |
| 11197–P | Quanterra, Inc., Englewood, CO | 11197 |
| 11207–P | Northern States Power Company, Eau Claire, WI | 11207 |
| 11221–P | Rotor Air Alaska, Inc., Soldotna, AK | 11221 |
| 11230–P | S.A.S. Contracting Corporation, Chesterhill, OH | 11230 |
| 11253–P | DPC Industries, Inc., Houston, TX | 11253 |
| 11294–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 11294 |
| 11296–P | Chemical Pollution Control, Inc. of New York, Bay Shore, NY | 11296 |
| 11575–P | Environmental Management And Controls, Inc., Turlock, CA | 11575 |
| 11588–P | Solid Waste Technologies, Inc., Jamesburg, NJ | 11588 |
| 11588–P | Regniers Refrigerated Express, New Castle, DE | 11588 |
| 11588–P | Coast Medical Services, Inc., Fair Haven, NJ | 11588 |

This notice of receipt of applications for modification of exemptions and for party to an exemption is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 11, 1996.

J. Suzanne Hedgepeth,

*Director, Office of Hazardous Materials Exemptions and Approvals.*

[FR Doc. 96–9412 Filed 4–16–96; 8:45 am]

**BILLING CODE 4910–60–M**

## SURFACE TRANSPORTATION BOARD

### Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Surface Transportation Board has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available

are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Victoria Rutson or Ms. Judith Groves, Surface Transportation Board, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6211 or (202) 927–6246. Comments on the following assessment are due 15 days after the date of availability:

AB–290–181X, Norfolk & Western Railway, Inc. Abandonment in Pike County, Kentucky. (EA available 4/9/96).

AB–468X, Paducah & Louisville Railway, Inc. Abandonment Between Greenville and White Plains, KY (EA available 4/11/96).

AB–6 (Sub–No. 372X), Burlington Northern Railroad Co.—Abandonment Exemption—in Ramsey and Towner Counties, ND (EA available 4/12/96).

AB–6 (Sub–No. 373X), Burlington Northern Railroad Co.—Abandonment Exemption—in Griggs County, ND (EA available 4/12/96).

Vernon A. Williams,

*Secretary.*

[FR Doc. 96–9451 Filed 4–16–96; 8:45 am]

**BILLING CODE 4915–00–P**

federal register

Wednesday
April 17, 1996

# Part II

# Department of Education

## Federal Pell Grant Program; Notice

## DEPARTMENT OF EDUCATION

### Federal Pell Grant Program

**AGENCY:** Department of Education.

**ACTION:** Notice; deadline dates for receipt of applications, reports, and other documents for the 1995–96 award year.

**SUMMARY:** The Secretary announces the deadline dates for receiving documents from persons applying for financial assistance under, and from institutions participating in, the Federal Pell Grant Program in the 1995–96 award year.

**FOR FURTHER INFORMATION CONTACT:** Jacquelyn C. Butler, Program Specialist, Pell and State Grant Section, Grants Branch, Policy Development Division, Policy, Training, and Analysis Service, Office of Postsecondary Education, U.S. Department of Education, 600 Independence Avenue SW. (ROB–3, Room 3045), Washington, DC 20202–5447. Telephone: (202) 708–4607. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Federal Pell Grant Program provides grants to students attending eligible institutions of higher education to help them pay for their educational costs. The program supports Goals 2000, the President's strategy for moving the Nation toward the National Education Goals, by enhancing opportunities for postsecondary education. The National Education Goals call for increasing the rate at which students graduate from high school and pursue high quality postsecondary education and for supporting life-long learning.

Authority for the Federal Pell Grant Program is contained in section 401 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1070a. Regulations that govern the Federal Pell Grant Program are codified in 34 CFR parts 690, 668, and 600.

The Federal Pell Grant Program includes a three-step application process. Under the first step, a student submits an application, *i.e.*, the Free Application for Federal Student Aid (FAFSA), to the Secretary to have his or her expected family contribution (EFC) calculated.

The student may submit a paper or electronic version of that application. The student submits a paper application directly to a FAFSA processor. The FAFSA processor in turn transmits that application to the central processor. FAFSA processors include the Department, the College Scholarship Service (CSS), the American College Testing (ACT), and the Pennsylvania Higher Education Assistance Agency (PHEAA).

If the student attends or expects to attend an institution that participates in the Department of Education's Electronic Data Exchange (EDE), the student may submit an electronic application to the central processor through that institution. (Under EDE, using software or specifications provided by the Department of Education (Department), an institution electronically transmits the student's application information to the central processor. The institution may enter the application information or the institution may have the student enter that information.)

The Department has developed another type of electronic application called the ''FAFSA Express.'' If a student uses the FAFSA Express, he or she submits that application electronically to the central processor without the involvement of his or her institution or a FAFSA processor.

As an alternative to an original paper or electronic application, a student may submit a paper or electronic ''renewal application.'' A renewal application is sent to a student. It is generated by the central processor using prior year application information to reduce the amount of new data a student must provide for the next award year. A renewal application is not available using FAFSA Express.

Under the second step, the central processor determines a student's EFC based upon the information the student provided in the paper or electronic application. If the student uses a paper application or FAFSA Express, the central processor sends the student a Student Aid Report (SAR) on which the central processor reports the student's EFC plus the information on which the EFC was based. In addition, the central processor also sends this information to any institutions participating in EDE that the student selects on his or her application.

If the student applies electronically under EDE, the EDE process enables the institution to receive electronically the student's EFC and application information. The information contained on this transmission is called the Institutional Student Information Record or ISIR. A student who applies electronically through EDE does not get an SAR; therefore, the institution provides a printed copy of the ISIR information to the student. All institutions may also receive at their option ISIRs on a magnetic tape or on a paper roster.

Under the third step, an institution that receives a valid SAR or valid ISIR determines a student's eligibility for a Federal Pell Grant award and the amount of that award, and pays the student his or her award. A valid SAR or valid ISIR is one on which all the information used to calculate the student's EFC is accurate and complete.

If corrections need to be made to a student's application information, the central processor must be notified of those corrections. However, if a student is selected for verification under 34 CFR 668.54, by the Secretary or by the institution, corrections need not be reported to the central processor if the institution determines that the relevant provisions of 34 CFR 668.59 apply.

Several alternatives are available for notification to the central processor. If the institution does not participate in EDE, the student must make corrections directly on Part 2 of the SAR and then send the corrected SAR to the student's FAFSA processor, which transmits the corrected information to the central processor.

If the student attends an institution that participates in EDE, the institution may transmit electronically the corrected information directly to the central processor. If the central processor receives the corrected information electronically, the EDE process enables the institution to receive a corrected ISIR electronically.

If corrections are made through EDE, the institution must provide to the student a printed copy of the results of those corrections so that the student has an opportunity to review the accuracy of his or her processed application information. The ISIR is valid if it accurately reflects corrections that are based on signed correction documentation or documentation submitted under 34 CFR 668.57 and is processed through the central processor.

An institution that receives valid ISIRs and reports Federal Pell Grant payment data to the Department by floppy disk, magnetic tape, or electronic transmission through EDE, may not require a student to submit an SAR as a precondition to receiving a Federal Pell Grant award.

I. Summary of Deadline Dates—Table I

The following table is a summary of selected Deadline Dates further explained in Parts II. through V. of this notice.

TABLE I

**A. Summary of Deadline Dates for Application Processing and Receipt of SARs or ISIRs (Explained Further in Parts I. Through III. of This Notice)**

| Who submits? | What is submitted? | What is the deadline date? |
|---|---|---|
| Student | A paper original/renewal application | 5/1/96. |
| Student or student thru institution. | An electronic original/renewal application | 5/1/96. |
| Student | Correction Application (paper) | 8/1/96. |
| Student | SAR | Student's last date of enrollment or 7/1/96 whichever is earlier. |
| Student or student thru institution. | Corrected SAR or ISIR (paper/electronically) | 8/1/96. |
| Student or student thru institution. | Written/telephone requests for duplicate SAR | 8/1/96. |
| Student | If a student is selected for verification: (1) verification documentation submitted by the student and received by the institution; and (2) if necessary, a reprocessed valid SAR or valid ISIR received by the institution. | The earlier of:<br>(a) 60 days after the student's last date of enrollment; or<br>(b) 8/30/96. |

**B. Summary of Deadline Dates for Reporting Federal Pell Grant Payment Data (Explained Further in Parts IV. and V. of This Notice)**

| | | |
|---|---|---|
| Institution | IPS and Payment Voucher data | no later than the closing date for each reporting period. |
| | *Reporting Periods* | |
| | 07/01/95 thru 10/15/95 | 10/15/95. |
| | 10/16/95 thru 12/15/95 | 12/15/95. |
| | 12/16/95 thru 02/15/96 | 02/15/96. |
| | 02/16/96 thru 04/15/96 | 04/15/96. |
| | 04/16/96 thru 06/15/96 | 06/15/96. |
| | 06/16/96 thru 08/15/96 | 08/15/96. |
| Institution | Final submission of Payment Voucher Data—Secretary closes the institution's Federal Pell Grant account after 9/30/96 except as provided in Part V.B. | 9/30/96. |
| Institution | Administrative relief | 1/31/97. |
| Institution | IPS and Payment Voucher data for downward adjustments | Requirement to report, within 30 calendar days, downward adjustments for a student with previously reported payments or expected payments that are in excess of the payments that the institution is paying the student for the award year. |

## II. Applications for Determination of Expected Family Contribution—Table II

Under the first application step described above, if a student uses a paper original application, including a paper renewal application, he or she must submit that application form to the appropriate processor listed in Table II of this notice, at the address indicated in Table II. That application must be *received* at that address no later than May 1, 1996. A paper application may not be hand-delivered.

An approved application form is an application listed in the first column of Table II. The student must send the application to the address of the organization whose application is being used. Thus, the FAFSA printed and distributed by the Department must be sent to the FAFSA processor in Iowa City, Iowa; forms printed and distributed by ACT must be sent to ACT; forms printed and distributed by CSS must be sent to CSS; and forms printed and distributed by PHEAA must be sent to PHEAA.

If a student submits an electronic application under EDE or FAFSA Express, that application must be received by the Department's central processor prior to midnight (Central Daylight Savings Time) on May 1, 1996. (For purposes of this notice, this deadline means that a student has all of May 1, 1996, to apply.)

For the balance of this notice, the first application submitted by or on behalf of a student, including a renewal application, shall be called an ''original application.''

### *Applications of Students Receiving ''Dependency Overrides''*

Under section 480(d)(7) of the HEA, a financial aid administrator (FAA) may determine that a student qualifies as an ''independent student'' as a result of unusual circumstances even though the student does not qualify as an independent student under the other criteria in section 480(d). This determination, using what is known as ''professional judgment,'' results in a ''dependency override.'' A student or institution must report a dependency override to the central processor for purposes of the Federal Pell Grant Program.

The manner in which a student reports a dependency override to the central processor depends on whether the institution the student is attending participates in EDE. If the institution does not participate in EDE, the student reports the dependency override on a paper application, either an original or renewal application, or on the SAR that he or she received. In either case, the FAA codes the application or the SAR with his or her approval of the override and signs the document.

If the student attends an institution that participates in EDE, the student may report the dependency override to the central processor as indicated above.

In addition, the institution may report the override by encoding the changes in the student's electronic application information and then transmitting the changes to the central processor.

III. Other Documents—Table II

Once a student has filed his or her original application, the student may have to change some information. In some cases, the processor receiving the original application may request additional information. In other cases, the student may request the processor to consider additional or alternative information.

Table II of this notice lists the addresses to which additional forms and information must be sent and the deadline dates for the receipt of those forms and information.

*A. Correction Application*

Correction applications are required only if two or more students initially apply for Federal aid using the same social security number. One or more of the students using that SSN must submit a Correction Application as determined by the Department on a case-by-case basis. The reporting student or students must include on the Correction Application all the information necessary to process that application.

A paper Correction Application may be obtained by calling the Department's Correction Application Coordinator at (202) 260–9988. The Correction Application must be submitted to the address listed in Table II and received at that address no later than August 1, 1996.

*B. SAR and ISIR*

• Correction or Confirmation of Information Requested by the Secretary—If the Secretary returns an SAR to a student for correction or notifies an institution through an ISIR that a student needs to correct application information, the student must correct that information on Part 2 of his or her SAR or through EDE at his or her institution. The student must submit a corrected SAR to the appropriate address listed in Table II, and that corrected SAR must be received at the appropriate address no later than August 1, 1996. If the student attends an institution that participates in EDE, the corrected application information may be transmitted electronically to the central processor. That information must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1996.

If the Secretary returns an SAR to a student for confirmation of certain data items included on the application or notifies an institution through an ISIR that a student needs to confirm application information, the student must confirm the information. The student confirms the information on the SAR or ISIR and returns the SAR in the same manner as described for required corrections, or the student's institution transmits the ISIR's corrected application information to the central processor. This request for confirmation of application information is separate and apart from the verification requirements contained in 34 CFR part 668, Subpart E.

• Correction of Inaccurate Information—If an SAR or an ISIR reflects information that was inaccurate when the application was signed, the student must correct that information on Part 2 of his or her SAR and send Part 2 of his or her SAR to the appropriate address listed in Table II or have the institution submit the change electronically. Part 2 of the student's SAR must be received at the appropriate address no later than August 1, 1996.

If the student attends an institution that participates in EDE, the corrected information may be transmitted electronically to the central processor. That corrected information must be received by the central processor prior to midnight (Central Daylight Savings Time) on August 1, 1996.

• Request for Duplicate SAR—If a student wishes to receive a duplicate SAR, the student may write to the appropriate processor's address listed in Table II or call the appropriate processor's telephone number listed in Table II. All written and telephone requests must be received no later than August 1, 1996. Individuals at the processors listed in Table II are not authorized to accept hand-delivered documents.

*C. Deadline for Receipt of a Valid SAR or Valid ISIR*

Although corrections and requests for a duplicate SAR will be processed through August 1, 1996, this deadline date does not extend the deadline date by which the institution must receive a student's valid SAR or valid ISIR with an EFC that permits the student to receive a Federal Pell Grant. If, by his or her last date of enrollment or July 1, 1996, whichever is earlier, the student does not submit a valid SAR to the institution or the institution does not receive the student's valid ISIR, he or she will be ineligible for a Federal Pell Grant award for the 1995–96 award year.

IV. Verification Procedures and Deadline Dates under 34 CFR Part 668, Subpart E

The information provided on an application and included on an SAR or ISIR may be subject to verification under verification procedures contained in 34 CFR part 668, Subpart E. In such a case, in order to receive a Federal Pell Grant award for the 1995–96 award year, the student—and his or her parents, if applicable—must submit the necessary verification documents in accordance with the following procedures and by the deadline dates specified below. These dates do not conflict with or supersede the deadline dates specified in Table II of this notice.

*A. Verification of Information on Application*

If a student is selected to have the information on his or her application verified under the verification procedures set forth in Subpart E of the Student Assistance General Provisions regulations (34 CFR part 668, Subpart E), he or she must submit the requested documents to his or her institution as specified below. The deadline date for the completion of these steps is the earlier of (a) within 60 days after the student's last date of enrollment; or (b) August 30, 1996. A student who will still be enrolled in a course of study in the 1995–96 award year after August 30, 1996, must submit the requested documents by August 30, 1996. (Documents that are hand-delivered must be received by the institution within 60 days after the student's last date of enrollment or on August 30, 1996, whichever is earlier. Documents sent by mail must be postmarked or demonstrate other comparable proof of mailing within 60 days after the student's last date of enrollment or on August 30, 1996, whichever is earlier.)

The verification process is complete when the student:

(1) Submits all requested verification documents to his or her institution; and

(2) If corrections must be submitted to the central processor—

(i) Makes all necessary corrections using (a) Part 2 of the SAR, (b) an ISIR, or (c) a Correction Application;

(ii) Either (a) signs the corrected Part 2 of the SAR or completes and signs a paper Correction Application and submits it to the appropriate address indicated in Table II so that the addressee receives either form prior to midnight (Central Daylight Savings Time) on August 1, 1996; or (b) signs and submits the necessary documentation for a corrected ISIR to the institution so that the institution can

transmit the data to the central processor (for those institutions participating in EDE) prior to midnight (Central Daylight Savings Time) on August 1, 1996; and

(iii) By August 30, 1996, submits to the institution the corrected and reprocessed SAR (alternatively, the institution receives the student's corrected ISIR from the central processor). (34 CFR 668.60)

*B. Application Forms and Information*

Student aid application forms and information brochures may be obtained at an institution's financial aid office, at an Educational Opportunity Center, or by writing or calling the Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044. Telephone: 1–800–4–FED-AID (1–800–433–3243)

TABLE II.—DEADLINE DATE FOR RECEIPT OF ORIGINAL APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTIONS: MAY 1, 1996. DEADLINE DATE FOR RECEIPT OF CORRECTION APPLICATION FORMS AND OTHER DOCUMENTS: AUGUST 1, 1996

| Type of form | For information about | Contacts |
|---|---|---|
| Free Application for Federal Student Aid (FAFSA) printed and distributed by ED. | English/Spanish Application request | Federal Student Aid Information Center Box 84, Washington, DC 20044, (800) 4 FED AID, TTY (800) 730–8913. |
| | Correction Application request | (202) 260–9988. |
| | English Application submission | Federal Student Aid Programs, P.O. Box 4032, Iowa City, IA 52243–4032. |
| | Renewal Application submission | Federal Student Aid Programs, P.O. Box 4051, Iowa City, IA 52243–4051. |
| | Spanish Application submission | Federal Student Aid Programs, P.O. Box 4039, Iowa City, IA 52243–4039. |
| | Correction Application submission | Federal Student Aid Programs, P.O. Box 1002, Iowa City, IA 52243–1002. |
| | SAR corrections | Federal Student Aid Programs, P.O. Box 4037, Iowa City, IA 52243–4037. |
| | Duplicate requests/address changes | Federal Student Aid Programs, P.O. Box 4038, Iowa City, IA 52243–4038. |
| | All other correspondence inquiries | Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044, (800) 4 FED AID, TTY (800) 730–8913. |
| FAFSA Express | To request copies, obtain technical assistance, or perform status checks. | (800) 801–0576. |
| Federal Electronic Application or Renewal Application of the Electronic Data Exchange. | Application or Renewal Application request, electronic corrections, electronic duplicate requests, and other inquiries. | Contact institution's financial aid office to find out if it participates in the electronic application of EDE. Electronically submitted by the institution to the central processor via General Electronic Support computer network or Title IV Wide Area Network. |
| | Diskette and tape submission | National Computer Systems—Electronic Application, Box 30, Iowa City, IA 52244, (319) 339–6642. |
| Free Application for Federal Student Aid (printed, distributed, and processed by ACT). | Application request | American College Testing, P.O. Box 1002, Iowa City, IA 52243–1002. |
| | Application submission | Federal Student Aid Programs, P.O. Box 4005, Iowa City, IA 52243–4005. |
| | Renewal Application submission | Federal Student Aid Programs, P.O. Box 4027, Iowa City, IA 52243–4027. |
| | SAR corrections | Federal Student Aid Programs, P.O. Box 4025, Iowa City, IA 52243–4025. |
| | Duplicate request and address changes | Federal Student Aid Programs, P.O. Box 4021, Iowa City, IA 52243–4021. |
| Free Application for Federal Student Aid (printed, distributed, and processed by CSS). | Application request and other inquiries | College Scholarship Service, P.O. Box 6327, Princeton, NJ 08541–6327, (609) 771–7725, TDD (609) 883–7051. |
| | Application submission | Federal Student Aid Programs, P.O. Box 7320, London, KY, 40742–7320. |
| | Renewal Application submission | Federal Student Aid Programs, P.O. Box 7321, London, KY 40742–7321. |
| | SAR corrections | Federal Student Aid Programs, P.O. Box 7322, London, KY 40742–7322. |
| | Duplicate request and address changes | Federal Student Aid Programs, P.O. Box 7323, London, KY 40742–7323. |
| Free Application for Federal Student Aid (printed, distributed, and processed by PHEAA). | Application request and other inquiries | Pennsylvania Higher Education Assistance Agency (PHEAA), Grants Division, 1200 North 7th Street, Harrisburg, PA 17102, (800) 692–7435 (PA only), (717) 257–2800 (out of state). |
| | Application submission | Federal Student Aid Programs, P.O. Box 8179, Harrisburg, PA 17105–8179. |
| | Renewal Application submission | Federal Student Aid Programs, P.O. Box 8178, Harrisburg, PA 17105–8178. |

TABLE II.—DEADLINE DATE FOR RECEIPT OF ORIGINAL APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTIONS: MAY 1, 1996. DEADLINE DATE FOR RECEIPT OF CORRECTION APPLICATION FORMS AND OTHER DOCUMENTS: AUGUST 1, 1996—Continued

| Type of form | For information about | Contacts |
|---|---|---|
| | SAR corrections/ duplicate requests/ address changes. | Federal Student Aid Programs, P.O. Box 8135, Harrisburg, PA 17105–8135. |

V. Submissions to the Secretary of Institutional Payment Summary and Payment Voucher Data

Each institution that participates in the Federal Pell Grant Program is required by 34 CFR 690.83(b) to submit to the Secretary reports and information in connection with the Federal Pell Grant funds the Department makes available to the institution for payment to students during an award year. One of the reports is the Institutional Payment Summary (IPS). The IPS accompanies an institution's submission of Federal Pell Grant Payment Vouchers and summarizes the information contained on the individual Payment Vouchers. A Payment Voucher is (1) if paper, Part 3 of an SAR, or (2) an electronic or magnetic student payment record. The Secretary provides the IPS to the institution to use at its option.

