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Friday
April 26, 1996

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WASHINGTON, DC

[Two Sessions]

WHEN: May 14, 1996 at 9:00 am
May 21, 1996 at 9:00 am

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

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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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Presidential Documents

Title 3—

The President

Executive Order 13000 of April 24, 1996

Order of Succession of Officers To Act as Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 3347 of title 5, United States Code, it is hereby ordered as follows:

Section 1. *Succession to Act as the Secretary of Defense.* (a) In the event of the death, permanent disability, or resignation of the Secretary of Defense, the incumbents holding the Department of Defense positions designated below, in the order indicated, shall act for and exercise the powers of the Secretary of Defense as Acting Secretary of Defense:

(1) Deputy Secretary of Defense.

(2) Secretary of the Army.

(3) Secretary of the Navy.

(4) Secretary of the Air Force.

(5) Under Secretary of Defense for Acquisition and Technology.

(6) Under Secretary of Defense for Policy.

(7) Under Secretary of Defense (Comptroller).

(8) Under Secretary of Defense for Personnel and Readiness.

(9) Deputy Under Secretary of Defense for Acquisition and Technology.

(10) Deputy Under Secretary of Defense for Policy.

(11) Director of Defense Research and Engineering.

(12) The Assistant Secretaries of Defense, the Director of Operational Test and Evaluation, and the General Counsel of the Department of Defense, in the order fixed by their length of service as permanent appointees in such positions.

(13) Under Secretaries of the Army, the Navy, and the Air Force, in the order fixed by their length of service as permanent appointees in such positions.

(14) Assistant Secretaries of the Army, the Navy, and the Air Force whose appointments are vested in the President, and General Counsels of the Army, the Navy, and the Air Force, in the order fixed by their length of service as permanent appointees in such positions.

(b) In the event of the temporary absence or temporary disability of the Secretary of Defense, the incumbents holding the Department of Defense positions designated in paragraph (a) of this section, in the order indicated, shall act for and exercise the powers of the Secretary of Defense as Acting Secretary of Defense.

(1) In these instances, the designation of an Acting Secretary of Defense applies only for the duration of the Secretary's absence or disability, and does not affect the authority of the Secretary to resume the powers of his office upon his return.

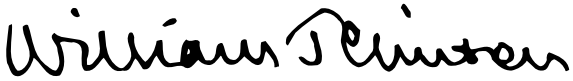
(2) In the event that the Secretary of Defense is temporarily absent from his position, the Secretary may continue to exercise the powers and fulfill the duties of this office during his absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraphs (a)(12)–(14) of this section who have the same appointment date shall be determined by the Secretary of Defense at the time that such appointments are made.

(d) Notwithstanding paragraphs (a) and (b) of this section, an officer shall not act for or exercise the powers of the Secretary of Defense under this order if that officer serves only in an acting capacity in the position that would otherwise entitle him to do so.

Sec. 2. *Temporary Nature of Succession.* Succession to act for and exercise the powers of the Secretary of Defense pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

Sec. 3. *Revocation of Prior Executive Order.* Executive Order No. 12787 of December 31, 1991, is hereby revoked.



THE WHITE HOUSE,
April 24, 1996.

[FR Doc. 96–10550
Filed 4–25–96; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
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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 AGRICULTURE

Farm Service Agency

7 CFR Part 760

RIN 0560–AE57

Dairy Indemnity Payment Program

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The authority to operate the Diary Indemnity Payment Program (DIPP) is contingent upon the appropriation of funds. Funds were recently appropriated. This rule extends the authority to operate this program until the funds are expended.

The DIPP indemnifies dairy farmers and manufacurers for losses suffered with respect to milk and milk products, through no fault of their own.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Raellen Erickson, Agricultural Program Specialist, Price Support Division, FSA, USDA, Ag Box 0512, P.O. Box 2415, Washington, D. C. 20013–2415, at (202) 720–7320.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Dairy Indemnity Payments, Number 10.053.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

This rule has been reviewed pursuant to Executive Order 12778. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this rule are not retroactive. Prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

Paperwork Reduction Act

The amendments to 7 CFR part 760 set forth in this final rule do not contain additional information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35. Existing information collections were approved by OMB and assigned OMB Control Number 0560–0116.

Background

The Dairy Indemnity Payment Program was originally authorized by section 331 of the Economic Opportunity Act of 1964. The statutory authority for the program was extended several times. Most recently, funds were appropriated for this program by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (''the Act''), P.L. 104–37, 109 Stat. 310, which authorizes the program to be carried out until all available funds have been expended. The objective of the program is to indemnify dairy farmers and manufacturers of dairy products who, through no fault of their own, suffer income losses with respect to milk or milk products removed from commercial markets because such milk or milk products contain certain harmful residues. In addition, dairy farmers can also be indemnified for income losses with respect to milk required to be removed from commercial markets due to residues of chemicals or toxic substances or contamination by nuclear radiation or fallout. The regulations governing the program (7 CFR 760.1–760.34) authorized the operation of the program through September 30, 1995. Because the Act mandates that the program be carried out until the appropriated funds are expended, the ending date for the program is being deleted from the regulation. The beginning dates for the program are also being deleted since they are no longer necessary. Since the only purpose of this final rule is to make a technical amendment to the regulations to extend the Dairy Indemnity Payment Program in order to conform to the statute, it has been determined that no further public rulemaking is required. Therefore, these regulations shall become effective upon date of publication in the Federal Register.

List of Subjects in 7 CFR Part 760

Dairy products, Indemnity payments, Pesticides and pests.

Accordingly, the regulations at 7 CFR Part 760 are amended as follows:

Subpart Dairy Indemnity Payment Program

1. The authority citation for this subpart is revised to read as follows:

Authority: Dairy Indemnity Program, P.L. 104–37, 109 Stat. 310.

2. Section 760.2 is amended by revising paragraphs (k)(1), (2), (l) and (o) to read as follows:

§ 760.2 Definitions.

* * * * *

(k) * * *

(1) Pursuant to the direction of a public agency because of the detection of pesticide residues in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency, or

(2) Pursuant to the direction of a public agency because of the detection of other residues of chemicals or toxic substances residues, or contamination from nuclear radiation or fallout in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(l) *Affected manufacturer* means a person who manufactures dairy products which are removed from the commercial market pursuant to the direction of a public agency because of the detection of pesticide residue in such dairy products by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

* * * * *

(o) *Application period* means any period during which an affected farmer's whole milk is removed from the commercial market pursuant to direction of a public agency for a reason specified in paragraph (k) of this section and for which application for payment is made.