The institution may also meet this reporting requirement by submitting IPS and Payment Voucher data to the Department on a floppy disk, on a magnetic tape, or by an electronic transmission. These submissions are referred to, respectively, as the Federal Pell Grant Program Floppy Disk Data Exchange, the Federal Pell Grant Program Recipient Data Exchange (RDE), and the Electronic Payments Service under EDE. An institution that wishes to use one of these automated reporting methods must enter into a written agreement with the Department and must agree to (1) comply with the Department's prescribed manner of formatting and presenting the submitted information, (2) restrict access to the records from which the IPS and Payment Voucher data is derived, and (3) ensure that only authorized officials or agents of the institution may enter the data sent in the submission to the Department.

Note: The 1995–96 award year is the last year that the IPS and paper Payment Vouchers are being used. The Department recommends that an institution that has submitted student payment information using only paper Payment Vouchers begin in the 1995–96 award year to submit some of its IPS and Payment Voucher data electronically or magnetically in order to acquire experience in the use of these media prior to the time the institution will be required to report all student payment information using an automated data exchange medium.

The Department credits an institution's Federal Pell Grant account on the basis of accepted Federal Pell Grant payment data submitted through the process described in this notice. Such data must be submitted to the Department in a timely, certified, and acceptable form. A submission is *timely* if received by the Department by the applicable deadline prescribed in Table III in Part V.C. of this notice and in Part V.D. of this notice; certified if its accuracy is attested to by the institution in the manner described in Part V.E. of this notice; and acceptable if submitted in accordance with the directions provided by the Department for the particular medium of submission used by the institution.

Failure to meet these reporting requirements may result in administrative action by the Department under Subpart G of 34 CFR part 668 under which the Department may fine the institution or limit or terminate its participation in the Federal Pell Grant Program. In addition, failure to report accurately a student's award amount by the reporting deadline may render the institution liable for all or part of a student's Federal Pell Grant payment without the student being liable for such payment.

*A. Data To Be Submitted*

In each submission, the institution must supply:

(1) The summary data in Section II of the IPS or the equivalent under the applicable automated data exchange, including the number and amount of the Federal Pell Grant payments in the submission and the institution's total payments to all Federal Pell Grant recipients for the award year up to the date of the submission; and

(2) Payment Voucher data as defined by the Secretary, that identify—

(i) Any new Federal Pell Grant recipients identified by the institution during the reporting period for which the IPS data are submitted; or

(ii) Any change in enrollment status, cost of attendance, or other event that occurred during either the reporting period for which the IPS data are submitted or the reporting period immediately preceding that reporting period, if that event causes a change in the amount of the Federal Pell Grant that a student has received or qualifies to receive for the award year.

The institution may submit IPS data without Payment Voucher data if (1) the institution had no Federal Pell Grant recipients in attendance or made no new Federal Pell Grant awards during the reporting period for which the IPS data are submitted and (2) did not identify any changes to the awards of previously reported recipients during the reporting period immediately preceding the period for which the IPS is submitted. If an RDE institution exercises this option, it must submit a paper IPS. If an institution that submits recipient data via a floppy disk or electronic transmission exercises this option, it may use its usual submission medium or the paper IPS. [Approved by the Office of Management and Budget under OMB Control Numbers 1840–0132 (SAR) and 1840–0540 (IPS)]

*B. Addresses for Delivery*

The institution must submit the IPS and Payment Voucher data as follows:

| Regular mail | Courier service |
|---|---|
| U.S. Department of Education, Application and Pell Processing Systems Division, PSS, P.O. Box 10800, Herndon, Virginia 22070–7009. | U.S. Department of Education, Application and Pell Processing Systems Division, PSS, c/o PRC, Inc., Attn: G-T01 PGRFMS/DMS 12001 Sunrise Valley Drive, Reston, Virginia 22091–3423. |

Electronic Transmission

If the institution participates in the EDE Electronic Payment service, the institution electronically transmits the IPS and Payment Voucher data to the central processor.

*C. Frequency and Schedules for IPS Submissions*

Except as provided in Part IV.D. of this notice, an institution must make a submission of IPS and Payment Voucher data at least once *during* each of the

reporting periods established in Table III. An institution may make submissions more frequently, up to but not exceeding 60 times during the entire reporting cycle (July 1, 1995 through September 30, 1996).

For purposes of complying with the reporting requirements of Part V.A. of this notice, an institution must ensure that the IPS and Payment Voucher data are received by the Department no later than the applicable closing date for each reporting period as specified in the table below. Proof of mailing, such as a date on a U.S. Postal Service postmark, is not considered confirmation of receipt by the Department. If an institution submits its IPS and Payment Voucher data electronically, the transmission must be received at the Department's central processor prior to midnight (Central Time) of the applicable closing date for the reporting periods indicated in Table III. For the 1995–96 award year, the closing dates for reporting periods to report IPS submissions have been combined. This change allows all institutions to follow the same reporting schedule when submitting their IPS and Payment Voucher data regardless of their Federal Pell Grant authorization level.

TABLE III.—CLOSING DATES FOR REPORTING PERIODS

| Reporting periods | Closing date for receipt |
|---|---|
| July 1, 1995 through Oct. 15, 1995. | Oct. 15, 1995. |
| Oct. 16, 1995 through Dec. 15, 1995. | Dec. 15, 1995. |
| Dec. 16, 1995 through Feb. 15, 1996. | Feb. 15, 1996. |
| Feb. 16, 1996 through Apr. 15, 1996. | Apr. 15, 1996. |
| Apr. 16, 1996 through June 15, 1996. | June 15, 1996. |
| June 16, 1996 through Aug. 15, 1996. | Aug. 15, 1996. |

If any closing date for receipt falls on a Saturday, Sunday, or Federal holiday, submissions received on the next Federal business day will be considered as received on time.

Note: Institutions will not be penalized for not meeting the reporting periods before the publication of this notice.

*D. Reporting Downward Adjustments of Previously Submitted Student Payment Information*

This notice contains a new reporting requirement relating to downward adjustments of previously submitted student payment information. Under this new requirement, an institution must submit revised payment data to the Department for a student within 30 calendar days of becoming aware that the previously reported payments or expected payments for that student exceed the amount that the student is actually receiving at the institution for the 1995–96 award year. These submissions of downward adjustments may be combined on a single IPS and Payment Voucher data submission with other data submissions.

For example, a student initially enrolls for the winter quarter at an institution and indicates that he or she will be attending the institution in the spring quarter. The institution submits its IPS and the student's Payment Voucher data reporting a winter payment of one-third the student's Scheduled Award and an expected spring payment of another one-third of the student's Scheduled Award. The student does not enroll for the spring quarter. The institution, therefore, must submit the student's Payment Voucher data reducing the expected spring payment to zero dollars within 30 calendar days of becoming aware of the student's failure to enroll for the spring quarter.

An institution must ensure that the IPS and accompanying Payment Voucher data are received by the Department no later than the 30-calendar-day deadline in accordance with the same procedures in Part V.C. of this notice for meeting the deadlines for IPS submissions in Table III, including being able to show proof of mailing or meeting the deadline for transmission, if data are submitted electronically.

Note: The first time an institution is required to report such a downward adjustment is not earlier than 30 days after the publication of this notice.

*E. Certification of Accuracy*

Institutions participating in the Federal Pell Grant Program must certify the accuracy of the data with each data submission. An institution submitting a paper IPS certifies the accuracy of the data by including on the form an original signature by the official of the institution accountable for the accuracy of the data submitted. In the case of an institution submitting data by magnetic tape, the institution signs the tape transmittal form assuring the accuracy of the data. An institution submitting an IPS by floppy disk or electronic transmission certifies the accuracy of the data by including in that submission a code or signature flag prescribed by the Department for that certification. By including the prescribed code or signature flag, an institution certifies that the *submitted data* have been provided from a file or record to which only officials with appropriate security clearance have access and that the data contained in the submission are accurate.

VI. Annual Deadline for Submission of Payment Voucher Data and Requests for Adjustments of Federal Pell Grant Accounts

An institution obtains an adjustment to its Federal Pell Grant account, and the amount of Federal Pell Grant funds for which it is accountable, by submitting supporting Payment Voucher data under the procedures described in this notice and the reporting system described in the regulations. An institution is required by 34 CFR 690.83(a) to submit all Payment Voucher data for an award year by a specified date following that award year; for the 1995–96 award year, that date is September 30, 1996. An institution, therefore, must submit any Payment Voucher data not previously submitted during the required reporting periods established in this notice by September 30, 1996, to receive an adjustment to its Federal Pell Grant account on the basis of these Payment Voucher data.

Except as provided in Part VI.B. of this notice, after September 30, 1996, the Secretary closes the institution's Federal Pell Grant account for the 1995–96 award year. The institution's account is closed on the basis of the information reported by the institution in its accepted IPS and Payment Voucher data submissions through September 30, 1996, and the data reported on the Federal Cash Transaction Report (ED/PMS 272A). The final IPS and Payment Voucher data submitted by the institution must accurately report the institution's total payments to all Federal Pell Grant recipients for the 1995–96 award year.

*A. Timely Delivery for Final Submissions of Payment Voucher Data and Requests for Adjustments of Federal Pell Grant Accounts: Proof of Delivery*

The Department may require an institution to prove that it mailed or otherwise submitted its IPS and Payment Voucher data by the September 30, 1996 deadline date. The Department accepts as proof, if the documents were submitted by mail or by non-U.S. Postal Service courier, one of the following:

(1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(2) A legibly-dated U.S. Postal Service postmark.

[Note: The U.S. Postal Service does not uniformly provide a dated postmark.

Before relying on this method of proof of mailing, an institution should check with the post office at which it mails its submission. An institution is strongly encouraged to use First Class Mail.]

(3) A dated shipping label, invoice, or receipt from a commercial courier.

(4) Other proof of mailing or delivery acceptable to the Secretary.

The Department accepts hand deliveries at the address stated in Part IV.B. between 8 a.m. and 4:30 p.m. Eastern Time on days other than Saturday, Sunday, or Federal holidays.

An institution that transmits its IPS and Payment Voucher data information via the EDE Electronic Payments service must ensure that its transmission is completed before midnight (local time at the institution's EDE destination point) on September 30, 1996.

*B. Postdeadline Adjustments to Federal Pell Grant Accounts*

In accordance with § 690.83(a), § 690.83(c), and § 690.83(e), the Secretary permits a post-September 30, 1996 adjustment to the Federal Pell Grant account of an institution for the 1995–96 award year under the following circumstances:

(1) *Underpayment of previously reported awards* An institution may receive a payment or credit for the full amount of an award made to a student if—

(i) The institution submitted in a timely manner Payment Voucher data for a student in accordance with the requirements of this notice and § 690.83(a);

(ii) The institution did not submit in a timely manner or in an acceptable form Payment Voucher data necessary to document the full amount of the award for which that student was eligible;

(iii) The underpayment for that award is or would be at least $100; and

(iv) A program review or an audit report produced in accordance with the standards prescribed in 34 CFR 668.23(c) demonstrates to the satisfaction of the Secretary that the student was eligible to receive an amount greater than that reported in the Payment Voucher data submitted in a timely fashion to, and accepted by, the Department.

(2) *Decreasing previously reported awards* An institution must report a reduction in a student's Federal Pell Grant award—

(i) If the institution determines that the student's Federal Pell Grant award amount, as reported on either the Student Payment Summary that the Department provides to the institution or any subsequent adjustment to the student's award amount on file with the Department, is greater than the amount the student actually received; or

(ii) If the institution determines that a student was not qualified for the amount reported on either the Student Payment Summary or any subsequent adjustment to the student's award amount on file with the Department. The institution should make such a report, however, for an overaward for which it is not liable under § 690.79(a) only if the student received zero funds or has repaid all or a portion of the overaward. If a student is repaying an overaward for which the institution is not liable on an installment plan, the institution must report periodically the amount repaid.

(3) If the institution demonstrates to the Secretary's satisfaction that its failure to submit Payment Voucher data on a timely basis and have them accepted by the Department was caused by a processing or administrative error made by the Department or one of its contractors, or was due to unusual circumstances beyond the control of the institution, the institution may receive payment for the grants associated with that data.

(4) If an institution demonstrates to the satisfaction of the Secretary that the institution has provided Federal Pell Grants but has not received credit or payment for those grants, the institution may receive payment or a reduction in accountability for those grants if, in accordance with § 690.83(e), the institution demonstrates that it qualifies for a credit or payment by means of a finding contained in an audit submitted in accordance with 34 CFR part 668.23(c).

The Secretary adjusts an institution's Federal Pell Grant account for an award year on the basis of student award data submissions made after September 30 following that award year only in these specified circumstances. Thus, if an institution submits Payment Voucher data for the 1995–96 award year to the Department after the September 30, 1996 deadline, the institution does not receive additional Federal Pell Grant funds from the Department unless the institution can demonstrate to the satisfaction of the Secretary that one of the prescribed conditions exists. The institution also is liable for Federal Pell Grant funds that are used to pay grants that are not reported in a timely manner.

If an institution makes Federal Pell Grant overpayments for which it is liable under § 690.79(a) of the Federal Pell Grant program regulations, the Secretary subtracts from any funds the institution may be entitled to receive under Part VI.B. of this notice the amount of the institution's unpaid liability. If an institution believes that an adjustment is warranted on the basis of the above-described conditions, it should contact the Institutional Financial Management Division at (202) 708–9807.

If the institution seeks administrative relief on the basis of an administrative error by the Department or its contractors, the institution's request must provide a complete description of all relevant facts, including each student's identifying data and full Federal Pell Grant payment history. The request must be received by the Department no later than January 31, 1997. The request must be delivered to: U.S. Department of Education, Institutional Financial Management Division, AFMS, P.O. Box 23791, Washington, DC 20026–0791.

*C. Request for Duplicate Payment Vouchers or Related Information*

To request a duplicate Payment Voucher, Processed Payment Voucher, or processed payment data, an institution must contact the Federal Pell Grant Program by fax at (202) 401–0387 or by mail to: U.S. Department of Education, Institutional Financial Management Division, AFMS, P.O. Box 23791, Washington, DC 20026–0791.

To receive a duplicate Payment Voucher, an institution must include with its request a photocopy of either Part 1 or Part 2 of a student's SAR or a photocopy of that student's ISIR. All requests must be received no later than August 31, 1996. Requests after that date will be honored, but untimely receipt of duplicate data may not be used as a basis for requesting upward adjustments under Part IV.B. of this notice.

Applicable Regulations

The regulations applicable to this program are the Federal Pell Grant Program regulations in 34 CFR part 690 and the Student Assistance General Provisions regulations in 34 CFR part 668.

(Authority: 20 U.S.C. 1070a)

Dated: April 9, 1996.

David A. Longanecker,

*Assistant Secretary for Postsecondary Education.*

(Catalog of Federal Domestic Assistance No. 84.063, Federal Pell Grant Program)

[FR Doc. 96–9375 Filed 4–16–96; 8:45 am]

BILLING CODE 4000–01–P

federal register

Wednesday
April 17, 1996

# Part III

# Environmental Protection Agency

## Certain Chemicals; Premanufacture Notices; Notices

## ENVIRONMENTAL PROTECTION AGENCY

**[OPPTS–51846; FRL–5351–7]**

## Certain Chemicals; Premanufacture Notices

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

**ACTION:** Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the Federal Register each month reporting premanufacture notices (PMN), polymer exemption notices and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from July 24, 1995 to September 29, 1995.