* * * * *

Signed in Washington, DC, on April 11, 1996.

Bruce R. Weber,

Acting Administrator, Farm Service Agency.

[FR Doc. 96–9460 Filed 4–25–96; 8:45 am]

BILLING CODE 3410–05–P

Grain Inspection, Packers and Stockyards Administration

7 CFR Parts 800 and 810

RIN 0580–AA14

United States Standards for Barley

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is revising the United States Standards for Barley to: modify the classification system of barley to better reflect current marketing practices by establishing two classes, Malting barley and Barley; revise procedures to permit applicants the option of requesting either the malting standards or barley standards for malting types; revise the standards for Two-rowed Malting barley by removing the ''U.S. No 1 Choice'' grade designation; amend the definition for suitable malting type to include other malting varieties used by private malting and brewing companies; revise the dockage certification procedure by reporting results in half and whole percent with a fraction less than one-half percent being disregarded; amend the definition of thins to require the use of a single sieve (5/64 × 3/4 slotted-hole) only in the class Barley; and eliminate the numerical grade restriction for badly stained and materially weathered from the standards. In addition, GIPSA is amending the breakpoint for dockage and establishing new breakpoints for malting barley to conform with standard changes.

The objective of these revisions is to ensure that the barley standards are serving their intended purpose to facilitate the marketing of barley.

EFFECTIVE DATE: June 1, 1996.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA, GIPSA, Room 0623, South Building, P. O. Box 96454, Washington, D.C. 20090–6454; telephone (202) 720–0292; FAX (202) 720–4628.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act (Act) provides in section 87g that no State or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this proposed rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities. Further, the regulations are applied equally to all entities.

Information Collection Requirements

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection requirements contained in the rule to be amended have been previously approved by the Office of Management and Budget under control number 0580–0013.

Background

During December 1991, the Federal Grain Inspection Service (FGIS), which is now part of GIPSA, distributed a discussion paper concerning the U.S. Standards for Barley. This paper addressed several issues relating to the standards and served as a starting point for discussions with producers, processors, trade associations, maltsters, handlers, and merchandisers to better understand their views on changes needed to improve existing standards. FGIS received positive feedback. In addition, FGIS reviewed the barley discussion paper with the FGIS Advisory Committee and the Grain Quality Workshops and considered ideas received during the normal course of business, recommendations from internal management and program review, and various other sources.

In the March 22, 1995, Federal Register (60 FR 15075), GIPSA published a proposal to revise the U.S. Standards for Barley by: (1) Modifying the classification system of barley to better reflect current marketing practices by establishing two classes, Malting barley and Barley; (2) revising procedures to permit applicants the option of requesting either the malting standards or barley standards for malting types; (3) revising the standards for Two-rowed Malting barley by removing the ''U.S. No 1 Choice'' grade designation and combining the grading factors and limits for two- and six-rowed malting types onto a single grade chart; (4) amending the definition for suitable malting type to include other proprietary malting varieties used by private malting and brewing companies; (5) revising the dockage certification procedure by reporting results in half and whole percent with a fraction less than one-half percent being disregarded; (6) amending the definition of thins to require the use of a single sieve (5⁄64×3⁄4 slotted-hole) only in the proposed class Barley and remove the grading limits from the standards; however, the level of thins will continue to be reported on the inspection certificate; (7) revising the standards by removing the grading limits for damaged kernels, heat-damaged kernels, and foreign material in the proposed class Barley; and (8) eliminating the numerical grade restriction for badly stained and materially weathered from the standards. GIPSA further proposed to

amend the inspection plan tolerances based on these changes.

Comment Review

During the 60-day comment period, GIPSA received ten comments: two from grain handling associations, five from barley producer organizations, one from a malting barley trade association, one from a cattle feeding company, and one from a State Department of Agriculture.

On the basis of these comments and other available information, GIPSA has decided to revise the barley standards as proposed, with the following exceptions: (1) Combining the grading factors and limits for two- and six-rowed malting types into one grading chart; (2) removing the grading limits for thins in the class Barley; (3) removing the grading limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley; (4) applying the current damaged kernels grade limits in Six-rowed Malting barley to Two-rowed Malting barley; (5) applying the present limits for injured-by-mold and mold damage in Two-rowed Malting barley to Six-rowed Malting barley; and (6) applying the current grade limits for other grains and wild oats to both Six- and Two-rowed Malting barley.

Rather than combining the grading factors and limits for two- and six-rowed malting types into one grading chart, GIPSA decided to maintain a separate grading chart for the two-rowed malting type and the six-rowed malting type because of their different grade limits and grading factors. Also, GIPSA decided to retain the grading limits for thins, damaged kernels, heat-damaged kernels, and foreign material in the class Barley. In addition, GIPSA will continue to apply the current grade limits in Six-rowed Malting barley for damaged kernels and other grains only to Six-rowed Malting barley and continue to apply the present grade limits in Two-rowed Malting barley for injured-by-mold, mold damage, and wild oats only to Two-rowed Malting barley.

Barley Classification

GIPSA proposed to amend the barley classification system in section 7 CFR 810.202, paragraph (c), to better reflect current marketing practices by establishing two classes of barley, specifically, Malting barley and Barley. The class Malting barley is divided into three subclasses: Six-rowed Malting barley, Six-rowed Blue Malting barley, and Two-rowed Malting barley. The class Barley is divided into three subclasses: Six-rowed barley, Two-rowed barley, and Barley. GIPSA believes this new classification system will assist in simplifying the barley standards and facilitate the domestic and export marketing of barley.

The present barley classification system is based on kernel physical characteristics. Barley is divided into three classes: Six-rowed barley, Two-rowed barley, and Barley. The class Six-rowed barley is divided into three subclasses: Six-rowed Malting barley, Six-rowed Blue Malting barley, and Six-rowed barley. The class Two-rowed barley is divided into two subclasses: Two-rowed Malting barley and Two-rowed barley. The class Barley has no subclasses.

This classification system does not reflect current marketing practices. That is, barley produced in the United States is used primarily as livestock feed or for malting. Consequently, the barley classing system should be structured in a manner consistent with current trading practices.

All comments received were supportive of the new classification system.

Based on this information, comments received, and other available information, GIPSA is amending the barley classification system in current section 7 CFR 810.202, paragraph (c), by establishing two classes of barley, Malting barley and Barley. The class Malting barley is divided into three subclasses: Six-rowed Malting barley, Six-rowed Blue Malting barley, and Two-rowed Malting barley. The class Barley is divided into three subclasses: Six-rowed barley, Two-rowed barley, and Barley.