**ADDRESSES:** Written comments, identified by the document control number ''[OPPTS–51846]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@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 [OPPTS–51846]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION'' of this document.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs, polymer exemption notices and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51846]'' (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 information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@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.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the Federal Register reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1757 | 07/25/95 | 10/23/95 | Bedoukian Research, Inc. | (S) Flavor use (FFDCA) fema 2353; fragrance (perfume) | (S) Cyclohexanol, formate |
| P–95–1758 | 07/25/95 | 10/23/95 | CBI | (S) Spray applied coating | (G) Acid functional polyester resin |
| P–95–1759 | 07/25/95 | 10/23/95 | CBI | (S) Spray applied coating | (G) Acid functional polyester resin |
| P–95–1760 | 07/25/95 | 10/23/95 | CBI | (S) Spray applied coating | (G) Acid functional polyester resin |
| P–95–1761 | 07/25/95 | 10/23/95 | CBI | (S) Spray applied coating | (G) Acid functional polyester resin |
| P–95–1762 | 07/24/95 | 10/22/95 | Olin Corporation | (G) Crosslinker for urethane paints | (G) TDI prepolymer |
| P–95–1763 | 07/25/95 | 10/23/95 | Stepan Chemical Company | (G) Surfactant for cleaning | (G) Sulfo alkyl esters, sodium salts |
| P–95–1764 | 07/25/95 | 10/23/95 | CBI | G) Additive, open, non-dispersive use | (G) Styrene-maleic anhydrid copolymer, reaction products with alkanolamine |
| P–95–1765 | 07/26/95 | 10/24/95 | Vista Chemical Co. | (G) Gellant | (S) Butanoic acid, 3-oxo-, ethyl ester, polymer with 2,2-dimethyl-1,3-propanediol and 2-propanol aluminum salt |
| P–95–1766 | 07/25/95 | 10/23/95 | CBI | (G) Coating component | (G) Substituted acrylic polymer |
| P–95–1767 | 07/26/95 | 10/24/95 | CBI | (G) Ingredients for use in consumer products; highly dispersive use | (G) Diakylheterocyclic amine |
| P–95–1768 | 07/26/95 | 10/24/95 | CBI | (S) Decorative plating | (G) Inorganic palladium salt |
| P–95–1769 | 07/25/95 | 10/23/95 | Akzo Nobel Resins | (S) Resin used to manufacture industrial coatings | (G) Hydroxy acrylic resin |
| P–95–1770 | 07/25/95 | 10/23/95 | CBI | (G) Resin system for lens manufacture | (G) Propanoic acid, 3-substituted-, 2,2-bis[(3-substituted-1-oxypropoxy)methyl]-1, 3-propanediyl ester, reaction products with benzene-ethenyl and 4-methyl benzene ethenyl |
| P–95–1771 | 07/25/95 | 10/23/95 | DIC Trading (USA) Inc. | (S) Industrial coatings for general purpose | (G) Acrylic copolymer |
| P–95–1772 | 07/25/95 | 10/23/95 | CBI | (G) Specialty additive | (G) Polyalkyl phosphate |
| P–95–1773 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1774 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1775 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1776 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1777 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1778 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1779 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1780 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1781 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1782 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1783 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1784 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1785 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1786 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1787 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1788 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1789 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1790 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| lP–95–1791 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1792 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1793 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1794 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1795 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1796 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1797 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder esin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1798 | 07/25/95 | 10/23/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–1799 | 07/26/95 | 09/24/95 | CBI | (G) Polymeric colorant | (G) Polymeric colorant |
| P–95–1800 | 07/27/95 | 10/25/95 | CBI | (S) A component of fire resistant polyurethane foam for; sulution | (G) Hexanedioic acid, polymer with 2-hydroxymethyl-2-methyl-1,3-propanediol, 1,2-propanediol and halogenated aromatic carboxylic acid derivative |
| P–95–1801 | 07/27/95 | 10/25/95 | CBI | (G) Inhibitor | (G) Fatty amine salts of polycarboxylic acid/ester |
| P–95–1802 | 07/27/95 | 10/25/95 | CBI | (G) Open, non-dispersive use | (G) Acrylic polymer |
| P–95–1803 | 07/28/95 | 10/26/95 | Eastman Kodak | (G) Chemical intermediate | (G) Alkyl substituted thioalkanoic acid |
| P–95–1804 | 07/28/95 | 10/26/95 | Eastman Kodak | (G) Chemical intermediate | (G) Alkyl substituted sulfonylalkanoic acid |
| P–95–1805 | 07/28/95 | 10/26/95 | Eastman Kodak | (G) Chemical intermediate | (G) Alkyl sulfonyl alkanoyl chloride |
| P–95–1806 | 07/31/95 | 10/29/95 | CBI | (G) Additive | (G) Quaternary ammonium hydroxide |
| P–95–1807 | 07/31/95 | 10/29/95 | CBI | (G) Open, non-dispersive | (G) Aromatic dianhydride and aliphatic esters, compound with aromatic diamines |
| P–95–1808 | 07/31/95 | 10/29/95 | CBI | (G) Open, non-dispersive | (G) Aromatic dianhydride and aliphatic esters, compound with aromatic diamines |
| P–95–1809 | 08/01/95 | 10/30/95 | Olin Corporation | (S) Component of liquid propellant | (S) Ethonol, 2,2′2′ -nitrilotris-, nitrate (salt) |
| P–95–1810 | 08/01/95 | 10/30/95 | Nisseki Chemical Texas Inc | (S) Heat transfer fluid | (S) Benezene, methyl (phenylmethyl)-disproportionated |
| P–95–1811 | 08/03/95 | 11/01/95 | CBI | (G) Lubricant additive | (G) Fatty acids, esters with trimethylolpropane, reaction products with TDI |
| P–95–1812 | 08/01/95 | 10/30/95 | Hercules Incorporated | (G) Papermaking chemical | (G) Copolymer of tetra alkylammonium chloride and dialkylammonium chloride |
| P–95–1813 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1814 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1815 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1816 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1817 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1818 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1819 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl polyamine, dialkylsulfate salts |
| P–95–1820 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1821 | 08/01/95 | 10/30/95 | CBI | (G) Softening of cellulose | (G) Fatty acids reaction products with dialkyl-polyamine, dialkylsulfate salts |
| P–95–1822 | 08/02/95 | 10/31/95 | Gateway Additive Company | (S) Metalworking fluid additives | (S) Butanedioic acid, octadecenyl-, mixed esters with diethylene glycol and (tetrapropenyl) butanedioic acid |
| P–95–1823 | 08/02/95 | 10/31/95 | Gateway Additive Company | (S) Metalworking fluid additives | (S) Butanedioic acid, octadecenyl-, mixed esters with diethylene glycol and (tetrapropenyl) butanedioic acid, compounds, with triethenolamine |
| P–95–1824 | 08/02/95 | 10/31/95 | Gateway Additive Company | (S) Metalworking fluid additive | (S) Butanedioic acid, octadecenyl-, mixed esters with diethylene glycol and (tetrapropenyl) butanedioic acid, compounds, with branched 3-(tridecyloxy)-1-propenamine, ethanolamine and triethanolamine |
| P–95–1825 | 08/04/95 | 11/02/95 | CBI | (G) Open, non-dispersive | (G) Thiophene |
| P–95–1826 | 08/07/95 | 11/05/95 | International Specialty Products | (S) Site-limited precursor for manufacture of lycolure | (S) 3-Chloro-2-*N*-octyltetrahydropyran |
| P–95–1827 | 08/07/95 | 11/05/95 | CBI | (G) Epoxy resin reactive diluent | (S) Benzoic acid, 4-hydroxy-, 2-hydroxy-3-[(1-oxoneodecyl)propyl ester |
| P–95–1828 | 08/08/95 | 11/06/95 | Ciba-Geigy Corporation | (G) Paper dye | (G) Styryl pyridinium derivative |
| P–95–1829 | 08/08/95 | 11/06/95 | CBI | (G) Low foam nonionic surfactant | (G) Alcohol alkoxylate |
| P–95–1830 | 08/07/95 | 11/05/95 | Zeon Chemicals USA,Inc. | (G) Photosensitive resin composition | (G) Substituted butadiene styrene copolymer |
| P–95–1831 | 08/08/95 | 11/06/95 | DIC Trading (USA) Inc. | (S) Industrial coatings for general purpose | (G) Acrylic copolymer |
| P–95–1832 | 08/08/95 | 11/06/95 | Keystone Aniline Corporation | (S) Colorant in textile | (S) Benzoxazolesulfonic acid, 5-(aminosulfonyl)-2-[7-(diethylamino)-2-oxo-2*H*-1-benzopyran-3-yl]-, monosodium salt |
| P–95–1833 | 08/08/95 | 11/06/95 | Eastman Chemical Company | (S) Component of brake fluid | (S) Propanol, [oxybis[(methyl-2,1-ethanediyl)oxy]]bis- |
| P–95–1834 | 08/08/95 | 11/06/95 | CBI | (G) Coating for open, non-dispersive use in original equipment manufacture | (G) Polyester polyurethane |
| P–95–1835 | 08/08/95 | 11/06/95 | CBI | (G) Adhesive | (G) Polyacrylate |
| P–95–1836 | 08/09/95 | 11/07/95 | CBI | (G) Colorant for plastic | (G) Isophthalic acid polymer with cyclicalcohol and alkyldiamine |
| P–95–1837 | 08/08/95 | 11/06/95 | International Specialty Products | (S) Site-limited precursor for manufacture of lycolure | (S) 3-chloro-2-*N*-octyltetrahydropyran |
| P–95–1838 | 08/10/95 | 11/08/95 | Union Oil Company of California (DBA UNOCAL) | (S) Gasoline blending stock for the production of finish | (S) Naptha (petroleum), isomerization, $C_6$-fraction |
| P–95–1839 | 08/09/95 | 11/07/95 | CBI | (G) Industrial coating binder component | (G) High solids polyester |
| P–95–1840 | 08/09/95 | 11/07/95 | CBI | (G) Industrial metal coating binder | (G) Oil free aromatic polyester |
| P–95–1841 | 08/10/95 | 11/08/95 | Unichema North America | (G) Dispersive use and open non-dispersive use | (S) Fatty acids, $C_{14-16}$ and $C_{16-18}$-unsaturated, reaction products with hydrogenated $C_{18}$-unsaturated fatty acid dimers and trimethylolpropane |
| P–95–1842 | 08/10/95 | 11/08/95 | Unichema North America | (G) Dispersive use and open non-dispersive use | (S) Decanedioic acid, mixed 2-ethylhexyl and 3,5,5-trimethylhexyl esters |
| P–95–1843 | 08/11/95 | 11/09/95 | CBI | (G) Colorant | (G) Metal complexed reaction product of diazotized substituted ureidobenzenesulfonic acid and substituted benzaldehyde, sodium salt |
| P–95–1844 | 08/11/95 | 11/09/95 | CBI | (G) Open, non-dispersive | (G) Polyborosilazane |
| P–95–1845 | 08/10/95 | 11/08/95 | Reichhold Chemicals Inc | (G) Intermediate oil ester | (S) Polymer of dehydrated castor oil; soybean oil; and pentaerythritol |
| P–95–1846 | 08/10/95 | 11/08/95 | CBI | G) Resin system for lens manufacture | (G) Urethane acrylate |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1847 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin Intermediate | (G) Polymers 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified; polymer 4: poly(alkylene oxides) , polyesters with maleic anhydride & phthalic anhydride, diol modified |
| P–95–1848 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin Intermediate | (G) Polymers 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified; polymer 4: poly(alkylene oxides), polyesters with maleic anhydride & phthalic anhydride, diol modified |
| P–95–1849 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin intermediate | (G) Polymers 1,2,3,5,6,7: poly (alkylene oxides) , polyesters with maleic anhydride, diol modified polymer 4: poly (alkylene oxides) , polyesters with maleic anhydride phthalic anhydride, diol modified |
| P–95–1850 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin intermediate | (G) Polymers 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified polymer 4: poly(alkylene oxides) , polyesters with maleic anhydride phthalic anhydride, diol modified |
| P–95–1851 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin intermediate | (G)Polymer 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified polymer 4: poly(alkylene oxides) , polyesters with maleic anhydride phthalic anhydride, diol modified |
| P–95–1852 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin intermediate | (G) Polymers 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified polymer 4: poly(alkylene oxides) , polyesters with maleic anhydride phthalic anhydride, diol modified |
| P–95–1853 | 08/10/95 | 11/08/95 | ARCO Chemical Company | (S) Polyester resin intermediate | (G) Polymers 1,2,3,5,6,7: poly(alkylene oxides) , polyesters with maleic anhydride, diol modified polymer 4: poly(alkylene oxides) , polyesters with maleic anhydride phthalic anhydride, diol modified |
| P–95–1854 | 08/11/95 | 11/08/95 | 3M | (S) Cleaning solvent; bearer media; heat transfer fluid; process media | (S) A butane, 1,1,1,2,2,3,3,4,4,-nonafluoro-4-methoxy-40% b. propane, 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoro-60% |
| P–95–1855 | 08/11/95 | 11/09/95 | Fritz Industries, Inc. | (S) Oil or gas well cement fluid loss additive; oil | (G) Acrylic polymer, calcium salt |
| P–95–1856 | 08/14/95 | 11/12/95 | CBI | (G) Open, non-dispersive | (G) Water thinnable fatty acid modified polyurethane resin |
| P–95–1857 | 08/14/95 | 11/12/95 | Eastman Kodak Company | (G) Contained use in an article | (G) Substituted phenyl substituted thiomorpholine |
| P–95–1858 | 08/14/95 | 11/12/95 | CBI | (G) Inhibitor | (G) Fatty amine salts of polycarboxylic acid/ester |
| P–95–1859 | 08/15/95 | 11/13/95 | BASF Corporation | (S) Plastics colorant | (S) Benzenamine, distillation residues |
| P–95–1860 | 08/15/95 | 11/13/95 | CBI | (S) Coatings | (G) Branched and linear blocked isocyanate |
| P–95–1861 | 08/15/95 | 11/13/95 | Eastman Chemical Company | (S) Chemical intermediate | (G) Substituted amino-diiminoisoindoline |
| P–95–1862 | 08/15/95 | 11/13/95 | Eastman Chemical Company | (G) Dye | (G) Substituted phthalocyanine |
| P–95–1863 | 08/15/95 | 11/13/95 | CBI | (G) Open destructive use as a gas generant for automotive crash bag inflators | (G) Gas generant |
| P–95–1864 | 08/15/95 | 11/13/95 | CBI | (G) Open, non-dispersive use bag inflators | (S) Silicic acid (h2sio3), strontium salt (1:1) |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1865 | 08/15/95 | 11/13/95 | Gelest Incorporation | (S) Surface treatment of silica employed in liquid chromatography analysis research purposes | (S) Phenethyl diisopropyl chloilosilane (mixture 2-phenylethyldiisopropylchlorosilane 1-phenyl ethyl diisopropyl chlorosilane |
| P–95–1866 | 08/17/95 | 11/15/95 | Texaco Lubricants Company North America | (G)Automative bearings | (G) Diurea grease thickener prepared by the reaction of a diisocyanate with an aliphatic amine |
| P–95–1867 | 08/18/95 | 11/16/95 | CBI | (G) Antioxidant for plastics | (G) Alkenoic acid, trisubstituted-phenylalkyl-disubstituted-phenyl ester |
| P–95–1868 | 08/18/95 | 11/16/95 | Eastman Kodak Company | (G) Chemical intermediate | (G) Substituted alkyl ester |
| P–95–1869 | 08/18/95 | 11/16/95 | BASF Corporation | (S) Colorant for fertilizer and herbicides | (G) Triphenylmethane inner salt, alkoxylated |
| P–95–1870 | 08/18/95 | 11/16/95 | Boulder Scientific Company | (S) Ligand | (S) Silane, dimethylbis(2-methyl-1*H*-inden-3-yl)- |
| P–95–1871 | 08/18/95 | 11/16/95 | CBI | (G) Destructive use-chemical intermediate, polyurethane | (G) Aromatic polyester polyol |
| P–95–1872 | 08/18/95 | 11/16/95 | CBI | (G) Additive, open,non-dispersive use | (G) Styrene-maleic anhydride copolymer, compound with alkanolamine |
| P–95–1873 | 08/18/95 | 11/16/95 | CBI | (G) Anti-punking agent for thermosetting resins | (G) Stabilized melamine formaldehyde polymer |
| P–95–1874 | 08/18/95 | 11/16/95 | CBI | (G) Anti-punking agent for thermosetting resins | (G) Modified melamine, formaldehyde, urea polymer |
| P–95–1875 | 08/22/95 | 11/20/95 | CBI | (G) Component of industrial adhesive | (G) Blocked isocyanate-terminated polyurethane |
| P–95–1876 | l08/21/95 | 11/19/95 | CBI | (G) Component of coating with open use | (G) Cycloaliphatic acrylic polyol |
| P–95–1877 | 08/21/95 | 11/19/95 | CBI | (G) Component of coating with open use | (G) Cycloaliphatic acrylic polyol |
| P–95–1878 | 08/21/95 | 11/19/95 | CBI | (G) Component of coating with open use | (G) Cycloaliphatic acrylic polyol |
| P–95–1879 | 08/21/95 | 11/19/95 | CBI | (G) Component of coating with open use | (G) Cycloaliphatic acrylic polyol |
| P–95–1880 | 08/23/95 | 11/21/95 | CBI | (S) Fabric coating; fabric finish | (G) Amine salt of a polyester aliphatic polyurethane |
| P–95–1881 | 08/23/95 | 11/21/95 | CBI | (S) Fabric coating; fabric finish; adhesive | (G) Polyether, polyester aliphatic polyurethane dispersion |
| P–95–1882 | 08/23/95 | 11/21/95 | CBI | (S) Industrial products (belts, mining screens, industrial parts) | (G) TDI Polyester prepolymer |
| P–95–1883 | 08/23/95 | 11/21/95 | CBI | (S) Industrial products (belts, mining screens, industrial parts) | (G) TDI Polyester prepolymer |
| P–95–1884 | 08/23/95 | 11/21/95 | CBI | (S) Blowing agent for urethane foam | (G) Carboxy alkanol reaction product |
| P–95–1885 | 08/23/95 | 11/21/95 | CBI | (G) Additive for manufacture of articles | (G) Modified vinyl polymer |
| P–95–1886 | 08/23/95 | 11/21/95 | CBI | (G) Intermediate for chemical manufacture | (G) Modified biopolymer |
| P–95–1887 | 08/24/95 | 11/13/95 | CBI | (G) Open destructive use as a gas generant for automotive inflators | (G) Copper ammonium bitetrazole complex |
| P–95–1888 | 08/24/95 | 11/22/95 | Arizona Chemical | (S) Resin component in production of heat-set, web off- | (G) Phenolic modified rosin ester |
| P–95–1889 | 08/24/95 | 11/22/95 | CBI | (G) Laminating adhesive | (G) Epoxy-capped polyester polymer |
| P–95–1890 | 08/23/95 | 11/21/95 | CBI | (G) Coating component | (G) Styrene maleic anhydride (SMA) ammonium salt |
| P–95–1891 | 08/23/95 | 11/21/95 | Great Lakes Chemical Corporation | (S) Ultraviolet light stabilizer for polymers | (G) Substituted piperidine reaction product with siloxanes and silicones |
| P–95–1892 | 08/24/95 | 11/22/95 | Lilly Industries, Inc. | (G) Cathodic electrocoat additive | (G) Acrylic resin salt |
| P–95–1893 | 08/24/95 | 11/22/95 | Lilly Industries, Inc. | (G) Cathodic electrocoat vehicle | (G) Aminated epoxy resin salt |
| P–95–1894 | 08/24/95 | 11/22/95 | Ashland Chemical Company | (G) Open, non dispersive use, adhesive | (G) Copolymer of acrylic esters, methacrylic esters and acrylic acid |
| P–95–1895 | 08/24/95 | 11/22/95 | Hoechst Celanese Chemical Group | (S) Chemical intermediate for production of polyester | (S) 2-Ethyl-1,3-propanediol |
| P–95–1896 | 08/25/95 | 11/23/95 | CBI | (G) High molecular weight polymeric dispersant used to | (G) Acrylic copolymer modified with fatty acids and olefins |
| P–95–1897 | 08/25/95 | 11/23/95 | CBI | (G) Dispersing resin for the production of voc-free wat | (G) Fatty acid modified polymer, free of solvents and volatile amines |
| P–95–1898 | 08/25/95 | 11/23/95 | CBI | (G) High molecular weight polymeric dispersant used to | (G) Acrylic copolymer modified with fatty acids and olefins. |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1899 | 08/25/95 | 11/23/95 | CBI | (G) Highly dispersive use | (S) Bicyclo[2.2.1]heptan-2-one,1,7,7-trimethyl-3-[(4-methylphenyl)methylene]-,(+/-) |
| P–95–1900 | 08/25/95 | 11/23/95 | CBI | (G) Additive, open, non-dispersive use | (G) Methacrylic acid ester, homopolymer |
| P–95–1901 | 08/25/95 | 11/23/95 | CBI | (G) Additive, open, non-dispersive use | (G) Phosphoric acid ester, metal salt |
| P–95–1902 | 08/28/95 | 11/26/95 | Huls America Inc | (S) Crosslinking agent for powder coatings | (G) Polymer of isophorone diisocyanate and aliphatic polyol/oxoalklimine blocked |
| P–95–1903 | 08/28/95 | 11/26/95 | Huls America Inc | (S) Crosslinking agents for powder coatings | (G) Polymer of isophorone diisocyanate and aliphatic diols/aliphatic dicarboxylic acid |
| P–95–1904 | 08/29/95 | 11/27/95 | CBI | (G) Lubricant additive | (G) Calcium alkyaryl substituted ethanoate |
| P–95–1905 | 08/29/95 | 11/27/95 | E. I. du Pont de Nemours & Company | (G) Polymer catalyst and toner | (G) Cobalt aluminum complexes |
| P–95–1906 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1907 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1908 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1909 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1910 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1911 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1912 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1913 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1914 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1915 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1916 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1917 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1918 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1919 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1920 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1921 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1922 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1923 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1924 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1925 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1926 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1927 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1928 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1929 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1930 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1931 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1932 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1933 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1934 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1935 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1936 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1937 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | Salt substituted carboxy amide |
| P–95–1938 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1939 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1940 | 08/29/95 | 11/27/95 | Stepan Chemical Company | (G) Surfactant | (G) Salt of substituted carboxy amide |
| P–95–1941 | 08/29/95 | 11/27/95 | CBI | (G) Additive, open, non-dispersive use | (G) Siloxanes and silicones, di-me polyether modified |
| P–95–1942 | 08/29/95 | 11/27/95 | CBI | (G) Additive, open, non-dispersive use | (G) Siloxanes and silicones, di-me, me hydrogen, reaction products with modified styrene and alkene |
| P–95–1943 | 08/29/95 | 11/27/95 | CBI | (G) Ingredient for use in consumer products; highly dispersive | (G) Dialkyl pyridine |
| P–95–1944 | 08/29/95 | 11/27/95 | 3M Company | (S) Adhesive | (G) Acrylic polymer |
| P–95–1945 | 08/29/95 | 11/27/95 | CBI | (G) Open non-dispersive use-adhesives | (G) Methacrylated polyolefin, capped with isocyanate |
| P–95–1946 | 08/29/95 | 11/27/95 | CBI | (G) Destructive use | (G) Alkylated indenyl silane |
| P–95–1947 | I08/29/95 | 11/27/95 | CBI | (G) Contained use | (G) Substituted zirconocene dichloride |
| P–95–1948 | 08/29/95 | 11/27/95 | CBI | (G) Destructive use | (G) Lithiated indenyl silane |
| P–95–1949 | 08/29/95 | 11/27/95 | CBI | (G) Open, non-dispersive use | G) Aromatic dianhydride and aliphatic esters, compound with aromatic diamines |
| P–95–1950 | 08/30/95 | 11/28/95 | Champion Technologies | (S) Scale inhibitors for oil and gas field applications | (G) Phosphonate |
| P–95–1951 | 08/30/95 | 11/28/95 | AKZO Nobel Surface Chemistry Inc | (G) Wetting agent | (G) Alkyl glucosides |
| P–95–1952 | 08/30/95 | 11/28/95 | Ciba Geigy Corporation Pigments Division | (G) Open, non-dispersive | (G) Diketo-pyrrolopyrrol |
| P–95–1953 | 08/31/95 | 11/29/95 | Hoechst Celanese Corporation | (G) Site-limited intermediate | (S) Hexanoic acid, 6-amino-, monosodium salt |
| P–95–1954 | 08/31/95 | 11/29/95 | CBI | (G) Open, non-dispersive | (G) Aromatic dianhydride and aliphatic esters, compound with aromatic diamines |
| P–95–1955 | 08/31/95 | 11/29/95 | CBI | (G) Automotive paint | (G) Polymer of 2-propeonic, 2-methyl, methyl-ester, butyl-2-propenate; 2-hydroxyethyl-2-propenate; 2-(dimethyl amine)ethyl-2-methyl-2 propenate--- |
| P–95–1956 | 08/31/95 | 11/29/95 | CBI | (G) Printing ink resin | (G) Oil free isophthalic polyester |
| P–95–1957 | 08/30/95 | 11/28/95 | Zeon Chemicals U.S.A., Inc. | (G) Photosensitive resin composition | (G) Substituted butadiene styrene copolymer |
| P–95–1958 | 08/31/95 | 11/29/95 | Huntsman Corporation | (G) Highly dispersive use-crosslinking agent | (G) Cyclic amine-ketone adduct, reduced |
| P–95–1959 | 08/31/95 | 11/29/95 | Ciba-Geigy Corporation, Textile Products Division | (G) Textile dye | (G) Alkenyl substituted phenyl amino substituted triazinyl amino substituted phenyl compound |
| P–95–1960 | 08/31/95 | 11/29/95 | CBI | (G) Catalyst in closed process | (G) Phoxphoric acid, mixed polyoxyalkylene alkyl and alkyl esters |
| P–95–1961 | 08/31/95 | 11/29/95 | CBI | (G) Catalyst in closed process | (G) Phoxphoric acid, mixed polyoxyalkylene aryl and alkyl esters |
| P–95–1962 | 08/31/95 | 11/29/95 | CBI | (G) Catalyst in closed process | (G) Phoxphoric acid, mixed polyoxyalkylene substituted aryl and alkyl esters |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1963 | 09/01/95 | 11/30/95 | CBI | (G) Lubricating grease thickening system | (G) Triurea complex |
| P–95–1964 | 09/01/95 | 11/30/95 | CBI | (S) Spray applied coatings | (G) Amine salt of polyurethane resin |
| P–95–1965 | 09/06/95 | 12/05/95 | CBI | (G) Wet end paper binder | (G) Starch, 2-[(substituted)methylamino] -2-oxoethyl 2-hydroxy-3 (trimethylammonio)propylether, chloride, hydrochloride |
| P–95–1966 | 09/06/95 | 12/05/95 | CBI | (G) Wet end paper binder | (G) Starch, 2-[(substituted)methylamino] -2-oxoethyl 2-hydroxy-3 (trimethylammonio)propylether, chloride, hydrochloride |
| P–95–1967 | 09/07/95 | 12/06/95 | S.C. Johnson & Sons, Inc. | (G) Inorganic wax | (G) Inorganic wax |
| P–95–1968 | 09/06/95 | 12/05/95 | CBI | (S) Coatings | (G) Amine salt of polyacrylate |
| P–95–1969 | 09/06/95 | 12/05/95 | CBI | (G) Internal component of manufactured contained-use comsumers article | (G) Bis (dimethylaminosubstituted) carbomonocycle |
| P–95–1970 | 09/06/95 | 12/05/95 | CBI | (G) Industrial water treatment, open dispersive use | (G) Benzotrizole derivative |
| P–95–1971 | 09/06/95 | 12/05/95 | Hoechst Celanese | (G) Fixative article | (G) Modified melamine, formaldehyde, urea polymer |
| P–95–1972 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1973 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1974 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1975 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1976 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1977 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1978 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1979 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1980 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1981 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1982 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1983 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1984 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1985 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1986 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1987 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1988 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1989 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1990 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1991 | 09/07/95 | 12/06/95 | CBI | (G) Colorant | (G) Polymeric colorant |
| P–95–1992 | 09/07/95 | 12/06/95 | Percy International Ltd. | (S) Modifing resin used in the manufacture of coatings | (S) Hexanedioic acid, polymer with 1,3-bis (1-isocyanato-1-methylethyl) benzene, 1,4-butanediol, 2,2-dimethyl-1,3-propanediol, 3-hydroxy-2- (hydroxymethyl)-2-methylpropanoic acid and 2-methyl-1,5-pentanediamine, compound with *N,N*-diethylethanamine. |
| P–959–1993 | 09/07/95 | 12/06/95 | Percy International ltd. | (S) Used in the manufacture of leather | (S) Hexanedioic acid, polymer with 1,4-butanediol, 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediamine, 3-hydroxy-2- (hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compound with 1-methyl-2-pyrrolidinone |
| P–95–1994 | 09/08/95 | 12/07/95 | CBI | (G) Intermediate | (G) Substituted bis(phenyl) isobenzofuranone |
| P–95–1995 | 09/08/95 | 12/07/95 | Bostik, Inc. | (G) Open, non-dispersive use | (G) Polyurethane |
| P–95–1996 | 09/08/95 | 12/07/95 | CBI | (G) Open, non-dispersive coating additive | (G) Epoxy-terminated aliphatic polyester resin |
| P–95–1997 | 09/08/95 | 12/07/95 | Reichhold Chemicals Inc. | (S) Wood coating | (G) Anionic aliphatic polyurethane dispersion |
| P–95–1998 | 09/08/95 | 12/07/95 | CBI | (G) Formulated ingredient for a proprietary product | (G) Aliphatic ester alcohol |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–1999 | 09/08/95 | 12/07/95 | CBI | (G) Formulated ingredient for a proprietary product | (G) Aliphatic ester alcohol |
| P–95–2000 | 09/08/95 | 12/07/95 | Henkel Corporation | (G) Fiber production | (G) Polyiminoamide salt |
| P–95–2001 | 09/08/95 | 120795 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2002 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2003 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2004 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2005 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2006 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2007 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2008 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2009 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2010 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2011 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2012 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2013 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2014 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2015 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2016 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2017 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2018 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2019 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2020 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2021 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2022 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2023 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2024 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2025 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2026 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2027 | 09/08/95 | 12/07/95 | CBI | (G) Dispersively applied binder resin | (G) *T*-Alkyl peracetate initiated acrylic copolymer |
| P–95–2028 | 09/11/95 | 12/10/95 | CBI | (G) Ingredient for use in consumer products; highly dispersive | (G) Gamma-lactone of a cyclic aliphatic hydroxy acid |
| P–95–2029 | 09/11/95 | 12/10/95 | CBI | (G) Ingredient for use in consumer products; highly dispersive | (G) Alicyclic diester |
| P–95–2030 | 09/12/95 | 12/11/95 | CBI | (G) Additives for coatings | (G) Acrylated silicone polyalkyleneoxide copolymer |
| P–95–2031 | 09/11/95 | 12/10/95 | Dow Corning | (S) Silicone fabric finish | (G) Amide-functional polydimethylsiloxane |
| P–95–2032 | 09/06/95 | 12/11/95 | CBI | (G) Alkoxylation catalyst | (G) Double metal cyanmide complex |
| P–95–2033 | 09/08/95 | 12/07/95 | Albright & Wilson Inc. | (S) Corrosion inhibitor and anti scale agent for industry | (G) Carboxyalkylidene phosphonic acids (sodium salts) |
| P–95–2034 | 09/12/95 | 12/11/95 | Cytec Industries | (G) Wet-end additive for improved properties of paper | (G) Melamine, polymer with formaldehyde, methylated, hydrochloride |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–2035 | 09/11/95 | 12/10/95 | Nichimen America Inc Los Angeles Branch | (G) Thermosetting resin for electric devices and equipment | (G) Substituted polyphenol |
| P–95–2036 | 09/13/95 | 12/12/95 | CBI | (S) Fabric coating, fabric finish, adhesive | (G) Amine salt of a polyester, aromatic polyurethane dispersion |
| P–95–2037 | 09/14/95 | 12/13/95 | General Electric Company | (G) Catalyst for manufacture of a chemical intermediate | (G) Quaternary ammonium halide |
| P–95–2038 | 09/13/95 | 12/12/95 | CBI | (G) Used as a raw material in the formulation of organics | (G) Saturated polyester resin |
| P–95–2039 | 09/12/95 | 12/13/95 | CBI | (G) Modifier for latex binder for coatings | (G) Monosubstituted cycloaliphatic isocyanate, urethane with hydroxyalkyl substituted heterocycle |
| P–95–2040 | 09/12/95 | 12/11/95 | CBI | (G) Chelate | (G) Chelated iron salt |
| P–95–2041 | 09/12/95 | 12/11/95 | CBI | (S) Urethane foam catalyst | (G) Mono and diamine salt carboxylate |
| P–95–2042 | 09/12/95 | 12/11/95 | Henkel Corporation (Emery Group) | (G) Catalyst | (S) Carboxylic acids, $C_{5-9}$, manganese (2+) salts |
| P–95–2043 | 09/12/95 | 12/11/95 | Henkel Corporation (Emery Group) | (G) Agricultural use | (S) Nonanoic acid, 2-hydroxyethyl ester |
| P–95–2044 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Polyurethane resin |
| P–95–2045 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Polyurethane resin |
| P–95–2046 | 09/15/95 | 12/14/95 | CBI | (G) Destructive use | (G) Substituted alkyl methacrylates |
| P–95–2047 | 09/12/95 | 12/11/95 | CBI | (G) Fire extinguishing agent additive | (G) Perfluoropolyamphiphile |
| P–95–2048 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Amine salt of polyurethane resin |
| P–95–2049 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Amine salt of polyurethane resin |
| P–95–2050 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Amine salt of polyurethane resin |
| P–95–2051 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Amine salt of polyurethane resin |
| P–95–2052 | 09/12/95 | 12/11/95 | CBI | (S) Coatings | (G) Amine salt of polyurethane resine |
| P–95–2053 | 09/14/95 | 12/13/95 | CBI | (G) Open, non-dispensive use | (S) Resin acids and rosin acids, fumarated, esters with triethanolamine, sodium salt |
| P–95–2054 | 09/14/95 | 12/13/95 | CBI | (G) Open, non-dispensive use | (S) Resin acids and rosin acids, fumarated, esters with triethanolamine, sodium salt |
| P–95–2055 | 09/14/95 | 12/13/95 | CBI | (G) Open, non-dispensive use | (S) Resin acids and rosin acids, fumarated, esters with triethanolamine, potassium salt |
| P–95–2056 | 09/12/95 | 12/11/95 | Dystar L. P | (S) Reactive dye for cellulose | (G) Trisubstituted benzene sulfonic acid |
| P–95–2057 | 09/12/95 | 12/11/95 | Dystar L. P. | (S) Reactive dye for cellulose | (G) Trisubstituted benzene sulfonic acid |
| P–95–2058 | 09/15/95 | 12/14/95 | NOF America Corporation | (S) Organic filler for irregular refraction | (G) Acrylate copolymer |
| P–95–2059 | 09/15/95 | 12/14/95 | NOF America Corporation | (S) Organic filler for irregular refraction | (G) Acrylate copolymer |
| P–95–2060 | 09/12/95 | 12/11/95 | Dystar L. P. | (G) Power formulation of fiber-reactive dye for cellulose | (G) Substituted naphthylene disulfonic acid |
| P–95–2061 | 09/12/95 | 12/11/95 | Dystar L. P. | (G) Power formulation of fiber-reactive dye for cellulose | (G) Substituted naphthylene disulfonic acid |
| P–95–2062 | 09/15/95 | 12/14/95 | Ciba Geigy Corporation Pigments Division | (G) Open-non-dispersive | (G) Diketo-pyrrolopyrrole |
| P–95–2063 | 09/18/95 | 12/17/95 | Ver-Tech, Inc. | (G) Resin component in an epoxy based paint; polymer component in a structural epoxy plastic | (S) Fats and glyceridic oils, veronia galamensis seed |
| P–95–2064 | 09/18/95 | 12/17/95 | CBI | (G) Filler treatment | (G) Organosilane ester |
| P–95–2065 | 09/18/95 | 12/17/95 | Reichhold Chemicals Inc | (S) Binder in coatings for metals and plastics | (G) Anionic aliphatic polyurethane dispersion |
| P–95–2066 | 09/18/95 | 12/17/95 | CBI | (G) Intermediate | (G) Substituted naphthalene compound |
| P–95–2067 | 09/18/95 | 12/17/95 | CBI | (G) Pigment; dye | (G) Xanthene dye |
| P–95–2068 | 09/18/95 | 12/17/95 | CBI | (G) Intermediate | (G) Substituted naphthalene compound |
| P–95–2069 | 09/19/95 | 12/18/95 | Champion Technologies | (S) Oilfield; gas stream treatment chemical | (G) Amine aldehyde condensate |
| P–95–2070 | 09/19/95 | 12/18/95 | CBI | (S) Additive in electroplating | (S) Feric oxide, saccharated; iron saccharate |
| P–95–2071 | 09/18/95 | 12/17/95 | Aztec Peroxides Inc. | (S) Initiator for crosslinking | (S) DI-(4-methylbenzoyl)-peroxide |
| P–95–2072 | 09/18/95 | 12/17/95 | Apollo America Corporation | (G) Lubricating oil | (G) Alkyl poly-ether |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–2073 | 09/20/95 | 12/19/95 | CBI | (S) Polymer for automotive paints, and binder for coating | (G) Polyester polyurethane grafted with polymer of methacrylic esters |
| P–95–2074 | 09/18/95 | 12/19/95 | CBI | (G) Anionic/cationic wetting and dispersing additive to | (G) Unsaturated polymide and acid ester salts |
| P–95–2075 | 09/19/95 | 12/18/95 | Vista Chemical Co. | (S) Plasticizer for pvc resin | (G) Phthalate dialkyl ester |
| P–95–2076 | 09/19/95 | 12/18/95 | Vista Chemical Co. | (S) Plasticizer for pvc resin | (G) Phthalate dialkyl ester |
| P–95–2077 | 09/18/95 | 12/17/95 | CBI | (G) Fibre Lubricant | (G) Polyglycol carbonate; aliphatic polyether glycol carbonate; polyethylene glycol carbonic acid esters; alkoxy polyalkyleneoxy carbonic acid esters |
| P–95–2078 | 09/20/95 | 12/19/95 | DSM Fine Chemicals USA, Inc. | (S) Cross-linking agent in specialty polymers for use as coating, addituves, and conducting polymers, bulking agent and cleaning enhances in hard suface cleaning | (S) 1,4-butanediamine, *N,N,N′*,N′-terakis (3-aminopropyl) |
| P–95–2079 | 09/20/95 | 12/19/95 | DSM Fine Chemicals USA, Inc. | (S) Cross-linking agent in specialty polymers for use as coating, addituves, and conducting polymers, bulking agent and cleaning enhances in hard suface cleaning | (S) 4,8,13,17-tetraazaeicosane-1,20-diamine, 4,17-bis (3-aminopropyl)-8,13-bis[3-[bis(3-aminopropyl)amino]propyl] |
| P–95–2080 | 09/20/95 | 12/19/95 | DSM Fine Chemicals USA, Inc. | (S) Cross-linking agent in specialty polymers for use as coatings, addituves, and conducting polymers, bulking agent and cleaning enhances in hard suface cleaning | (S) 4,8,12,17,21,25-Hexaazaoctacosane-1,28-diamine, 4,25-bis (3-aminopropyl)-12,17-[3-[bis[3-[bis (3-aminopropyl) amino] propyl] amino]propyl]-8,21-bis[3-[bis (3-aminopropyl)amino]propyl] |
| P–95–2081 | 09/20/95 | 12/19/95 | DMS Fine Chemicals USA, Inc. | (S) Cross-linking agent in specialty polymers for use as coatings addituves, and conducting polymers, bulking agent and cleaning enhances in hard suface cleaning | (S) 2-Propenenitrile, dendrimer, 1,4-butanediamine-core, amino-terminated, 32-functional |
| P–95–2082 | 09/20/95 | 12/19/95 | DMS Fine Chemicals USA, Inc. | (S) Cross-linking agent in specialty polymers for use as coatings addituves, and conducting polymers, bulking agent and cleaning enhances in hard suface cleaning | (S) 2-Propenenitrile, dendrimer, 1,4-butanediamine-core, amino-terminated, 64-functional |
| P–95–2083 | 09/21/95 | 12/20/95 | Hoechst Celanese Corporation | (S) Intermediate for resin used in coatings application | (S) Benzenemethanol, 4-hydroxy-.alpha.-methyl |
| P–95–2084 | 09/21/95 | 12/20/95 | 3M Company | (G) Coating component | (G) Acrylate copolymer |
| P–95–2085 | 09/22/95 | 12/18/95 | ABCO Industries Inc. | (S) Adhesion promoter for textile size on polyester fib | (S) 1,3-benzenedicarboxylic acid, 5-sulfo-, monosodium salt, polymer with 1,3-benezenedicarboxylic acid, 1,3-dihydro-1,3-dioxo-5-isbenzofurancarboxylic acid and 2,2′-oxbis[ethanol], compound with 2,2′,2′′-nitrilotris[ethanol] |
| P–95–2086 | 09/21/95 | 12/20/95 | CBI | (S) Chemical intermediate | (G) Alkyl carbonates |
| P–95–2087 | 09/22/95 | 12/21/95 | CBI | (G) Lubricant additive | (G) Sulfurized vegetable oil |
| P–95–2088 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2089 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2090 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2091 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2092 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2093 | 09/21/95 | 12/20/95 | CBI | (G) Paint | (G) Polyester |
| P–95–2094 | 09/22/95 | 12/21/95 | Exxon Chemical Company | (S) Polymerization catalyst | (G) Alumiunum organometallic compound |
| P–95–2095 | 09/22/95 | 12/21/95 | CBI | (G) Open, non-dispersive use | (G) Polyester silane |
| 96 | 09/22/95 | 12/21/95 | CBI | (G) Open, non-dispersive | (G) Water thinnable fatty acid modified polyurethane resin |
| P–95–2097 | 09/26/95 | 12/25/95 | H.B. Fuller Company | (S) Structural resin | (G) Polyaminoketone prepolymer |
| P–95–2098 | 09/26/95 | 12/25/95 | H.B. Fuller Company | (S) Structural resin | (G) Polyaminoketone prepolymer |
| P–95–2099 | 09/26/95 | 12/25/95 | Rhone Poulenc Incorporated | (G) Process additive | (S) Phosphoric acid, neodymium (3+) salt (1:1) |
| P–95–2100 | 09/25/95 | 12/24/95 | Hoechst Celanese Corporation | (S) Intermediate for plastic monomer; intermediate for | (S) Benzeneacetamide, 4-hydroxy- |
| P–95–2101 | 09/26/95 | 12/25/95 | Rhone Poulenc Incorporated | (G) Intermediate for bulking pharmacenticals | (S) Hydrazine, (2-fluorophenyl) |
| P–95–2102 | 09/26/95 | 12/25/95 | Wacker Silicones Corporation | (S) Masonry water repellent; gypsum water repellent | (G) Alkylalkoxysiloxane |