Applying the Malting Standards

GIPSA proposed to amend the subclass definitions for Six- and Two-rowed barley in current section 7 CFR 810.202, paragraphs (c)(1)(iii) and (c)(2)(ii), by deleting the reference to Malting barley. This change is needed to provide applicants the option of requesting either the malting standards or the barley standards for malting types.

The present standards require official personnel initially to apply the Malting barley requirements and assign grades covered in section 7 CFR 810.206 only if the sample fails to meet the malting criteria. This requirement is based on the subclass definitions for Six- and Two-rowed barley. The subclass definitions for Six- and Two-rowed barley state, in part, that barley not meeting the applicable subclass requirement for malting shall be graded using the 7 CFR 810.206 grade chart.

Initially applying the malting standard requirements hampers inspection efficiency and may create market disruptions for malting varieties used for other purposes. Labeling barley as malting when it is being marketed for another use causes confusion and could lead to unnecessary marketing complications.

All comments received were supportive of this revision.

Based on this information, comments received and other available information, GIPSA is amending the subclass definitions for Six- and Two-rowed barley in section 7 CFR 810.202, paragraphs (c)(1)(iii) and (c)(2)(ii), by deleting the reference to Malting barley to provide the inspection system greater flexibility in meeting the market needs. This change will also bring existing standards more in line with today's marketing practices for Malting barley.

U.S. No 1 Choice Grade Designation

GIPSA proposed to revise section 7 CFR 810.205 by removing the ''U.S. No 1 Choice'' grade designation from the grading chart and retain the factors and limits concerning the Choice grade as U.S. No 1 and redesignating the factors and limits for U.S. Nos. 1, 2, and 3 as U.S. Nos. 2, 3, and 4, respectively. This revision was sought to bring more consistency between the standards for Two- and Six-rowed Malting barley.

The current Two-rowed Malting barley standard includes a ''U.S. No 1 Choice'' grade designation. The Six-rowed Malting barley standard does not include a similar grade. The differences between ''U.S. No 1 Choice'' Two-rowed Malting barley and U.S. No. 1 Two-rowed Malting barley are reflected in the test weight, skinned and broken kernels, and the thin barley grade limits. GIPSA believes that the factors and limits for the ''U.S. No 1 Choice'' grade designation are important to producers, maltsters, and brewers. Furthermore, GIPSA believes that the quality requirements in the standards for Six- and Two-rowed Malting barley should be more consistent to eliminate confusion in the marketplace and to provide more meaningful information to our customers.

All commentors agreed with GIPSA's proposal.

Based on this information, comments received and other available information, GIPSA is removing the ''U.S. No 1 Choice'' grade designation from section 800.86(c)(2) Table-2 and section 7 CFR 810.205 for Two-rowed Malting barley. Furthermore, GIPSA is retaining the factors and limits for the ''U.S. No 1 Choice'' grade as the U.S. No. 1 grade and redesignating the factors and limits for U.S. Nos. 1, 2, and 3 as U.S. Nos. 2, 3, and 4 for the Two-rowed Malting barley, respectively.

Malting Barley Grading Charts

GIPSA proposed to revise the grade requirements in section 7 CFR 810.204 and 810.205 by: (1) Combining the factors and limits for Two- and Six-rowed Malting barley into a single grade chart; (2) establishing four numerical grades for all Malting barley; (3) establishing common foreign material grade limits for all Malting barley; (4) establishing separate grade limits for test weight, suitable malting types, sound barley, skinned and broken kernels, and thin barley for two- and six-rowed malting types; (5) applying the current damaged kernels grade limits in Six-rowed Malting barley to Two-rowed Malting barley and establishing a new 5.0 percent damaged kernels limit to correspond with the proposed four grade categories; (6) applying the present limits for mold damage and injured-by-mold in Two-rowed Malting barley to Six-rowed Malting barley; and (7) applying the current grade limits for other grains and wild oats to both Six- and Two-rowed Malting barley.

In the present standards, separate grade charts exist for two- and six-rowed malting types. Additionally, the factor requirements differ based on the barley subclass. For example, the current standards impose limits for other grains, wild oats, mold damage, and injured-by-mold, but not consistently for all malting types. These differences reflect the traditional variances between the production areas and markets dealing with Six- and Two-rowed Malting barley. In proposing changes to the standards, GIPSA believed that the malting standards should be revised to more consistently apply factor requirements between Two- and Six-rowed barley. GIPSA also believed that the proposed revisions to combine sections 7 CFR 810.204 and 810.205 simplify the malting standards and make them more user friendly.

Supporters stated that combining the factors and grade limits for Six- and Two-rowed Malting barley into one chart will make the malting barley standards more user friendly, make the standards more compatible between the Two-rowed and Six-rowed Malting types, and reduce potential confusion of foreign purchasers.

Several organizations representing producers, handlers, and maltsters opposed applying the present limits for mold damage and damaged-by-mold in Two-rowed Malting barley to Six-rowed malting types and applying the current grade limits for other grains and wild oats to both Six- and Two-rowed Malting types.

With regard to applying the present limits for mold damage and injured-by-mold in Two-rowed Malting barley to Six-rowed Malting barley, the North Dakota Barley Council (NDBC) stated that applying the present limits for mold damage and damaged-by-mold in Two-rowed Malting barley to Six-rowed Malting barley is restrictive and causes market disruption because weather conditions frequently cause mold damage and damaged-by-mold injury. They also stated that under this proposal a significant portion of Midwestern crop would not receive malting barley grades. Furthermore, the NDBC stated that Midwestern Six-rowed Malting barley is frequently purchased in excess of the proposed limits. Further, other comments received shared similar views.

Upon review of this issue and because of the expressed concern of potential market disruption, GIPSA has decided not to adopt this revision. Consequently, GIPSA will maintain the current limits for injured-by-mold and mold damage for Two- and Six-rowed Malting barley.

In regard to applying current grade limits for other grains and wild oats to both Six- and Two-rowed malting types, the current malting standards impose grade limits for other grains and wild oats but not consistently for Two- and Six-rowed Malting barley. These differences reflect the traditional variances between the production areas and markets dealing with Six- and Two-rowed Malting barley. In proposing to apply current grade limits for other grains and wild oats to both Six- and Two-rowed Malting types, GIPSA believed that the malting standards should be revised to more consistently apply factor requirements between Two- and Six-rowed Malting types.