I. 358 Premanufacture Notices Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Projected Notice End Date | Manufacturer/Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–95–2103 | 09/25/95 | 12/24/95 | CBI | Temporary wet strenght in tissues/ towel applications | (G) Starch, 2-hydroxy-3-(trimethylammonio)propyl 2-[methyl (2-substituted) amino]-2-substituted ether, chloride |
| P–95–2104 | 09/25/95 | 12/24/95 | CBI | Temporary wet strenght in tissues/ towel applications | (G) Starch, 2-hydroxy-3-(trimethylammonio)propyl 2-[methyl (2-substituted) amino]-2substituted ether, chloride |
| P–95–2105 | 09/25/95 | 12/24/95 | Cytec Industries | (G) Resin for non-dispersive use | (G) Modified polyester resin |
| P–95–2106 | 09/27/95 | 12/26/95 | Shin-Etsu Silicones of America, Inc. | (S) Additive for plastics, and additive for paints | (G) Organosilicone copolymer |
| P–95–2107 | 09/27/95 | 12/26/95 | CBI | (G) A destructive use as a chemical intermediate | (G) Polyester resin |
| P–95–2108 | 09/27/95 | 12/26/95 | Shin-Etsu Silicones of America, Inc | (S) Additive for silicone RTV rubber compounds | (S) Beta-alanine,*N*-[2[[[[2 (trimethoxysily)ethyl] phenyl]methyl]amino]ethyl]-,3-(trimethoxysily)propyl ester; Beta,-alanine, *N*-(2-aminoethyl)-*N*- [[[2-(trimethoxysily-l)ethyl]phenyl]methyl]-3-(trimethoxysilyl)propyl ester |
| P–95–2109 | 09/27/95 | 12/26/95 | Shin-Etsu Silicones of America, Inc | (S) Additive for plastics | (S) Polymer of: silioxanes and silicones, di-me, 3-hydroxypropyl, group-terminated, ethoxylated; cyclosiloxanes, di-me; cyclotetrasiloxanes, octaphenyl |
| P–95–2110 | 09/29/95 | 12/28/95 | CBI | (G) Fuel oil stability additive; hydrocarbon process stream anti-foulent additive | (G) Formaldehyde, polymer with dodecyl phenol,ethyleneamine, and substituted alkyl phenol |
| P–95–2111 | 09/28/95 | 12/27/95 | CBI | (G) Ink component | (G) Polyurethane |
| P–95–2112 | 09/29/95 | 12/28/95 | CBI | (S) Antifouling agent for polyvinylalcohol polymerization | (G) Modified phenolic resin in aqueous solution |
| P–95–2113 | 09/29/95 | 12/28/95 | Hampshire Chemical Corporation | (S) Intermediate for alkaline hydrolysis to produce alkyl | (S) Acetonitrile, 2,2′,2′-[[(cyanomethyl)imino]bis (2,1-ethanediylnitrilo]tetrakis |
| P–95–2114 | 09/29/95 | 12/28/95 | Ciba-Geigy Corporation, | G) Intermediate for textile dye | (G) Benzenesulfonic acid, amino substituted phenyl soduim salt |

II. 144 Notices of Commencement Received From: 07/24/95 to 09/29/95

| Case No. | Received Date | Commencement/Import Date | Chemical |
|---|---|---|---|
| Y–90–0264 | 08/13/90 | 09/20/90 | (I)Hydroxy acrylic resin |
| P–94–1557 | 07/25/95 | 06/29/95 | (G) Hydrated alkaline earth metal salts of metalloid oxyanions |
| P–94–1826 | 07/24/95 | 07/18/95 | (G) Modified acrylic polymer |
| P–95–0084 | 07/25/95 | 07/18/95 | (G) Modified acrylic polymer |
| P–95–0873 | 07/25/95 | 06/29/95 | (S) Benzene, 1,1′-methylene-bis [isocyanato]-polymer with poly (oxy-1, 2-ethanediyl), alpha-hydro-w-hydroxy and denatured ethanol |
| P–95–0972 | 07/24/95 | 07/13/95 | (G) Polyurethane |
| P–95–0285 | 07/26/95 | 07/07/95 | (G) Neutralized polymer of aliphatic and aromatic acrylates |
| P–95–0094 | 07/27/95 | 07/11/95 | (G) Glycol diisocyanate oligomer |
| P–92–122 | 07/27/95 | 06/30/95 | (S) Butanedioic acid, hydroxy-, diammonium salt |
| P–95–0395 | 07/28/95 | 07/21/95 | (G) Polyester polyether isocyanate |
| P–93–0524 | 07/28/95 | 06/30/95 | (G) Acrylic copolymer |
| P–95–0667 | 07/28/95 | 07/17/95 | (G) Polyester resin |
| P–95–0668 | 07/28/95 | 07/17/95 | (G) Alkyd resin |
| P–95–0787 | 07/28/95 | 07/19/95 | (S) A Polymer of: 2-propenoic acid homopolymer; morpholine |
| P–95–0789 | 07/28/95 | 07/19/95 | (S) A Polymer of: 2-propenoic acid homopolymer; diisopropylamine |
| P–95–0793 | 07/28/95 | 07/19/95 | (S) A Polymer of: 2-propenoic acid homopolymer; 1-propanol, 2-dimethylamino-2-methyl |
| P–95–0794 | 07/28/95 | 07/19/95 | (S) A Polymer of: 2-propenoic acid homopolymer; 1-propanol, 2- amino-2-(hydroxymethyl) |
| P–95–0795 | 07/28/95 | 07/19/95 | (S) A polymer of: 2-propenoic acid homopolymer; diisopropanolamine |
| P–95–0796 | 07/28/95 | 07/19/95 | (S) A polymer of: 2-propenoic acid homopolymer; triisopropanolamine |
| P–95–0798 | 07/28/95 | 07/19/95 | (S) A polymer of: 2-propenoic acid homopolymer; dihexylamine, 2,2′-diethyl |
| P–95–0799 | 07/28/95 | 07/19/95 | (S) A polymer of: 2-propenoic acid homopolymer; 9-octodecen-1-amine |
| P–95–0800 | 07/28/95 | 07/19/95 | (S) A polymer of: 2-propenoic acid homopolymer; amines, cocoalkyl, ethoxylated |

II. 144 Notices of Commencement Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Commencement/Import Date | Chemical |
|---|---|---|---|
| P–95–0801 | 07/28/95 | 07/14/95 | (S) A polymer of: 2-propenoic acid , 2-methyloctadecyl ester, polymer with 2-propenoic acid; potassium hydroxide |
| P–95–0802 | 07/28/95 | 07/14/95 | (S) A polymer of: 2-propenoic acid , 2-methyloctadecyl ester, polymer with 2-propenoic acid; sodium hydroxide |
| P–95–0803 | 07/28/95 | 07/14/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; ammonium hydroxide |
| P–95–0804 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; sodium hydroxymethyl glycinate |
| P–95–0805 | 07/28/95 | 07/14/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; ethanolamine |
| P–95–0806 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid , 2-methyloctadecyl ester, polymer with 2-propenoic acid; 1-propanol, 2-amino-2-methyl |
| P–95–0807 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; triethylamine |
| P–95–0808 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; diethanolamine |
| P–95–0809 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; 1-propanol, 2-dimethylamino-2-methyl |
| P–95–0810 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; 1,3-propanediol, 2-amino-20 (hydroxymethyl) |
| P–95–0811 | 07/28/95 | 07/17/95 | (S) A Polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; diisopropanolamine |
| P–95–0812 | 07/28/95 | 07/14/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; triethanolamine |
| P–95–0813 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; 9-octadecen-1-amine |
| P–95–0814 | 07/28/95 | 07/17/95 | (S) A polymer of: 2-propenoic acid, 2-methyloctadecyl ester, polymer with 2-propenoic acid; amines, cocoalkyl, ethoxylated |
| P–95–0604 | 07/24/95 | 06/27/95 | (G) Polyurethane salt |
| P–95–0925 | 07/28/95 | 07/13/95 | G) Esterified polyglycol |
| P–93–0995 | 07/28/95 | 06/28/95 | (G) Polyurethane modified polyester resin |
| P–95–0826 | 07/24/95 | 07/18/95 | (G) Substituted methyl ester of benzoic acid |
| P–95–0523 | 07/28/95 | 07/20/95 | (G) Epoxide amine modified cationic acrylic resin |
| P–95–1009 | 07/31/95 | 07/20/95 | (G) Coating resin acrylic polymer |
| P–93–0872 | 08/01/95 | 07/26/95 | (G) Polyester isocyanate prepolymer |
| Y–95–0059 | 08/01/95 | 07/06/95 | (G) Modified polyurethane |
| P–94–0664 | 08/01/95 | 06/30/95 | (G) Reaction product of an aliphatic diisocyanate, an alkyl hydroxy acrylate, and an alkyl polyol |
| P–94–1917 | 08/01/95 | 07/17/95 | (G) A phthalocyanine reactive dye |
| P–95–0296 | 08/01/95 | 07/03/95 | (G) Substituted benzene metal halide salt |
| P–95–1110 | 08/01/95 | 07/20/95 | (G) Acrylate/methacrylate copolymer |
| P–94–1774 | 08/03/95 | 07/06/95 | (G) Isocyanate-terminated prepolymer intermediate |
| P–94–1776 | 08/03/95 | 07/10/95 | (G) Isocyanate-terminated prepolymer intermediate |
| P–94–1777 | 08/03/95 | 07/17/95 | (G) Polyurethane resin |
| P–94–1779 | 08/03/95 | 07/17/95 | (G) Polyurethane resin |
| P–94–2148 | 08/04/95 | 06/29/95 | (G) Dibasic acid/glycol ester |
| P–95–1057 | 08/04/95 | 07/05/95 | (G) Acrylic resin salt |
| P–95–0780 | 08/07/95 | 07/19/95 | (G) Carboxylic acid copolymer |
| P–95–0608 | 08/08/95 | 07/19/95 | (G) Alkanol amine salt |
| P–95–0928 | 08/08/95 | 07/11/95 | (G) Perfluoroalkylethylacrylate copolymer |
| P–93–1130 | 08/08/95 | 07/18/95 | (G) 2*H*-Pyran-4-ol, tetrahydro-alkyl-disubstituted |
| P–93–1074 | 08/08/95 | 07/29/95 | (S) Formaldehyde, polymer with chloromethyloxirane, phenol and *m*-xylene |
| P–95–1216 | 08/08/95 | 07/27/95 | (G) Polysubstituted methacrylic copolymer |
| P–95–0481 | 08/09/95 | 07/12/95 | (G) Condensation polyester of glycols and diacids |
| P–95–0512 | 08/09/95 | 07/27/95 | (G) Aminofluoran derivative |
| Y–95–0083 | 08/10/95 | 08/01/95 | (S) Polyoxymethylene-block-polyoxypropylene |
| P–95–0529 | 08/11/95 | 07/16/95 | (S) Titanium silicate, hydrogen, sodium, potassium mixed salt |
| P–95–0727 | 08/15/95 | 08/07/95 | (G) Diester beta $C_{16}$ |
| P–93–1430 | 08/14/95 | 07/28/95 | (G) Molecular recognition material (organic ligand modified silica gel) |
| P–95–1250 | 08/15/95 | 08/01/95 | (S) Powder coating ingredient saturate polyester resin |
| P–95–1251 | 08/15/95 | 08/01/95 | (S) Powder coating ingredient saturate polyester resin |
| P–95–1252 | 08/15/95 | 08/01/95 | (S) Powder coating ingredient saturate polyester resin |
| P–95–1209 | 08/15/95 | 07/31/95 | (G) Open, non-dispersive polyester resin |
| P–95–1125 | 08/15/95 | 07/28/95 | (G) Modified alkyd resin |
| P–95–0875 | 08/15/95 | 08/07/95 | (G) Hydrogenated acid-isomerized alcohol |
| P–95–0729 | 08/15/95 | 08/04/95 | (G) Dihydro aldehyde beta $C_{14}$ |
| P–91–1210 | 08/15/95 | 07/21/95 | (G) Aliphatic polyisocyanate |
| P–94–2063 | 08/16/95 | 07/18/95 | (G) Copolymer of alkyl methacrylates |
| P–95–1020 | 08/16/95 | 08/04/95 | (G) Polymeric colorant |
| P–93–1421 | 08/08/95 | 07/19/95 | (G) Alkoxyamine mercaptide salt of a mono-alkyl thiadiazole disulfide |