GIPSA received no support for this proposed action. A commentor opposing this proposal stated that while the proposal adds more uniformity to the grading standards, it fails to consider the impact on domestic and export markets.

Applying uniform grade limits for other grains and wild oats to both six- and two-rowed malting types may impact negatively on domestic and/or export markets. Therefore, GIPSA has decided not to adopt this proposal. Consequently, GIPSA will continue to apply the current grade limits for other grains to six-rowed malting type only and the current grade limits for wild oats to two-rowed malting type only.

In its comment, the NDBC recommended to aggregate wild oats, other grains, and foreign materials into one category. They stated —foreign buyers perceive other grains, wild oats, and foreign material as non-barley material in Malting barley.— Furthermore, the NDBC proposed different grade limits for two- and six-rowed malting types as follows:

Grade	Six-rowed (percent)	Two-rowed (percent)
U.S. No. 1	3.0	1.5
U.S. No. 2	4.0	2.0
U.S. No. 3	6.0	3.0
U.S. No. 4	8.0	5.0

NDBC believes that this change would more accurately describe non-barley material in Malting barley and facilitate marketing in export channels.

GIPSA believes that this recommendation warrants further evaluation and has decided more discussions are needed before proposing such a change. Meanwhile, GIPSA will continue to use the current factors and limits as applicable.

In proposing to combine the grade charts for two- and six-rowed malting types, GIPSA believed that adopting the same grading factors would simplify the malting standards and promote uniformity between Two- and Six-rowed Malting barley. However, the proposal to apply the same grading factors to all malting barley were not adopted. A single grade chart containing different factors and grade limits for two- and six-rowed malting types would be hard to read or understand. Therefore, GIPSA has decided not to combine the grade charts for two- and six-rowed malting types because common grading factors and limits were not established. Consequently, GIPSA will maintain a separate grading chart for the Two-rowed Malting barley and the Six-rowed Malting barley because of their different grade limits and grading factors.

GIPSA received no opposition to establishing four numerical grades for malting barley; separate grade limits for test weight; percent suitable malting types, sound barley, skinned and broken kernels, and thin barley for two- and six-rowed malting types; or establishing common foreign material grade limits for all Malting barley.

Based on information and suggestions received from individuals using these grade charts, comments received, and other available information, GIPSA will: (1) Maintain separate grading charts for two- and six-rowed malting types; (2) establish four numerical grades for all Malting barley; (3) apply the current grade limits for damaged kernels and other grains to Six-rowed Malting barley only; (4) apply the present limits for wild oats, injured-by-mold, and mold

damage to Two-rowed Malting barley only; (5) apply the proposed foreign material grade limits to two- and six-rowed malting types; and (6) for six-rowed malting types adopt the proposed grade limits for test weight, sound barley, damaged kernels, skinned and broken kernels, and thin barley.

Suitable Malting Type

GIPSA proposed to amend the definition of suitable malting type in current section 7 CFR 810.202, paragraph (t), to expand the list of approved malting varieties. The proposed definition will include other malting types used by various maltsters and brewers.

Current standards require a specified level of suitable malting type before the Malting barley designation is assigned. The American Malting Barley Association (AMBA) identifies which malting varieties are considered suitable. The AMBA revises its list of approved malting types annually by adding new varieties and deleting outdated ones. However, many malting varieties removed from the AMBA list continue to be produced, marketed, and processed. Under the current malting standards, a variety that meets all quality requirements for malting but is not included on the AMBA list could not be classified as Malting barley. Furthermore, several breweries are actively involved in the development and production of malting barley types to meet various end-use specifications. Often, these varietal types are not tested and approved by AMBA, although such varieties meet all quality requirements of the brewery. This revision will permit official inspection personnel to apply the malting grade designation to any of these malting varieties. Also, it will bring existing standards more in line with today's processing practices of the malting and brewing industries.

All comments received were supportive of the proposal to revise the definition of suitable malting type to include varieties recommended by AMBA and other malting types.

Based on this information, comments received, and other available information, GIPSA is revising the suitable malting type definition in current section 7 CFR 810.202, paragraph (t), to include varieties recommended by AMBA and other malting types.

Dockage

GIPSA proposed to revise the dockage certification procedure in section 7 CFR 810.104, paragraph (b), by reporting results in half and whole percent with a fraction less than one-half percent being disregarded.

Dockage in barley consists of dust, chaff, small weed seed, very small pieces of broken barley, and coarse grains larger than barley. Present standards certify dockage in whole percents with fractions of a percent being disregarded. GIPSA believes that this method of reporting often understates dockage levels. GIPSA also believes that reporting dockage in half and whole percent provides a more accurate description of non-barley material, by that, enabling handlers and end-users to decide quality, storability, and end-product yield. Also, providing actual dockage percentage in the remarks section of the certificate is currently available upon request.

One commentor supporting this change stated that much of the commercial trade is done in tenth of percent increments. However, GIPSA believes that the proposed change best reflects market needs at this time. Accordingly, no further changes to this provision are needed. Applicants interested in receiving dockage information in tenth of percent increments may receive it upon request.

Based on this information, comments received, and other available information, GIPSA is revising the dockage certification procedure in section 7 CFR 810.104, paragraph (b), to report dockage in barley in half and whole percent with a fraction less than one-half percent being disregarded.

Thin Barley

GIPSA proposed to revise the sieve requirement for determining thin barley in current section 7 CFR 810.202, paragraph (u), by requiring the use of a single sieve (5/64 × 3/4 slotted-hole), in determining thins in the class Barley. GIPSA also proposed to amend section 7 CFR 800.162 to delete the factor thins and its corresponding grade limits for the class Barley and require that the level of thins be reported on each certificate representing an inspection for grade. This procedure is similar to the certification procedure for moisture, which provides the marketplace with the flexibility to establish more meaningful quality limits for thins based on the specific needs of end-users.

Present standards define thin barley as Six-rowed barley which passes through a 5/64 × 3/4 slotted-hole sieve or Two-rowed barley which passes through a 5.5/64 × 3/4 slotted-hole sieve. In addition, for the class Barley, which consists of a mixture of Six- and Two-rowed barley, thin barley is barley passing through the 5/64 × 3/4 slotted-hole sieve. Under this requirement, the factor thins in the standards is a measurement of kernel size more than an indicator of overall quality in barley.

All commentors were supportive of GIPSA's proposal to use one standard sieve size (5/64 × 3/5 slotted-hole) to determine thins for the class Barley.