II. 144 Notices of Commencement Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Commencement/Import Date | Chemical |
|---|---|---|---|
| P–95–1047 | 08/18/95 | 07/28/95 | (G) Anionic aliphatic polyurethane dispersion |
| P–95–0728 | 08/18/95 | 08/10/95 | (G) Ester beta $C_{16}$ |
| P–95–1338 | 08/18/95 | 08/11/95 | (S) 1-(4 Hydroxyphenyl) ethanone oxime |
| P–92–1106 | 08/18/95 | 07/24/95 | (G) Modified rosin, hydrocarbon resin |
| P–95–0272 | 08/21/95 | 07/18/95 | (S) A polymer of: 2-methyl-2-propenoic acid 2-ethylhexyl ester; ethenylbenzene; 2-propenoic acid 4-hydroxybutylester; 2-methyl-2-propenoic acid oxiranylmethyl ester; 2-ethylhexaneperoxoic acid 1,1-dimethylethyl ester |
| P–95–0174 | 08/21/95 | 08/07/95 | (G) Ethanol, [[[[disubstituted heteropolycycle]azo]methylphenyl]alkylamino]-, acetate (ester) |
| P–95–0816 | 08/22/95 | 08/02/95 | (G) Amine functional silicone fluid |
| P–95–0509 | 08/22/95 | 07/21/95 | (G) Polymer of substituted carboxylic acid, (1-oxo-2-propenyl)-, alkyl ester; 2-propenamide, substituted-2-methyl-; 2-propenoic acid, 2-methyl-, substituted alkyl ester; 2-propenoic acid,-perfluoroalkyl esters; 2-propenoic acid, alkyl ester |
| P–95–1066 | 08/22/95 | 07/30/95 | (G) A magnesium, titanium organo-complex compound |
| P–94–2164 | 08/22/95 | 08/09/95 | (G) Cross-linked modified polyvinyl amide |
| P–94–1831 | 08/22/95 | 07/11/95 | (S) Copolyester of isophthalic acid, trimellithic anhydride, 1,4-cyclohexane dicarbonic acid, neopentyl glycol, 1,6-hexanediol, and 1,1,1, - trimethylol propane |
| P-91-1079 | 08/22/95 | 08/08/95 | (G) Substituted phenylzopalkylphenol |
| P–94–1513 | 08/23/95 | 08/16/95 | l(G) Amino-benzothiazolyl substituted phenol |
| P–95–0303 | 08/24/95 | 08/09/95 | (G) Substituted benzene metal halide salt |
| P–95–0306 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0310 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0311 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0312 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0315 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0316 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0319 | 08/25/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0330 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0331 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0332 | 08/24/95 | 07/24/95 | (G) Substituted benzene metal halide salt |
| P–95–0291 | 08/25/95 | 07/31/95 | (G) Imidazole copolymer |
| P–95–0299 | 08/25/95 | 08/09/95 | (G) Substituted benzene metal halide salt |
| P–94–2100 | 08/29/95 | 08/07/95 | (G) Polyalkylpolymethacrylate |
| P–94–2208 | 08/29/95 | 07/25/95 | (G) An alkoxide |
| P–94–2232 | 08/29/95 | 08/14/95 | (S) Alkyl pyridine acetate and alkyl pyridine mercaptoacetate |
| P–95–0240 | 08/29/95 | 08/24/95 | (G) Azo chromium complex dyestuff preparation |
| P–94–2052 | 09/05/95 | 08/22/95 | (G) Azo chromium complex dyestuff preparation |
| P–95–1367 | 09/06/95 | 08/28/95 | (G) Esters of poly(hydroxyphenyl)alkane and diazonaphthalene sulfonyl chloride |
| P–95–0791 | 09/06/95 | 08/23/95 | (S) A Polymer of: 2-propenoic acid homopolymer; 2-propanol, 1-dimethylamino |
| P–95–0792 | 09/06/95 | 08/23/95 | (S) Polymer of: 2-propenoic acid homopolymer; diethanolamine |
| P–95–0797 | 09/06/95 | 08/23/95 | (S) A Polymer of: 2-propenoic acid homopolymer; amines, cocoalkyl |
| P–95–0941 | 08/25/95 | 08/12/95 | (S) Carbonato bis (-*n*-ethyl, 2-isopropyl-1,3-oxazolane) |
| P–94–1514 | 08/25/95 | 08/23/95 | (G) Amino-benzothiazolyl substituted phenol |
| P–95–1244 | 08/25/95 | 08/10/95 | (G) Imported heterocyclic substituted amido halogenated benzoic acid ester |
| P–95–1026 | 08/28/95 | 08/09/95 | (G) Substituted alkylaminodihalobenzoic acid, ester |
| P–95–1334 | 08/31/95 | 08/25/95 | (G) Organomodified polydimethylsiloxane |
| P–95–0740 | 09/01/95 | 08/23/95 | (G) Hydrogenated essential oil |
| P–95–0977 | 09/06/95 | 08/11/95 | (G) Acrylate polymer salt |
| P–95–1387 | 09/06/95 | 08/31/95 | (G) Organopolysiloxane |
| P–95–1388 | 09/06/95 | 08/31/95 | (G) Organopolysiloxane |
| P–92–0595 | 09/12/95 | 06/14/94 | (S) 1,2,2-Trichloro-1,1-difluoroethane (*r*–122) |
| P–93–0603 | 09/12/95 | 08/17/95 | (G) Tannin, acetylated compound with formaldehyde and cyclohexylamine |
| P–93–1238 | 09/12/95 | 08/22/95 | (G) Tannin 3,4 (bis-oxy-2-hydroxypropyl trimethyl ammonium chloride) |
| P–95–1233 | 09/08/95 | 08/22/95 | (S) Ethanaminium, *N*-ethyl-*N*,-*N*-dimethyl-, chloride |
| P–95–1234 | 09/08/95 | 08/26/95 | (S) Ethanaminium, N-ethyl-N,N-N-dimethyl-, hydroxide |
| P–91–0735 | 09/14/95 | 09/06/95 | (G) Medium oil alkyd |
| P–93–1318 | 09/12/95 | 08/18/95 | (S) Polymer of: 1,3-propanediol, 2,2-dimethyl-; 1,2-ethanediol; 2,5-furandione |
| P–95–0015 | 09/13/95 | 09/10/95 | (G) Tetra-substituted benzeneproponanilide |
| P–95–1284 | 09/14/95 | 08/15/95 | (G) An aceto acetic ester of an aliphatic glycol |
| P–95–1515 | 09/14/95 | 09/09/95 | (G) Fatty acids, unsaturated, reaction products with unsaturated heterocycle |
| P–95–0593 | 09/14/95 | 09/03/95 | (G) Synthetic alkanes, $C_{10–24}$ |
| P–94–1811 | 09/18/95 | 08/23/95 | (G) Hexane, 1,6-diisocyanate homopolymer, polymer with alkanediol, phthalic anhydride, and functionalzed acrylate |
| P–94–2135 | 09/19/95 | 09/11/95 | (G) Polyalphaolefins |
| P–95–0881 | 09/14/95 | 08/23/95 | (G) Substituted aromatic acid salt |
| P–95–0893 | 09/18/95 | 08/21/95 | (G) Copolymer with 2-propenoic acid, isooctyl ester |
| P–95–1211 | 09/18/95 | 08/30/95 | (G) Carboxy terminated amide functional polymer of aliphatic diols, aromatic carboxylic acid/anhydride, tall oil fatty acid dimer, and ethoxylated polyarylphenol, ammonium salt |
| P–95–1210 | 09/18/95 | 08/30/95 | (G) Carboxy terminated amide functional polymer of aliphatic diols, aromatic carboxylic acid/anhydride, tall oil fatty acid dimer, and ethoxylated polyarylphenol |
| P–95–1242 | 09/18/95 | l09/06/95 | (G) Chromate (3-), bis 2-[[substituted-3-[(5-sulfo-1-naphthalenyl)azo]phenyl]azo]substituted monocycle (3-)]-, trisodium |

II. 144 Notices of Commencement Received From: 07/24/95 to 09/29/95—Continued

| Case No. | Received Date | Commencement/Import Date | Chemical |
|---|---|---|---|
| Y–95–0101 | 09/19/95 | 08/22/95 | (G) Copolymer of methacrylic acid and dimethyl siloxane |
| P–95–0882 | 09/14/95 | 08/28/95 | (G) Substituted alkylbenzene |
| P–95–1204 | 09/14/95 | 08/28/95 | (G) Alkoxy-alkyl-carbopolycycle |
| P–95–1205 | 09/14/95 | 08/28/95 | (G) Disubstituted benzene |
| P–95–0943 | 09/21/95 | 08/16/95 | (G) Styrene-acrylic polymer |
| P–95–0644 | 08/31/95 | 08/26/95 | (G) Macrocylic cobalt complex |

List of Subjects

Environmental protection, Premanufacture notices, Polymer exemptions, and Test marketing exemption applications.

Dated: April 11, 1996.

Douglas W. Sellers,

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 96–9468 Filed 4–16–96; 8:45 am]

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federal register

Wednesday
April 17, 1996

# Part IV

# Department of Health and Human Services

## Administration for Children and Families

## Office of Community Services' FY 1996 Training, Technical Assistance, and Capacity-Building Program; Notice

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[Program Announcement No. OCS 96–04]**

### Request for Applications Under the Office of Community Services' Fiscal Year 1996 Training, Technical Assistance, and Capacity-Building Program

**AGENCY:** Office of Community Services, ACF, DHHS.

**ACTION:** Request for Applications Under the Office of Community Services' Training, Technical Assistance and Capacity-Building Program.

**SUMMARY:** The Office of Community Services (OCS) announces that competing applications will be accepted (subject to the availability of funds) for new grants pursuant to the Secretary's authority under Section 674(a) of the Community Services Block Grant Act of 1981, as amended, the Human Services Amendments of 1994, (P.L. 103–252). This Program Announcement consists of seven parts. Part A covers information on the legislative authority and defines terms used in the Program Announcement. Part B describes the purposes and Priority Areas that will be considered for funding, and describes which organizations are eligible to apply in each Priority Area. Part C provides details on application prerequisites, anticipated amounts of funds available in each Priority Area, tentative numbers of grants to be awarded, etc. Part D provides information on application procedures including the availability of forms, where to submit an application, criteria for initial screening of applications, and project evaluation criteria. Part E provides guidance on the content of an application package and the application itself. Part F provides instructions for completing an application. Part G details post-award requirements.

**CLOSING DATE:** The closing time and date for receipt of applications is 4:30 p.m., Eastern time zone, on June 17, 1996. Applications received after 4:30 p.m. on that date will be classified as late. Postmarks and other similar documents do not establish receipt of an application. Detailed application submission instructions including addresses where applications must be received are found in Part D of this Announcement.

**FOR FURTHER INFORMATION CONTACT:** Margaret Washnitzer, Director, Division of State Assistance, Office of Community Services, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 401–2333. You may also call (202) 401–9343. This Program Announcement is accessible on the OCS Electronic Bulletin Board for downloading through a computer modem by calling 1–800–627–8886. For assistance in accessing the Bulletin Board, *A Guide to Accessing and Downloading* is available from Ms. Minnie Landry at (202) 401–5309.

## Part A—Preamble

### *1. Legislative Authority*

Under Section 674(a) (1) and (2) of the Community Services Block Grant (CSBG) Act of 1981, as amended by the Human Services Amendments of 1994, Public Law 103–252, the Secretary of Health and Human Services is authorized to utilize a percentage of appropriated funds for training, technical assistance, planning, evaluation, and data collection activities related to programs or projects carried out under this subtitle. To carry out the above activities, the Secretary is authorized to make grants, or enter into contracts or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of CSBG-eligible entities or agencies that administer programs for CSBG-eligible entities.

The process for determining the technical assistance, training and capacity-building activities to be carried out under this referenced section shall (a) ensure that the needs of community action agencies and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and (b) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the community action, State and national networks. Hence, as a major step to improve program quality, the OCS has established the CSBG Task Force on Monitoring and Assessment which has taken a comprehensive approach to monitoring including establishing national goals and outcome measures, reviewing data needs relevant to these outcome measures, and assessing technical assistance and training provided toward capacity building with the Community Services Network.

### *2. Definitions of Terms*

For purposes of this Program Announcement the following definitions apply:

*Eligible entity* means any organization which was officially designated as a community action agency (CAA) or a community action program under Section 673(1) of the Community Services Block Grant Act (CSBG), and meets all the requirements under Section 675(c)(3) of the CSBG Act. All ''eligible entities'' are current recipients of Community Services Block Grant funds, including Migrant and Seasonal Farmworker programs which received CSBG funding in the previous fiscal year (FY 1995). In cases where eligible entity status is unclear, final determination will be made by OCS/ACF.

*Performance Measure* is a tool used to objectively assess how a program is accomplishing its mission through the delivery of products, services, and activities.

*Outcome Measures* are indicators which focus on the direct results one wants to have on customers.

*Results-Oriented Management* is an approach to monitoring and assessment that identifies measures of program success that are targeted to outcome measures.

*Training* is an educational activity or event which is designed to impart knowledge, understanding, or increase the development of skills. Such training activities may be in the form of assembled events such as workshops, seminars, conferences or programs of self-instructional activities.

*Technical assistance* is an activity, generally utilizing the services of an expert (often a peer), aimed at enhancing capacity, improving programs and systems, or solving specific problems. Such services may be provided proactively to improve systems or as an intervention to solve specific problems. Services may be provided on-site, by telephone, or other communications systems.

*State* means all of the States and the District of Columbia. Except where specifically noted, for purposes of this Program Announcement, it also means *Territory*.

*Territory* refers to the Commonwealth of Puerto Rico, the American Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

*Local service providers* are the approximately 1,144 local public or private non-profit agencies that receive Community Services Block Grant funds from States to provide services to, or undertake activities on behalf of, low-income people.

*Nationwide* refers to the scope of the technical assistance, training, data collection, or other capacity-building

projects to be undertaken with grant funds. Nationwide projects must provide for the implementation of technical assistance, training or data collection for all or a significant number of States, and the local service providers who administer CSBG funds.

*Statewide* refers to training, technical assistance and other capacity-building activities undertaken with grant funds and available to one or more community action agencies in a State, as needed and appropriate.

*Community Services Network* refers to the various organizations involved in planning and implementing programs funded through the Community Services Block Grant or providing training, technical assistance or support to them. The network includes local community action agencies, other eligible entities, State CSBG offices and their national association, CAA State, regional and national associations, and related organizations which collaborate and participate with community action agencies and other eligible entities in their efforts on behalf of low-income people.

*Program technology exchange* refers to the process of sharing expert technical and programmatic information, models, strategies and approaches among the various partners in the Community Services Network. This may be done through written case studies guides, seminars, technical assistance, and other mechanisms.

*Capacity-building* refers to activities that assist community action agencies and programs to improve or enhance their overall or specific capability to plan, deliver, manage and evaluate programs efficiently and effectively to produce results. This may include upgrading internal financial management or computer systems, establishing new external linkages with other organizations, improving board functioning, adding or refining a program component or replicating techniques or programs piloted in another local community, or other cost effective improvements.

Part B—Purposes/Program Priority Areas

Section 674(a) (1) and (2) of the CSBG Act authorizes the Secretary of the Department of Health and Human Services to make grants, or to enter into contracts or cooperative arrangements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities for purposes of providing training, technical assistance, planning, evaluation, and data collection activities related to programs or projects carried out under the CSBG Act. Therefore, the principal purpose of this Announcement is to stimulate and support the activities of planning, training, technical assistance and data collection which strengthen the Community Services Network to affect results for low-income people. New and revised techniques and tools are needed to fundamentally change the way the Network does business on a daily basis.

In addition to the changes in the 1994 CSBG Reauthorization Act, two other concepts which frame the technical assistance and training activities in this Program Announcement have converged to assist the Community Services Network in making this change: (a) the Government Performance and Results Act of 1993 (P.L. 103–62), which requires Federal programs to determine and describe expected program outcomes; and (b) the Community Services Block Grant Task Force on Monitoring and Assessment established by the Director of the OCS to develop a process to encourage the Community Services Network to manage for results. Thus, the importance of strong technical assistance, training, planning and data collection is essential to ensure a results-oriented strategy for the management and delivery of service to low-income people.

OCS is soliciting applications which implement these legislative mandates in a systematic manner on a nationwide or Statewide basis, as appropriate to the Priority Area. OCS believes that identifying training and technical assistance needs requires substantial involvement of eligible entities at local, State and national levels. OCS also anticipates that the recipients of awards under this Program Announcement can be expected to implement the approved project(s) without substantial federal agency involvement and direction. Therefore, subject to the availability of funds, funds will be provided in the form of grants. The major Priority Areas of the Office of Community Services' Fiscal Year 1996 Training, Technical Assistance, and Capacity-Building Program are as follows:

Priority Area 1.0: Training and Technical Assistance for the Community Services Network

*Sub-Priority Areas*

1.1 Training and Technical Assistance to Enhance Community Action Agencies' (CAAs') and Other Local Service Providers' Capacity;
1.2 T&TA to CAA State and Regional Associations;
1.3 Replication of Pilot Training and/or Service Delivery Projects;
1.4 Provision of Coordinated Peer-to-Peer TA Strategies for CAAs Experiencing Programmatic, Administrative and/or Fiscal Problems;
1.5 TA to Develop Collaborative Projects between CAAs and Other Organizations Serving Low-Income Veterans and Their Communities; and
1.6 TA to Develop Special Initiatives Between CAAs and Organizations Addressing Urban Problems.

Priority Area 2.0: Data Collection, Analysis, Dissemination, and Utilization

*Sub-Priority Areas*

2.1 Collection, Analysis, and Dissemination of Information on CSBG Activities Nationwide; and
2.2 CAAs and Technology.

Priority Area 1.0: Training and Technical Assistance for the Community Services Network: This Priority Area addresses the development and implementation of coordinated, comprehensive nationwide or, where appropriate, statewide training and/or technical assistance programs to assist State CSBG staff, staff of State and regional organizations representing eligible entities, and staff of local service providers which receive funding under the CSBG Act, to acquire the skills and knowledge needed to plan, administer, implement, monitor, and evaluate programs designed to ameliorate the causes of poverty in local communities. Programs should include the provision of training and/or technical assistance to State staff, CAA associations, and/or staff of local service providers statewide or nationwide and a description of collaboration with State CSBG staff and local service providers.

Sub-Priority Area 1.1: Training and Technical Assistance to Enhance Community Action Agencies' (CAAs) and Other Local Service Providers' Capacity: While all organizations within the Community Services Network need to be strengthened to perform their respective functions efficiently and effectively, local service providers' performance is the ultimate measure of the effectiveness of CSBG funds. The purpose of this Sub-Priority Area is to provide funding for the development and implementation of a comprehensive nationwide training and/or technical assistance program to assist boards and staff of local service providers which receive funding under CSBG to acquire the skills and knowledge needed to oversee, administer, and implement

effective anti-poverty programs in their communities. This may include workshops, seminars and conferences, development and dissemination of newsletters and educational materials, individual or group technical assistance, and other proposed activities determined to be consistent with the purposes stated above. This program should be designed as a multi-year program (funding will be contingent on the availability of funds) planned and conducted in collaboration with State CSBG Directors and local service providers.

Sub-Priority Area 1.2: Training and Technical Assistance to CAA State and Regional Associations: State and regional non-profit membership organizations whose memberships are comprised of eligible entities are an important technical resource and coordination vehicle for local community action agencies and other eligible entities. However, according to local and State surveys, these organizations need to be strengthened as does their capacity to effectively and efficiently facilitate the exchange of critical information among eligible entities within and among States and regions. Under this Sub-Priority Area, funds will be provided to a national, private, non-profit organization whose membership is composed of community action agencies and other eligible entities and which has the experience and expertise to develop and implement a systematic program of technical assistance on a nationwide basis. It is suggested that this technical assistance be designed to build the capacities of State and regional CAA associations so that they can provide timely, effective, state-of-the-art technical assistance to local eligible entities. Funds might also be used to assist selected State and regional CAA associations to identify case studies of exemplary programs, strategies, and initiatives that effectively address issues of poverty in their States. This information could be disseminated either statewide or nationwide so the Community Services Network may learn from effective approaches and strategies utilized in other States. Facilitation of such information exchange will help eligible entities to ''keep up,'' avoid duplication of effort (i.e., ''reinventing the wheel'') or advance the knowledge base by making this available so that the CAA network can learn about and adopt effective approaches to service delivery and results-oriented management.

Sub-Priority Area 1.3: Replication of Pilot Training and/or Service Delivery Projects. The purpose of this Sub-Priority Area is to further the capacity of eligible entities to deliver and manage services to low-income people. This purpose is in keeping with the guideline approach recommended by the CSBG Task Force on Monitoring and Assessment that ''Agencies Increase Their Capacity To Achieve Results.'' In order to hasten the utilization of these innovative training and service projects, OCS is proposing to fund a limited number of projects which have developed systems to improve the measurement of incremental individual, family and community changes. Such projects may need resources in order to expand or replicate on a statewide, regional or nationwide basis to other organizations in the Network.

The Task Force on Monitoring and Assessment recommends that the Network support projects to further evaluate the use of ''scales'' or ''ladders'' to accurately portray the effectiveness of programs operated by the Community Services Network to policymakers. Scales attempt to measure client, family or community status on a continuum (e.g., numerical rating or by categories such as *in crisis, vulnerable, stable,* and *thriving*), and then record changes in status along the continuum as services are provided. Present scales have largely focused on measuring client and family self-sufficiency or family development/stability outcomes at the local level. Current measurement technologies may need refining in order to capture incremental individual, family and community changes which are useful to local operations or State and Federal levels. The Task Force recommends that measurement scales and ladder approaches be evaluated to determine if such scales, when refined, can yield data which is conducive to local, State and national use for policymakers. Applicants must be able to demonstrate that (1) they are already using an incremental approach and have achieved measurable results; (2) the approach is designed for multi-service use and includes tracking changes in community conditions; (3) the organization commits to aggregation and dissemination; and 4) the proposed project can leverage private sector, foundation or public funds to expand the funding base.