Several commentors opposed the removal of thins as a grade determining factor stating: (1) Thins are one of the most important grading factors, particularly in livestock feed and export markets; (2) there is correlation between barley quality and the level of thins because a high level of thins can cause problems in rolling barley and it will affect the nutritive value of barley; (3) the end-users rely on the official grading system to determine the level of thins and corresponding numerical grade; (4) if the end-users contract for a certain grade of barley, they currently can be assured of a specified maximum percentage of thin kernels; (5) most of the barley sold into the feed market is traded on the basis of thins; (6) they feared the potential for increased blending, which may lower the overall quality; and (7) they stated that FGIS failed to consider the impacts on export markets.

GIPSA recognizes that thin barley is a factor used by the industry to determine market value. Also, that the end-user is in the best position to determine the appropriate level of thins when arriving at the market value of the grain. Therefore, GIPSA has decided not to remove the grade limits for thins in the class barley because there appears to be a market need to preserve these limits based on comments received. Consequently, the factor ''thins'' will continue to be a grade determining factor in the class Barley.

Based on this information, comments received, and other available information, GIPSA is revising current section 7 CFR 810.202, paragraph (u), to require the use of the 5/64 × 3/4 slotted-whole sieve for thin barley determination in the class Barley.

Sound Barley

GIPSA proposed to revise section 7 CFR 810.206 by removing the factors and limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley. In proposing this revision, GIPSA believed that the standards would rely on the factor ''sound barley'' to relate the overall amount of damaged kernels, heat-damaged kernels, and foreign material. In addition, applicants interested in the percentage and composition of damaged kernels, heat-damaged kernels, and foreign material may request this

information be reported on the inspection certificate.

Supporters of this change stated that relying on the factor ''sound barley'' to determine quality is favorable, providing other information concerning non-barley material and damaged kernels is available to interested parties.

Opponents of this proposed change stated: Eliminating the factors and grade limits for damaged kernels, heat-damaged kernels, and foreign material and relying on sound barley to relate the overall amount of damage and non-barley materials will be an incentive to add non-barley material to barley shipments; while the domestic market likely would quickly adapt to this change, the export market will be at a serious disadvantage; and U.S. competitors have much more stringent quality parameters, and any retrenchment from the current grading system would cause further concerns by overseas customers and cause reduction in U.S. exports.

Upon further review of this issue and in view of the comments and concerns, GIPSA believes that removing the grade limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley and relying on sound barley to relate the overall amount of damage and non-barley may not reflect domestic and/or export markets need. Therefore, GIPSA has decided to retain the factors and limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley as grade determining factors because there appears to be a market need to maintain these factors and their grade limits as grade determining factors.

Based on this information, comments received, and other available information, GIPSA has decided not to revise section 7 CFR 810.206 of the standards. Consequently, the grade limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley will continue to be grade determining factors.

Badly Stained or Materially Weathered Barley

GIPSA proposed to eliminate the grade limitation for barley that is badly stained or materially weathered from section 7 CFR 810.206. GIPSA also proposed to remove the definition for stained barley from 7 CFR 810.202 (s).

The determination of badly stained or materially weathered barley is seldom made because this condition is generally reflected in other grading factors including sound barley. Presently, barley that is badly stained or materially weathered is graded not higher than U.S. No. 4.

Commentors did not oppose GIPSA's proposal to remove the badly stained or materially weathered criterion from the standards.

Based on this information, comments received, and other available information, GIPSA has decided to amend section 7 CFR 810–206 by eliminating the grade limitation for badly stained or materially weathered.

Miscellaneous Changes

GIPSA proposed to revise the format of the grade charts in the standards for Malting barley and Barley. These proposed revisions were intended to improve the readability of the grading tables. Based on information and suggestions received from individuals using these grading charts, GIPSA has decided not to adopt the proposed format. Consequently, the present format of the grading charts in the standards for Malting barley and Barley will not be changed.

Inspection Plan Tolerances

Shiplots, unit trains, and lash barge lots are inspected by a statistically based inspection plan (55 FR 24030, June 13, 1990). Inspection tolerances, commonly referred to as breakpoints, are used to determine acceptable quality. GIPSA proposed to amend the breakpoint for dockage from 0.47 to 0.23 percent. GIPSA also proposed to establish breakpoints conforming to the proposed changes to the barley standards.

GIPSA received no opposition to amending or establishing breakpoints as included in the proposal.

Based on this information, comments received, and other available information, GIPSA is revising section 800.86, Table 4, by changing the dockage breakpoint to 0.23 percent. GIPSA is also adopting breakpoints for the changes to the malting barley standards.

Final Action

On the basis of these comments and other available information, GIPSA has decided to revise the barley standards as proposed, with the following exceptions: (1) Combining the grading factors and limits for two- and six-rowed malting types into one grade chart; (2) removing the grading limits for thins in the class Barley; (3) removing the grading limits for damaged kernels, heat-damaged kernels, and foreign material in the class Barley; (4) applying the current damaged kernels grade limits in Six-rowed Malting barley to Two-rowed Malting barley; (5) applying the present limits for mold damage and injured-by-mold in Two-rowed Malting barley to Six-rowed Malting barley; and (6) applying the current grade limits for other grains and wild oats to both Six- and Two-rowed Malting barley.

Rather than combining the grading factors and limits for two- and six-rowed malting types into one grading chart, GIPSA decided to maintain a separate grading chart for the two-rowed malting type and the six-rowed malting type because of their different grade limits and grading factors. Also, GIPSA decided to retain the grading limits for thins, damaged kernels, heat-damaged kernels, and foreign material in the class Barley. In addition, GIPSA will continue to apply the current grade limits in Six-rowed Malting barley for damaged kernels and other grains only to Six-rowed Malting barley and continue to apply the present limits in Two-rowed Malting barley for injured-by-mold, wild oats, and mold damage only to Two-rowed Malting barley.

Pursuant to section 4(b)(1) of the United States Grain Standards Act (7 U.S.C. 76(b)(1)), no standards established or amendments or revocations of standards are to become effective less than one calendar year after promulgation unless, in the judgment of the Administrator, the public health, interest, or safety requires that they become effective sooner. Pursuant to that section of the Act, it has been determined that in the public interest the revision becomes effective June 1, 1996. This effective date will coincide with the beginning of the 1996 crop year and facilitate domestic and export marketing of barley.

List of Subjects in 7 CFR Parts 800 and 810

Administrative practice and procedure, Export, Grain.

For reasons set forth in the preamble, 7 CFR Part 800 and 7 CFR Part 810 are amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

2. Section 800.86 (c)(2) Tables 1, 2, 3, and 4 are revised to read as follows:

§ 800.86 Inspection of shiplot, unit train, and lash barge grain in single lots.

* * * * *

(2) * * *

TABLE 1—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR SIX-ROWED MALTING BARLEY AND SIX-ROWED BLUE MALTING BARLEY

Grade	Minimum limits of—						Maximum limits of—									
	Test weight per bushel (pounds)		Suitable malting types (percent)		Sound barley (percent) [1]		Damaged kernels (percent)		Foreign material (percent)		Other grains (percent)		Skinned and broken kernels (percent)		Thin barley (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1	47.0	−0.5	95.0	−1.3	97.0	−1.0	2.0	0.8	0.5	0.1	2.0	0.8	4.0	1.1	7.0	0.6
U.S. No. 2	45.0	−0.5	95.0	−1.3	94.0	−1.4	3.0	0.9	1.0	0.4	3.0	0.9	6.0	1.4	10.0	0.9
U.S. No. 3	43.0	−0.5	95.0	−1.3	90.0	−1.6	4.0	1.1	2.0	0.5	5.0	1.3	8.0	1.5	15.0	0.9
U.S. No. 4	43.0	−0.5	95.0	−1.3	87.0	−1.9	5.0	1.3	3.0	0.6	5.0	1.3	10.0	1.6	15.0	0.9

[1] Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

TABLE 2—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR TWO-ROWED MALTING BARLEY

Grade	Minimum limits of—						Maximum limits of—							
	Test weight per bushel (pounds)		Suitable malting types (percent)		Sound barley [1] (percent)		Wild oats (percent)		Foreign material (percent)		Skinned and broken kernels (percent)		Thin barley (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1	50.0	−0.5	97.0	−1.0	98.0	−0.8	1.0	0.6	0.5	0.1	5.0	1.3	5.0	0.4
U.S. No. 2	48.0	−0.5	97.0	−1.0	98.0	−0.8	1.0	0.6	1.0	0.4	7.0	1.3	7.0	0.5
U.S. No. 3	48.0	−0.5	95.0	−1.3	96.0	−1.1	2.0	0.8	2.0	0.5	10.0	1.8	10.0	0.9
U.S. No. 4	48.0	−0.5	95.0	−1.3	93.0	−1.1	3.0	0.9	3.0	0.6	10.0	1.8	10.0	0.9

[1] Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

Note: Malting barley shall not be infested in accordance with § 810.107(b) and shall not contain any special grades as defined in § 810.206. Six- and two-rowed barley varieties not meeting the above requirements shall be graded in accordance with standards established for the class Barley.

Grade	Minimum limits of—				Maximum limits of—									
	Test weight per bushel (pounds)		Sound barley (percent)		Damaged kernels [1] (percent)		Heat damaged kernels (percent)		Foreign material (percent)		Broken kernels (percent)		Thin barley (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. No. 1	47.0	−0.5	97.0	−1.1	2.0	0.8	0.2	0.1	1.0	0.4	4.0	1.0	10.0	0.9
U.S. No. 2	45.0	−0.5	94.0	−1.4	4.0	1.0	0.3	0.1	2.0	0.4	8.0	1.5	15.0	0.9
U.S. No. 3	43.0	−0.5	90.0	−1.6	6.0	1.4	0.5	0.2	3.0	0.5	12.0	1.8	25.0	1.3
U.S. No. 4	40.0	−0.5	85.0	−2.2	8.0	1.5	1.0	0.5	4.0	0.5	18.0	1.8	35.0	1.9
U.S. No. 5	36.0	−0.5	75.0	−2.2	10.0	1.8	3.0	0.6	5.0	0.6	28.0	2.4	75.0	2.3

[1] Includes heat-damaged kernels. Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels.

TABLE 4–BREAKPOINTS FOR BARLEY SPECIAL GRADES AND FACTORS

Special grade or factor	Grade or range limit	Breakpoint
Dockage	As specified by contract or load order.	0.23

* * * * *

PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

3. The authority citation for Part 810 continues to read as follows:

Authority: Pub. L. 94–582 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

4.–5. Subpart A, section 810.104, paragraph (b), is amended by revising the first and second sentences to read as follows:

Subpart A—General Provisions

* * * * *

§ 810.104 Percentages.

* * * * *

(b) *Recording.* The percentage of dockage in flaxseed, rye, and sorghum is reported in whole percent with fractions of a percent being disregarded. Dockage in barley and triticale is reported in whole and half percent with a fraction less than one-half percent being disregarded. * * *

* * * * *

6. Subpart B, section 810.202, paragraph (c), is revised and paragraph (s), Stained barley, is removed. Paragraph (t), Suitable malting type, is revised and redesignated as (s). Paragraph (u), Thin barley, is revised and redesignated as (t). Paragraph (v), Wild oats, is redesignated as (u) to read as follows:

Subpart B—U.S. Standards for Barley

* * * * *

§ 810.202 Definition of other terms.

* * * * *

(c) *Classes.* There are two classes of barley: Malting barley and Barley.

(1) *Malting barley.* Barley of a six-rowed or two-rowed malting type. The class Malting barley is divided into the following three subclasses:

(i) *Six-rowed Malting barley.* Barley that has a minimum of 95.0 percent of a six-rowed suitable malting type that has 90.0 percent or more of kernels with white aleurone layers that contains not more than 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, and 0.1 percent heat-damaged kernels. Six-rowed Malting barley shall not be infested, blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(ii) *Six-rowed Blue Malting barley.* Barley that has a minimum of 95.0 percent of a six-rowed suitable malting type that has 90.0 percent or more of kernels with blue aleurone layers that contains not more than 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, and 0.1 percent heat-damaged kernels. Six-rowed Blue Malting barley shall not be infested,

blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(iii) *Two-rowed Malting barley*. Barley that has a minimum of 95.0 percent of a two-rowed suitable malting type that contains not more than 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, 0.1 percent heat-damaged kernels, 1.9 percent injured-by-mold kernels, and 0.4 percent mold-damaged kernels. Two-rowed Malting barley shall not be infested, blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(2) *Barley*. Any barley of a six-rowed or two-rowed type. The class Barley is divided into the following three subclasses:

(i) *Six-rowed barley*. Any Six-rowed barley that contains not more than 10.0 percent of two-rowed varieties.

(ii) *Two-rowed barley*. Any Two-rowed barley with white hulls that contains not more than 10.0 percent of six-rowed varieties.

(iii) *Barley*. Any barley that does not meet the requirements for the subclasses Six-rowed barley or Two-rowed barley.