Sub-Priority Area 1.4: Provision of Coordinated Peer-to-Peer TA for CAAs Experiencing Programmatic, Administrative and/or Fiscal Problems. The purpose of this Sub-Priority Area is to fund an organization to develop and implement strategies to provide coordinated, timely peer-to-peer technical assistance and crisis aversion intervention strategies for CAAs which have identified themselves as experiencing programmatic, administrative, Board, and/or fiscal problems. Such technical assistance should be designed to prevent problems from deteriorating into crisis situations that would threaten the capacity of CAAs to provide quality services to their communities. In agreement with the chosen CAAs, this grantee will coordinate and deploy the technical assistance resources of experienced individuals within the Community Services Network and other resource experts as may be necessary to assist in the identification and resolution of problems, through necessary actions, including training, to ensure that relevant and timely assistance is provided. Such technical assistance may be requested to assist the agency in resolving adverse program monitoring or audit findings, improving or upgrading financial management systems to prevent losses of funds, averting serious deterioration of the boards of directors, or other immediate assistance to CAAs as requested. To the extent feasible, the grantee may be expected to develop an expert technical assistance resource bank of experienced individuals from the Community Action Network who may be deployed to provide peer technical assistance.

Sub-Priority Area 1.5: Technical Assistance to Develop Collaborative Projects Between CAAs and Other Organizations Serving Low-Income Veterans and Their Communities. With the downsizing of the U.S. military, thousands of low-income veterans are returning to civilian life ill-prepared to compete in an increasingly complex, technological economy. Many of these veterans are returning to low-income communities facing industry layoffs and struggling with high poverty rates, homelessness, drugs, and violence. To address this situation, CAAs can assist low-income veterans to attain empowering roles by providing technical assistance to low-income veterans to enable them to learn new skills and to draw from their military experiences to help local communities address issues of violence and poverty. This special initiative will facilitate the transfer of knowledge and collaboration between CAAs and other organizations to improve services to low-income veterans and their communities. This priority area is particularly geared to providing technical assistance to organizations which serve low-income veterans on a nationwide basis. Applicants are encouraged to develop applications in collaboration with at least one other national private, non-profit organization which has a substantial track record in formulating

strategies to improve conditions in low-income communities.

Sub-Priority Area 1.6: Technical Assistance to Develop Special Initiatives Between CAAs and Organizations Addressing Urban Problems. Issues of crime, violence, drug abuse, unemployment, poverty, family breakdown, and inadequate education and training of many young people to attain productive employment in an increasingly technological labor market, threaten the safety and viability of many urban communities. These multi-faceted problems cannot be solved by CAAs alone. This project will provide technical assistance to assist CAAs in developing and implementing collaborative community-wide strategies, effective organizational working relationships, and special initiatives among CAAs and other organization(s) focusing on issues of crime, violence, family breakdowns, drug abuse and poverty. Emphasis will be on assisting CAAs to bring together the various community, business, labor, voluntary, educational, civil rights, and governmental sectors required to develop model local strategies to improve conditions in low-income, urban communities. Applicants are encouraged to develop applications in collaboration with at least one other national private, non-profit organization which has a substantial track record in formulating strategies to improve conditions in low-income urban communities.

Priority Area 2.0: Data Collection, Analysis, Dissemination and Utilization. The purpose of this Priority Area is to fund a project to improve the collection, analysis, dissemination and utilization of data and information on CSBG activities and effective approaches to ameliorating poverty. This includes the development of a CSBG data collection instrument and collection, analysis and dissemination of information on FY 1995 CSBG Programs on a nationwide basis through a process that relies on voluntary State cooperation. The information should be comprehensive enough and disseminated in such formats as to enable State and local service providers to improve their planning, management and delivery of services and to assure that the general public has a clear understanding of those programs and their outcomes. This priority also includes computer technology for community action agencies and other partners in the Community Services Network for two specific objectives: (1) their ability to participate in the information highway, and (2) their ability to use and disseminate data, research, and information regarding poverty issues, particularly activities and outcomes of the Community Services Network.

Sub-Priority Area 2.1: Collection, Analysis and Dissemination of Information on the CSBG Activities Nationwide. The purposes of this Sub-Priority Area are two-fold: (1) to provide accurate, reliable and comparable data from the Community Services Network nationwide; and (2) to ensure that applicable research data regarding the conditions of poverty necessary for framing program design and organizational management are available to the Community Services Network. The first purpose will be assisted by the development or continuous improvement of a process for data collection, analysis, training, monitoring, reporting and dissemination of CSBG and CAA best practices and programs information. Coordination and collaboration of all Federal, State and local level partners within the Community Services Network are critical to the implementation of this Priority Area. The second purpose relates to the collection and dissemination of evaluation or research data. Valuable research on poverty issues provides information on the context of the conditions in which low-income people live. The CSBG Task Force on Monitoring and Assessment, in response to the CSBG legislative authority, has established a results-oriented goal to improve the conditions in which low income people live. Several performance measures have been set forth which assess incremental change in these conditions. Dissemination of research data which provides the framework for program planning and organizational improvements is critical to effective service provision. Also, some consistent track record in the collection, analysis and dissemination of CSBG and other poverty-related data is important to the effectiveness of this priority.

Priority Area 2.2: CAA Programs and Technology Exchange. To promote management efficiency and program productivity, it is essential that local CAAs and other partners in the Community Services Network share effective program techniques already developed by eligible entities which address various aspects of poverty and participate in new and appropriate information systems technologies. The purposes of this Sub-Priority Area are to fund grants to share information and program technology in specific areas of expertise with other organizations in the Community Services Network and to improve the computer technology capability of State CSBG offices and eligible entities to participate in the Information Super Highway. Activities to exchange information and program technology may include development and dissemination of case studies or best practices, ''how-to'' guides and other publications, workshops and seminars, training and technical assistance, etc. Activities to improve computer capability should include the development of a training and technical assistance capacity to enable the Community Services Network to replicate currently piloted computer-based, multi-media, community workstation projects and to build an in-house capacity to provide technical assistance and training to additional CAAs to participate in integrated service delivery networks. Collaboration on the national level is an essential ingredient to the objective of this priority.

See Part F, Section 4, for special instructions on developing a work program. Applicants must be able to demonstrate that the projects and program models they wish to share are effective and produce results.

Part C—Application Prerequisites

*1. Eligible Applicants*

In general, eligible applicants under the various Priority Areas in this Program Announcement are restricted to ''eligible entities'' as defined in Section A or organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities for purposes of providing training, technical assistance, planning, evaluation, and data collection activities related to programs or projects carried out under the CSBG Act.

*2. Availability of Funds*

The total amount of funds available for grant awards under this Program Announcement in FY 96 is expected to be $1,900,000; amounts expected to be available and numbers of grants under each Sub-Priority Area stated in Part B are as follows:

| Sub-Priority area | Funds available | Estimated number of grants |
|---|---|---|
| 1.1 T&TA to Enhance CAAs' and Other Service Providers' Capacity | $300,000 | 1 |
| 1.2 T&TA to CAA State and Regional Associations | 500,000 | 1 |
| 1.3 Replication of Pilot Training and/or Service Delivery Projects | 300,000 | Up to 4 |
| 1.4 Provision of Coordinated Peer-to-Peer TA Strategies for CAAs Experiencing Programmatic, Administrative and/or Fiscal Problems | 75,000 | 1 |
| 1.5 TA to Develop Collaborative Projects between CAAs and Other Organizations Serving Low-Income Veterans and Their Communities | 100,000 | 1 |
| 1.6 TA to Develop Special Initiatives Between CAAs and Organizations Addressing Urban Problems | 100,000 | 1 |
| 2.1 Collection, Analysis, and Dissemination of Information on the CSBG Activities Nationwide | 325,000 | 1 |
| 2.2 CAA Program and Technology Exchange | 200,000 | Up to 8 |
| Total | 1,900,000 | Up to 18 |

*3. Project and Budget Periods*

For most projects included in this Announcement, the project and budget period is 12 months. The exceptions are Sub-Priority 1.1—T&TA to Enhance CAA and Other Local Service Providers' Capacity; Sub-Priority 1.2—T&TA to CAA State and Regional Associations; and 2.1 Collection, Analysis, and Dissemination of Information on CSBG Activities Nationwide which have project periods up to 3 years. Applications for continuation grants funded under these awards beyond the initial 12-month budget period, but within the three-year 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. All budget periods are for 12 months unless in rare instances, depending on the justification presented by the applicant, a grant may be made for a period of up to 17 months.

*4. Project Beneficiaries*

The overall intended beneficiaries of the projects to be funded under this Program Announcement are the various ''partners'' in the Community Services Network. Specific beneficiaries are indicated under each Sub-Priority Area in Part B. It is the intent of OCS, through funding provided under this Program Announcement, to significantly strengthen the capacity of State and regional CAA associations to provide technical assistance and support to local service providers; to strengthen the capacity of State CSBG offices to collect and disseminate accurate and reliable data and to provide support for local service providers; and to enhance the capacities of local service providers themselves. The ultimate beneficiaries of improved program management, data and information collection and dissemination, and service quality of local service providers are low-income individuals, families, and communities.

*5. Sub-Contracting or Delegating Projects*

OCS will not fund any project where the role of the applicant is primarily to serve as a conduit for funds to organizations other than the applicant. This prohibition does not bar the making of subgrants or subcontracting for specific services or activities needed to conduct the project. However, the applicant must have a substantive role in the implementation of the project for which funding is requested.

*6. Number of Projects in Application*

Separate applications must be made for each Sub-Priority Area. The Sub-Priority Area must be clearly identified by title and number.

*7. Project Evaluations*

Each application must include an assessment/self evaluation to determine the degree to which the goals and objectives of the project are met.

Part D—Application Procedures

*1. Availability of Forms*

Attachments A, B and C contain all of the standard forms necessary for the application for awards under these OCS programs. These forms may be photocopied for use in developing the application.

Copies of the Federal Register containing this Announcement are available at most local libraries and Congressional District Offices for reproduction. If copies are not available at these sources, they may be obtained by writing or telephoning the office listed under the section entitled **FOR FURTHER INFORMATION** at the beginning of this Announcement. A copy is also available on the OCS Electronic Bulletin Board. (See **FOR FURTHER INFORMATION** section.)

For purposes of this Announcement, all applicants will use SF–424, SF–424A, and SF–424B, Attachments A, B. and C. Instructions for completing the SF–424, SF–424A, and SF–424B are found in Part F of this Announcement.

Part F also contains instructions for the project narrative. The project narrative will be submitted on plain bond paper along with the SF–424 and related forms.

Attachment I provides a checklist to aid applicants in preparing a complete application package for OCS.

*2. Deadlines*

Refer to the section entitled ''Closing Date'' at the beginning of this Program Announcement for the last day on which applications should be submitted. Mailed applications shall be considered as meeting the 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: Application for Training, Technical Assistance and Capacity-Building Program. 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 or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time or submission and time of receipt.

*Late applications:* Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

*Extension of deadlines:* ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is 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.

Applications, once submitted, are considered final and no additional materials will be accepted.

One signed original application and two copies should be submitted.

*Paperwork Reduction Act of 1980:* Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to 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 ACF grant applications under OMB Control Number 0970–0062.

*3. Intergovernmental Review*

This program is covered under Executive Order 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 twenty jurisdictions need take no action regarding E.O. 12372.

Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions, 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 the date of contact if no submittal is required) on the Standard Form 424A, item 16a.

A SPOC has 60 days from the application deadline date to comment on proposed new awards. These comments are reviewed as a part of the award process. Failure to notify the SPOC can result in a delay in grant award.

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 under 45 CFR 100.10.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, OCS–96–04, 6th Floor, 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 Attachment G to this announcement.

*4. Application Consideration*

Applications which meet the screening requirements in Sections 5a and 5b below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this Announcement.

Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist OCS in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will be ranked and generally considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since other factors deemed relevant may be considered including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the past 5 years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants.

OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

*5. Criteria for Screening Applications*

a. Initial Screening

All applicants will receive an acknowledgement with an assigned identification number. This number, along with any other identifying codes, must be referenced in all subsequent communications concerning the application. If an acknowledgement is not received within two weeks after the deadline date, please notify ACF by telephone at (202) 401–9365. All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a Standard Form 424 ''Application for Federal Assistance'' (SF–424), a budget (SF–424A), and signed ''Assurances'' (SF–424B) completed according to instructions published in Part F and Attachments A, B, and C of this Program Announcement.

(2) A project narrative must also accompany the standard forms.

(3) The SF–424 and the SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

b. Pre-Rating Review

Applications which pass the initial screening will be forwarded to reviewers and/or OCS staff to verify, prior to the programmatic review, that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility:* Applicant meets the eligibility requirements found in Part B. Applicant also must be aware that the applicant's legal name as required on

the SF–424 (Item 5) *must match* that listed as corresponding to the Employer Identification Number (Item 6).

(2) *Duration of Project:* The application contains a project that can be successfully implemented in the project period.

(3) *Target Populations:* The application clearly targets the specific outcomes and benefits of the project to State staff administering CSBG funds, CAA State or regional associations, and/or local providers of CSBG-funded services and activities. Benefits to low-income consumers of CSBG services also must be identified.

(4) *Program Focus:* The application must address development and implementation of nationwide or statewide comprehensive activities as described in Part B of this document for each Priority Area. While some technical assistance activities will focus on individual eligible entities, the applicant must be able to develop a system to offer such services on a nationwide or statewide basis to many eligible entities.

An application may be disqualified from the competition and returned to the applicant if it does not conform to one or more of the above requirements.

c. Evaluation Criteria

Applications which pass the pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements contained in Part B.

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

*(1) Criterion I: Need for Assistance* (Maximum: 20 Points)

(a) The application documents that the project addresses vital needs related to the purposes stated under Sub-Priority Areas discussed in this Program Announcement (Part B) and provides statistics and other data and information in support of its contention. (0–10 points)

(b) The application provides current supporting documentation or other testimonies regarding needs from *State* CSBG Directors, *local* service providers and/or State and Regional organizations of local service providers. (0–10 points)

*(2) Criterion II: Work Program* (Maximum: 30 Points)

The work program must be results-oriented, appropriately related to the legislative mandate and specifically related to the proposed Sub-Priority Area. Applicant must address specific outcomes to be achieved; performance targets which the project is committed to achieving, including specifications for not setting lower or higher target levels and how the project will verify the achievement of these targets; critical milestones which must be achieved if results are to be gained; organizational support including priority this project has for the agency, past performance in similar work and specific resources contributed to the project which are critical to success. Applicants must define the comprehensive nature of the project and methods which will be used to ensure that the results can be used to address a statewide or nationwide project as defined by the priority area.

*(3) Criterion III: Significant and Beneficial Impact* (Maximum 15 Points)

Applicant adequately describes how the project will assure long-term program and management improvements and have advantages over other products offered to achieve the same outcomes for State CSBG offices, CAA State associations, and/or local providers of CSBG services and activities.

The applicant must provide the types and amounts of public and/or private resources it will mobilize and how those resources will directly benefit the project, and how the project will ultimately benefit low-income individuals and families.

An applicant proposing a project with a training and technical assistance focus also must indicate the number of organizations and/or staff it will impact. An applicant proposing a project with training and technical assistance focus also must indicate the number of organizations and/or staff it will impact. An applicant proposing a project with a data collection focus also must provide a description of the mechanism the applicant will us to collect data, how it can assure collections from a significant number of states, and how many states will be willing to submit data to the applicant. An applicant proposing to develop the symposium series or other policy-related projects must identify the number and types of beneficiaries. Methods of securing participant feedback and evaluations of activities must be described for all Priority Areas.

*(4) Criterion IV: Evidence of Significant Collaborations* (Maximum 10 Points)

A new performance-based paradigm is replacing a compliance-based approach to managing CSBG programs. Under this new approach, development and strengthening of collaborative working relationships among all eligible entities in the Community Services Network and with other related organizations is emphasized. OCS does not believe that the Priority Areas in this Program Announcement can be effectively carried out without collaboration and cooperation. Thus, applicants must describe how they will involve partners in the Community Services Network in their activities. Where appropriate, applicants must describe how they will interface with other related organizations. If subcontracts are proposed, documentation of the willingness and capacity for the subcontracting organization(s) to participate must be described.

*(5) Criterion V: Ability of Applicant to Perform* (Maximum: 20 Points)

(a) The applicant demonstrates experience and a successful track record relevant to the specific activities and program area that it proposes to undertake, therefore, organizations which propose providing training and technical assistance must detail their competence in the specific program Priority Area and as a deliverer with expertise in the specific fields of training and technical assistance on a nationwide basis. If applicable, information provided by these applicants must also address related achievements and competence of each cooperating or sponsoring organization. (0–10 points)

(b) The application must fully describe (e.g. a resume) the experience and skills of the proposed project director and primary staff showing specific qualifications and professional experiences relevant to the successful implementation of the proposed project. (0–10 points)

*(6) Criterion VI: Adequacy of Budget* (Maximum: 5 Points)

(a) The resources requested are reasonable and adequate to accomplish the project. (0–3 points)

(b) Total costs are reasonable and consistent with anticipated results. (0–2 points)

Part E—Contents of Application and Receipt Process

*1. Contents of Application*

Each application should include one original and two additional copies of the following:

a. A completed Standard Form 424 which has been signed by an official of the organization applying for the grant who has authority to obligate the organization legally. The applicant must be aware that, in signing and submitting the application for this award, it is certifying that it will comply with the Federal requirements concerning the drug-free workplace and debarment regulations set forth in Attachments D and E.

b. ''Budget Information-Non-Construction Programs'' (SF–424A).

c. A filled out, signed and dated ''Assurances—Non-Construction Programs'' (SF–424B), Attachment C.

d. Restrictions on Lobbying—Certification for Contracts, Grants, Loans, and Cooperative Agreements: fill out, sign and data form found at Attachment F.

e. Certification Regarding Environmental Tobacco Smoke found at Attachment G - sets forth the Federal certification requirement. The applicant is certifying that it will comply by signing and submitting the SF–424.

f. Disclosure of Lobbying Activities, SF–LLL: fill out, sign and date form found at Attachment F, as appropriate.

g. A Project Abstract describing the proposal in 200 words or less.

h. A Project Narrative consisting of the following elements preceded by a consecutively numbered Table of Contents that will describe the project in the following order:

(i) Need for Assistance
(ii) Work Program
(iii) Significant and Beneficial Impact
(iv) Evidence of Significant Collaborations
(v) Ability of Applicant to Perform
(vi) Appendices including proof of non-profit status, such as IRS determination of non-profit status, where applicable; relevant sections of By-Laws, Articles of Incorporation, and/or statement from appropriate State CSBG office which confirms eligibility; Certification Regarding Anti-Lobbying Activities; resumes; Single Point of Contact Comments, where applicable; and any partnership/collaboration agreements, etc.

The original must bear the signature of the authorizing official representing the applicant organization. The total number of pages for the entire application package should not exceed 30 pages, including appendices. Pages should be numbered sequentially throughout. If appendices include photocopied materials, they must be legible. Applications should be two-hole punched at the top center and fastened separately with a compressor slide paper fastener or a binder clip. The submission of bound applications or applications enclosed in a binder is specifically discouraged.

Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on white 8½ × 11 inch paper only. They must not include colored, oversized or folded materials. Do not include organizational brochures or other promotional materials, slides, films, clips, etc. in the proposal. They will be discarded if included.

Part F—Instructions for Completing Application Package

(Approved by the OMB under Control Number 0970–0062)

The standard forms attached to this Announcement shall be used when submitting applications for all funds under this Announcement.

It is recommended that the applicant reproduce the SF–424 (Attachment A), SF–424A (Attachment B), SF–424B (Attachment C) and that the application be typed on the copies. If an item on the SF–424 cannot be answered or does not appear to be related or relevant to the assistance requested, the applicant should write ''NA'' for ''Not Applicable.''

The application should be prepared in accordance with the standard instructions in Attachments A and B corresponding to the forms, as well as the specific instructions set forth below:

*1. SF–424 ''Application for Federal Assistance'' Item*

1. For the purposes of this Program Announcement, all projects are considered ''Applications''; there are no ''Pre-Applications.''

5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled ''Federal Identifier'' located at the top right hand corner of the form.

7. If the applicant is a non-profit corporation, enter ''N'' in the box and specify ''non-profit corporation'' in the space marked ''Other.'' Proof of non-profit status such as IRS determination, Articles of Incorporation, or by-laws, must be included as an appendix to the project narrative.

8. For the purposes of this Announcement, all applications are ''New''.

9. Enter ''DHHS–ACF/OCS''.

10. The Catalog of Federal Domestic Assistance number for the OCS program covered under this Announcement is ''93.570''.

11. In addition to a brief descriptive title of the project, the following Priority Area designations must be used to indicate the Priority and Sub-Priority Areas for which funds are being requested:

CB—Sub-Priority 1.1—T&TA to Enhance CAA and Other Local Service Providers' Capacity;
CR—Sub-Priority 1.2—T&TA to CAA State and Regional Associations;
PT—Sub-Priority 1.3—Replication of Pilot Training and/or Service Delivery Projects;
PP—Sub-Priority 1.4—Provision of Coordinated Peer-to-Peer TA for CAAs Experiencing Programmatic, Administrative and/or Fiscal Problems;
VT—Sub-Priority 1.5—TA to Develop Collaborative Projects between CAAs and Other Organizations Serving Low-Income Veterans and their Communities; and
UI—Sub-Priority 1.6—TA to Develop Special Initiatives Between CAAs and Organizations Addressing Urban Problems;
IS—Sub-Priority 2.1—Collection, Analysis, and Dissemination of Information on CSBG Activities Nationwide; and
CT—Sub-Priority 2.2—CAA Program and Technology Exchange.

The title is ''Office of Community Services' Discretionary CSBG Awards—Fiscal Year 1996 Training, Technical Assistance, and Capacity-Building Programs.''

15a. For purposes of this Announcement, this amount should reflect the amount requested for the entire project period.

5b–e. These items should reflect both cash and third party in-kind contributions for the total project period.

*2. SF–424A—''Budget Information-Non-Construction Programs''*

See instructions accompanying this page as well as the instructions set forth below:

In completing these sections, the ''Federal Funds'' budget entries will

relate to the requested OCS Training and Technical Assistance Program funds only, and ''Non-Federal'' will include mobilized funds from all other sources—applicants, State, and other. Federal funds, other than those requested from the Training and Technical Assistance Program, should be included in ''Non-Federal'' entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized funds).

Section A—Budget Summary

Line 1–4.

Col. (a):

Line 1 Enter ''OCS Training and Technical Assistance Program'';

Col. (b):

Line 1 Enter ''93.57''.

Col. (c) and (d): Not Applicable

Col. (e)–(g):

For each line 1–4, enter in columns (e), (f) and (g) the appropriate amounts needed to support the project for the entire project period.

Line 5 Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column #1. Allowability of costs is governed by applicable cost principles set forth in 45 CFR Parts 74 and 92.

A separate itemized budget justification should be included to explain fully and justify major items, as indicated below. The budget justification should immediately follow the Table of Contents.

Column 5: Enter total requirements for Federal funds by the Object Class Categories of this section.

Line 6a—Personnel: Enter the total costs of salaries and wages.

Justification

Identify the project director. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b—Fringe Benefits: Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate which is entered on line 6j.

Justification

Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Line 6c—Travel: Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification

Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances.

Line 6d—Equipment: Enter the total costs of all non-expendable personal property to be acquired by the project. Equipment means tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

Justification

Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Line 6e—Supplies: Enter the total costs of all tangible personal property (surplus) other than that included on line 6d.

Line 6h—Other: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6j—Indirect Charges: Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or other Federal agencies. With the exception of States and local governments, applicants should enclose a copy of the current approved rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services. For an educational institution the indirect costs on training grants will be allowed at the lesser of the institution's actual indirect costs or 8 percent of the total direct costs.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates,* and submit it to the appropriate DHHS Regional Office.

It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant.

The total amount shown in Section B, Column (5), Line 6k, should be the same as the amount shown in Section A, Line 5, Column (e).

Line 7—Program Income: Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement. Column 5: Carry totals from Column 1 to Column 5 for all line items.

Justification

Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of ''Non-Federal'' resources that will be used to support the project. ''Non-Federal'' resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See Section B.6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8—

Col. (a): Enter the project title.

Col. (b): Enter the amount of cash or donations to be made by the applicant.

Col. (c): Enter the State contribution.

Col. (d): Enter the amount of cash and third party in-kind contributions to be made from all other sources.

Col. (e): Enter the total of columns (b), (c), and (d). Lines 9, 10, and 11 should be left blank.

Line 12—Carry the total of each column of Line 8, (b) through (e).

The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification

Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13—Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the first 12 month budget period.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21—Include narrative justification required under Section B for each object class category for the total project period.

Line 22—Enter the type of HHS or other Federal agency approved indirect cost 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. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services.

Line 23—Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

*3. SF–424B ''Assurances Non-Construction''*

All applicants must sign and return the ''Assurances'' found at Attachment C with their application.

*4. Project Narrative*

Each narrative section of the application must address one or more of the focus areas described in Part B and follow the format outlined below.

a. Need for Assistance
b. Work Program
c. Significant and Beneficial Impact
d. Evidence of Significant Collaborations
e. Ability of the Applicant to Perform

Part G—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget periods for which support is provided, the terms and conditions of the award, and the total project period for which support is contemplated.

In addition to the standard terms and conditions which will be applicable to grants, grantee will be subject to the provisions of 45 CFR Parts 74 (non-governmental) and 92 (governmental) and OMB Circulars A–122 and A–87.

Grantees will be required to submit quarterly progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR Parts 74 (non-governmental) and 92 (governmental) and OMB Circulars A–128 and A–133.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement, or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantee will pay with profits or *nonappropriated* funds on or after December 22, 1989, and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance. See Attachment F for certification and disclosure forms to be submitted with the applications for this program.

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 States or local governmental by Federal grant, contract, loan or loan guarantee. The law does not apply to facilities funded solely by Medicare of Medicaid funds, and portions of facilities used for in-patient 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 $1,000 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 requirement 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.

Attachment H indicates the regulations which apply to all applicants/grantees under this program.

Dated: March 25, 1996.

Donald Sykes,

*Director, Office of Community Services.*

**BILLING CODE 4184–01–P**

ATTACHMENT A

OMB Approval No. 0348-0043

# APPLICATION FOR FEDERAL ASSISTANCE

| | |
|---|---|
| 2. DATE SUBMITTED | Applicant Identifier |
| 3. DATE RECEIVED BY STATE | State Application Identifier |
| 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

1. TYPE OF SUBMISSION:

| Application | Preapplication |
|---|---|
| ☐ Construction | ☐ Construction |
| ☐ Non-Construction | ☐ Non-Construction |

5. APPLICANT INFORMATION

| | |
|---|---|
| Legal Name: | Organizational Unit: |
| Address (*give city, county, state, and zip code*): | Name and telephone number of the person to be contacted on matters involving this application (*give area code*) |

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

| | |
|---|---|
| A. State | H. Independent School Dist |
| B. County | I. State Controlled Institution of Higher Learning |
| C. Municipal | J. Private University |
| D. Township | K. Indian Tribe |
| E. Interstate | L. Individual |
| F. Intermunicipal | M. Profit Organization |
| G. Special District | N. Other (Specify): _____ |

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration

D. Decrease Duration Other (*specify*):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ■ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

13. PROPOSED PROJECT:

| Start Date | Ending Date |
|---|---|
| | |

14. CONGRESSIONAL DISTRICTS OF:

| a. Applicant | b. Project |
|---|---|
| | |

15. ESTIMATED FUNDING:

| | | |
|---|---|---|
| a. Federal | $ | .00 |
| b. Applicant | $ | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program income | $ | .00 |
| g. TOTAL | $ | .00 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

| | | |
|---|---|---|
| a. Typed Name of Authorized Representative | b. Title | c. Telephone number |
| d. Signature of Authorized Representative | | e. Date Signed |

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

**Authorized for Local Reproduction**

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 their 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**

OMB Approval No. 0348-0044

# BUDGET INFORMATION — Non-Construction Programs

**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

## 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
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Attachment B—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 applications 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 of 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.

Lines 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 functions 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.

Attachment C—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 Educational 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. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. §§ 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

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 4188–01–A**

ATTACHMENT D

## 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**

BILLING CODE 4188–01–C

Attachment E—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 participant 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 tier covered transactions.

Attachment F—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:**
- ☐ a. contract
- b. grant
- c. cooperative agreement
- d. loan
- e. loan guarantee
- f. loan insurance

**2. Status of Federal Action:**
- ☐ a. bid/offer/application
- b. initial award
- c. post-award

**3. Report Type:**
- ☐ a. initial filing
- b. material change

**For Material Change Only:**
year _____ quarter _____
date of last report _____

**4. Name and Address of Reporting Entity:**
☐ Prime ☐ Subawardee
Tier _____, *if known*:

**Congressional District**, *if known*:

**5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:**

**Congressional District**, *if known*:

**6. Federal Department/Agency:**

**7. Federal Program Name/Description:**

CFDA Number, *if applicable*: _____

**8. Federal Action Number**, *if known*:

**9. Award Amount**, *if known*:
$

**10. a. Name and Address of Lobbying Entity**
*(if individual, last name, first name, MI)*:

**b. Individuals Performing Services** *(including address if different from No. 10a)*
*(last name, first name, MI)*:

*(attach Continuation Sheet(s) SF-LLL-A, if necessary)*

**11. Amount of Payment** *(check all that apply)*:
$ _____ ☐ actual ☐ planned

**12. Form of Payment** *(check all that apply)*:
- ☐ a. cash
- ☐ b. in-kind; specify: nature _____
  value _____

**13. Type of Payment** *(check all that apply)*:
- ☐ a. retainer
- ☐ b. one-time fee
- ☐ c. commission
- ☐ d. contingent fee
- ☐ e. deferred
- ☐ f. other; specify: _____

**14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:**

*(attach Continuation Sheet(s) SF-LLL-A, if necessary)*

**15. Continuation Sheet(s) SF-LLL-A attached:** ☐ Yes ☐ No

**16.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

**Signature:** _____
**Print Name:** _____
**Title:** _____
**Telephone No.:** _____ **Date:** _____

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**Authorized for Local Reproduction**
**Standard Form - LLL**

BILLING CODE 4184–01–C

Attachment G—OMB State Single Point of Contact Listing*

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteen 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, AL 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, NW.—Suite 500, Washington, DC 20005, Telephone: 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, SW.—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 for 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 Mallette, 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

Omegia Burgess, State Single Point of Contact, Grant Servcies, 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 McAvory, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone: (802) 828–3326, FAX: (802) 828–3339

West Vrignia

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, Wyomining 82002, Telephone: (307) 777–7574, FAX: (307) 638–8967

*Territories*

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Resesarch, 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: (089) 727–4444, (089) 723–6190, FAX: (089) 724–3270, (089) 724–3103

North 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 guestions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069

Attachment H, DHHS Regulations Applicable to Grants

The following DHHS regulations apply to all applicants/grantees under the Training and Technical Assistance Program

Title 45 of the *Code of Federal Regulations:*

Part 16—Procedures of the Departmental Grant Appeals Board
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (State and local governments and Indian Tribal affiliates):
Sections 74.26—Non-Federal Audits
74.27—Allowable Costs for Hospitals and Other Non-Profit Organizations
74.90—Final Decisions in Disputes
74.32—Real Property
74.34—Equipment and
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Part 74—20–28—Fiscal Management
Part 74—40–48—Procedure Standards
Part 74—50–53—Reports and Records
Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility for Financial Assistance
Subpart—Drug Free Workplace Requirements
Part 80—Non-discrimination
Under Programs Receiving Federal Assistance through the Department of Health and Human Services
Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 84—Non-discrimination on the Basis of Handicap in Programs
Part 86—Nondiscrimination on the basis of sex in the admission of individuals to training programs
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

Attachment I, Checklist for Use in Submitting OCS Grant Applications (Optional)

The application should contain:

1. A completed, *signed* SF–424, ''Application for Federal Assistance''. The letter and number code for the Sub-Priority Areas, located in part B of this Program Announcement should be in the lower right-hand corner of the page;
2. A completed ''Budget Information-Non-Construction'' Form (SF–424A);
3. A *signed* ''Assurances-Non-Construction'' Form (SF–424A);
4. A Project Abstract describing the proposal in 200 words or less;
5. A Project Narrative beginning with a Table of Contents that describes the project in the following order:
   (a) Need for Assistance
   (b) Work Program
   (c) Significant and Beneficial Impact
   (e) Evidence of Significant Collaboration
   (f) Ability of Applicant to Perform
6. Appendices including proof of non-profit status, Single Points of Contact comments (where applicable), resumes;
7. A *signed* copy of ''Certification Regarding Anti-Lobbying Activities;
8. A completed ''Disclosures of Lobbying Activities'', if appropriate; and
9. A self-addressed mailing label which can be affixed to a postcard to acknowledge receipt of application.

The application should not exceed a total of 35 pages. It should include one original and three identical copies, printed on white 8½ by 11 inch paper, two hole punched at the top center and fastened separately with a compressor slide paper fastener or a binder clip.

The applicant must be aware that in signing and submitting the application for this award, it is certifying that it will comply with the Federal requirements concerning the drug-free workplace and debarment regulations set forth in Attachments D and E.

Attachment J—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.

## 1996 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

| Size of family unit | Poverty guideline |
|---|---|
| 1 | $7,740 |
| 2 | 10,360 |
| 3 | 12,980 |
| 4 | 15,600 |
| 5 | 18,220 |
| 6 | 20,840 |
| 7 | 23,460 |
| 8 | 26,080 |

For family units with more than 8 members, add $2,226 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

**1996 POVERTY GUIDELINES FOR ALASKA**

| | |
|---|---|
| 1 | $9,660 |
| 2 | 12,940 |
| 3 | 16,220 |
| 4 | 19,500 |
| 5 | 22,780 |
| 6 | 26,060 |
| 7 | 29,340 |
| 8 | 32,620 |

For family units with more than 8 members, add $3,280 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

**1996 POVERTY GUIDELINES FOR HAWAII**

| | |
|---|---|
| 1 | $8,910 |
| 2 | 11,920 |
| 3 | 14,930 |
| 4 | 17,940 |
| 5 | 20,950 |
| 6 | 23,960 |
| 7 | 26,970 |
| 8 | 29,980 |

1996 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA—Continued

| Size of family unit | Poverty guideline |
|---|---|
| For family units with more than 8 members, add $3,010 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.) | |

[FR Doc. 96–9447 Filed 4–16–96; 8:45 am]

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Federal Register

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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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Acquisition regulations:
- Cost-sharing contracts; published 4-2-96
- Energy-efficient computer equipment; EPA Energy Star requirements; published 4-2-96

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:
- Satellite communications--
  - Local zoning regulations preemption; published 3-18-96

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

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**PANAMA CANAL COMMISSION**

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**PERSONNEL MANAGEMENT OFFICE**

Prevailing rate systems; published 3-18-96

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**AGRICULTURE DEPARTMENT**

**Agricultural Marketing Service**

Honey research, promotion, and consumer information order; comments due by 4-26-96; published 3-27-96

Nectarines and peaches grown in California; comments due by 4-26-96; published 3-27-96

Pork promotion, research, and consumer information; comments due by 4-22-96; published 3-22-96

**AGRICULTURE DEPARTMENT**

**Animal and Plant Health Inspection Service**

Exportation and importation of animals and animal products:
- Cattle exportations; tuberculosis and brucellosis test requirements; comments due by 4-23-96; published 2-23-96
- Pork and pork products from Mexico transiting United States; comments due by 4-23-96; published 2-23-96

Exportaton and importation of animals and animal products:
- Horse quarantine facility standards; fees collection at animal quarantine facilities; request for comments and withdrawal; comments due by 4-26-96; published 2-26-96

**AGRICULTURE DEPARTMENT**

**Farm Service Agency**

Program regulations:
- Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

**AGRICULTURE DEPARTMENT**

**Rural Business-Cooperative Service**

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- Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

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**Rural Housing Service**

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- Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

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**Rural Utilities Service**

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- Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

**COMMERCE DEPARTMENT**

**National Oceanic and Atmospheric Administration**

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- Bering Sea and Aleutian Islands groundfish; comments due by 4-26-96; published 4-11-96
- Gulf of Alaska groundfish; comments due by 4-22-96; published 3-12-96
- Gulf of Alaska groundfish; correction; comments due by 4-26-96; published 3-20-96
- South Atlantic Region golden crab; comments due by 4-25-96; published 3-5-96
- Western Pacific crustacean; comments due by 4-26-96; published 2-29-96

Ocean and coastal resource management:
- Coastal zone management program regulations; Federal regulatory review; comments due by 4-25-96; published 3-11-96

**DEFENSE DEPARTMENT**

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- Contract cost principles and procedures--
  - Compensation for personal services; comments due by 4-26-96; published 2-26-96

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- Foreign purchases; restrictions; comments due by 4-22-96; published 2-22-96

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- Gasoline spark-ignition and diesel compression-ignition marine engines; emission standards; comment period extension; comments due by 4-24-96; published 3-25-96

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  - Owners or operators who construct, reconstruct, or modify major sources; control technology requirements; comments due by 4-25-96; published 3-26-96

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Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
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- Oxidized pine lignin, sodium salt; comments due by 4-26-96; published 3-27-96

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  - National priorities list update; comments due by 4-25-96; published 3-26-96

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

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- Flexible standards for directional microwave antennas; comments due by 4-26-96; published 3-22-96

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- Kentucky; comments due by 4-25-96; published 3-8-96
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  - Sexually explicit adult programming;

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**Federal Aviation Administration**

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**Federal Highway Administration**

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Operation of motor vehicles by intoxicated minors; Federal-aid highway funds withheld from States not enacting or enforcing zero tolerance laws; comments due by 4-22-96; published 3-7-96

**TRANSPORTATION DEPARTMENT**

**National Highway Traffic Safety Administration**

Drunk driving prevention programs; incentive grant criteria; comments due by 4-22-96; published 3-7-96

Motor vehicle safety standards:

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National Highway System Designation Act; implementation:

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**TRANSPORTATION DEPARTMENT**

**Research and Special Programs Administration**

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