* * * * *

(s) *Suitable malting type*. Varieties of malting barley that are recommended by the American Malting Barley Association and other malting type(s) used by the malting and brewing industry. The varieties are listed in GIPSAs instructions.

(t) *Thin barley*. Thin barley shall be defined for the appropriate class as follows:

(1) *Malting barley*. Six-rowed Malting barley that passes through a 5/64 × 3/4 slotted-hole sieve and Two-rowed Malting barley which passes through a 5.5/64 × 3/4 slotted-hole sieve in accordance with procedures prescribed in GIPSAs instructions.

(2) *Barley*. Six-rowed barley, Two-rowed barley, or Barley that passes through a 5/64 × 3/4 slotted-hole sieve in accordance with procedures prescribed in GIPSAs instructions.

* * * * *

7. Section 810.204 is revised to read as follows:

§ 810.204 Grades and Grade Requirements for Six-rowed Malting barley and Six-rowed Blue Malting barley.

Grade	Minimum limits of—			Maximum limits of—				
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley [1] (percent)	Damaged kernels [1] (percent)	Foreign material (percent)	Other grains (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	47.0	95.0	97.0	2.0	0.5	2.0	4.0	7.0
U.S. No. 2	45.0	95.0	94.0	3.0	1.0	3.0	6.0	10.0
U.S. No. 3	43.0	95.0	90.0	4.0	2.0	5.0	8.0	15.0
U.S. No. 4	43.0	95.0	87.0	5.0	3.0	5.0	10.0	15.0

[1] Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

Notes: Malting barley shall not be infested in accordance with § 810.107(b) and shall not contain any special grades as defined in § 810.206. Six-rowed Malting barley and Six-rowed Blue Malting barley varieties not meeting the requirements of this section shall be graded in accordance with standards established for the class Barley.

8. Section 810.205 is revised to read as follows:

§ 810.205 Grades and Grade Requirements for Two-rowed Malting barley.

Grade	Minimum limits of—			Maximum limits of—			
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley [1] (percent)	Wild oats (percent)	Foreign material (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	50.0	97.0	98.0	1.0	0.5	5.0	5.0
U.S. No. 2	48.0	97.0	98.0	1.0	1.0	7.0	7.0
U.S. No. 3	48.0	95.0	96.0	2.0	2.0	10.0	10.0
U.S. No. 4	48.0	95.0	93.0	3.0	3.0	10.0	10.0

[1] Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

Note: Malting barley shall not be infested in accordance with § 810.107(b) and shall not contain any special grades as defined in § 810.206. Two-rowed Malting barley varieties not meeting the requirements of this section shall be graded in accordance with standards established for the class Barley.

9. Section 810.206 is revised to read as follows:

§ 810.206 Grades and Grade Requirements for Barley.

Grade	Minimum limits of—		Maximum Limits of—				
	Test weight per bushel (pounds)	Sound barley (percent)	Damaged kernels [1] (percent)	Heat damaged kernels (percent)	Foreign material (percent)	Broken kernels (percent)	Thin barley (percent)
U.S. No. 1	47.0	97.0	2.0	0.2	1.0	4.0	10.0
U.S. No. 2	45.0	94.0	4.0	0.3	2.0	8.0	15.0
U.S. No. 3	43.0	90.0	6.0	0.5	3.0	12.0	25.0
U.S. No. 4	40.0	85.0	8.0	1.0	4.0	18.0	35.0

Grade	Minimum limits of—		Maximum Limits of—				
	Test weight per bushel (pounds)	Sound barley (percent)	Damaged kernels [1] (percent)	Heat damaged kernels (percent)	Foreign material (percent)	Broken kernels (percent)	Thin barley (percent)
U.S. No. 5	36.0	75.0	10.0	3.0	5.0	28.0	75.0

U.S. Sample Grade:
U.S. Sample grade shall be barley that:
(a) Does not meet the requirements for the grades 1, 2, 3, 4, or 5; or
(b) Contains 8 or more stones or any number of stones which have an aggregate weight in excess of 0.2 percent of the sample weight, 2 or more pieces of glass, 3 or more crotalaria seeds (*Crotalaria* spp.), 2 or more caster beans (*Ricinus communis* L.), 4 or more particles of unknown foreign substance(s) or commonly recognized harmful or toxic substance(s), 8 or more cocklebur (*Xanthium* spp.) or similar seeds singly or in combination, 10 or more rodent pellets, bird droppings, or equivalent quantity of other animal filth per 1⅛ to 1¼ quarts of barley; or
(c) Has a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor); or
(d) Is heating or otherwise of distinctly low quality.
[1] Includes heat-damaged kernels. Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels.

Dated: April 8, 1996.

James R. Baker,

Administrator.

[FR Doc. 96–10305 Filed 4–25–96; 8:45 am]

BILLING CODE 3410–EN–P

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1980

RIN 0570–AA11

Business and Industrial Loan Program—Audit Requirements

AGENCIES: Rural Housing Services, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Business-Cooperative Service (RBS) is amending the regulations for the Business and Industry (B&I) Loan Program. The action clarifies the requirements for annual financial statements and establishes thresholds for determining which borrowers will be required to provide audited statements.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Richard T. Bonnet, Commercial Loan Specialist, Rural Business-Cooperative Service, USDA, Ag Box 3221, Washington DC 20250–3221, Telephone (202) 720–1804.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Intergovernmental Review

This program is listed in the Catalog of Federal Domestic Assistance under number 10.768, and is subject to intergovernmental consultation in accordance with Executive Order 12372, and as stated in FmHA Instruction 1940–J, ''Intergovernmental Review of Farmers Home Administration Programs and Activities.''

Environmental Impact Statement

This action has been reviewed in accordance with 7 CFR Part 1940, Subpart G, ''Environmental Program.'' The Agency has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Civil Justice

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. In accordance with this rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations of the agency at 7 CFR Part 1900 Subpart B or those regulations published by the Department of Agriculture to implement the provisions of the National Appeals Division as mandated by the Department of Agriculture Reorganization Act of 1994 must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Unfunded Mandate Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires RBS to identify and consider a reasonable number of regulatory alternatives and adopt the least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act

The collection of information requirements contained in this regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0575–0029. This final rule does not impose any new information collection requirements from those approved by OMB.

Background

This regulatory package is an Agency initiative to enhance the program by reducing the financial burden on small business borrowers of obtaining annual audits of their financial statements. The existing regulations require annual audited financial statements from all borrowers, except those with loans that have been paid down to no more than $100,000 and to no more than two-thirds of the original balance and have

been current on repayments for at least 24 months. The cost of the audits can often be the difference between a profit and a loss for the year for small businesses. Many small businesses that need and want the assistance of the B&I guaranteed loan decide not to apply because they are unwilling to commit to the cost of an annual audit. Small businesses that have obtained B&I guaranteed loans sometimes become delinquent on the loans because the funds were spent on audits or refuse to honor their agreement to provide the audits.

Discussion of Comments

On March 28, 1994, a proposed rule was published in the Federal Register (59 FR 14371) to remove or allow the Agency to waive the requirement for annual audits for all loans of $500,000 or less and for loans that have been outstanding and have provided audits for three years, have an unpaid balance not exceeding $1 million, and are current on repayments. As proposed, all borrowers that did not provide audited financial statements would be required to provide financial statements compiled or reviewed by an independent certified public accountant or licensed public accountant. Guaranteed loan borrowers subject to OMB Circulars A–128 or A–133 would also have to comply with those Circulars. Insured (direct) B&I loans are governed by the requirements of 7 CFR 1942.

Eleven letters commenting on the proposed rule were received. Ten strongly supported the concept of relaxing audit requirements. None of the writers objected to the concept. Two writers recommended raising the threshold for requiring audits in connection with new loans from $500,000 to $1 million. Also, two writers recommended removing the proposed requirement that existing borrowers with loans not exceeding $1 million must provide audited statements for three years before an exception to the audit requirements may be made. To deal with both of these issues, the final rule provides for only one threshold for either new or existing loans. The threshold for requiring audited statements will be a total Agency guaranteed loan balance exceeding $1 million.

Two writers objected to the proposed requirement that audits be performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) rather than Generally Accepted Accounting Principles (GAAP). The Agency has determined that since most businesses already use GAAP and there is no reason to require audits be done two different ways, GAAP will be used. That requirement is changed in the final rule.

One writer recommended the language be revised to make it clear that the monetary threshold is referring to the total principal plus interest balance at year end. This suggestion has been adopted.

One writer objected to the use of the term ''quality'' in reference to whether financial statements are audited, reviewed, or compiled. The phrasing has been revised in the final rule to eliminate that word usage.

One writer questioned how an individual borrower could be expected to know when the Agency wanted audited or unaudited financial statements in excess of the minimum requirements. We believe it is sufficiently clear that the Agency will inform the lender and borrower of the requirements being imposed for each loan. The final rule is not different from the proposed rule in this regard.

One writer suggested the specific threshold for audits to be performed under OMB Circulars A–128 and A–133 be removed because the threshold set by OMB might change. This suggestion has been adopted.

List of Subjects in 7 CFR part 1980

Loan programs—Business, Rural areas, Rural development assistance.

Accordingly, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1980—GENERAL

1. The authority citation for part 1980 continues to read as follows:

Authority: 7 CFR 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70

Subpart E—Business and Industrial Loan Program

2. Section 1980.445 is added to read as follows:

§ 1980.445 Periodic financial statements and audits.

All borrowers will be required to submit periodic financial statements to the lender. Lenders must forward copies of the financial statements and the lender's analysis of the statements to the Agency.

(a) *Audited financial statements.* Except as provided in paragraphs (d) and (e) of this section, all borrowers with a total principal and interest loan balance for loans under this subpart, at the end of the borrower's fiscal year of more than $1 million, must submit annual audited financial statements. The audit must be performed in accordance with generally accepted accounting principles (GAAP). In addition, the audits are also to be performed in accordance with approriate Office of Management and Budget (OMB) circulars and any Agency requirements specified in this subpart.

(b) *Unaudited financial statements.* For borrowers with a loan balance (principal plus interest at year-end) of $1 million or less, the Agency will require annual financial statements which may be statements compiled or reviewed by an accountant qualified in accordance with the publication ''Standards for Audit of Governmental Organizations, Programs, Activities and Functions'' instead of audited financial statements.

(c) *Internal financial statements.* The Agency may require submission of financial statements prepared by the borrower at whatever frequency is determined necessary to adequately monitor the loan. Quarterly financial statements will be required on new business enterprises or those needing close monitoring.

(d) *Minimum requirements.* This section sets out minimum requirements for audited and unaudited financial statements to be submitted to the Agency. If specific circumstances warrant, the Agency may require audited financial statements or independent unaudited financial statements in excess of the minimum requirements. For example, loans that depend heavily on inventory and accounts receivable for collateral will normally be audited, regardless of the size of the loan. Nothing in this section shall be considered an impediment to the lender requiring financial statements more frequently than required by the Agency or requiring audited financial statements when the Agency would accept unaudited financial statements.

(e) *Public bodies and nonprofit corporations.* Notwithstanding other provisions of this section, any public body or nonprofit corporation that receives a guarantee of a loan that meets the thresholds established by OMB Circular A–128 or A–133 for coverage under such circular, must provide an audit in accordance with the applicable OMB Circular A–128 or A–133 for the fiscal year of the borrower in which the Loan Note Guarantee is issued. If the loan is for development or purchases made in a previous fiscal year through interim financing, an audit, in accordance with the applicable circular, will also be provided for the fiscal year in which the development or purchases occurred. Any audit provided by a public body or nonprofit corporation in

compliance with OMB Circular A–128 or A–133 will be considered adequate to meet the requirements of this section for that year. OMB Circulars are available from the Office of Management and Budget, EOP Publications Office, 725 17th Street, NW., Room 2200, New Executive Office Building, Washington, DC 20503.

3. Section 1980.451 is amended by revising paragraph (i)(13) introductory text to read as follows:

§ 1980.451 Filing and processing applications.

* * * * *

(i)* * *

(13) Proposed loan agreement. (See paragraph VII of Form FmHA 449–35). Loan agreements between the borrower and lender will be required. The final executed loan agreement must include the Agency requirements as set forth in the Form FmHA 449–14 including the requirements for periodic financial statements in accordance with § 1980.445. The loan agreement must also include, but is not limited to, the following:

* * * * *

§ 1980.454 [Amended]

4. Section 1980.454 is amended by removing and reserving ADMINISTRATIVE A. 1.

§ 1980.469 [Amended]

5. Section 1980.469 is amended by removing and reserving ADMINISTRATIVE c. 1.

Dated: January 30, 1996.

Jill L. Thompson,

Under Secretary, Rural Economic and Community Development.

[FR Doc. 96–10144 Filed 4–25–96; 8:45 am]

BILLING CODE 3410–32–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regulations G, T, U, and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and the previous Foreign List.

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below are the deletions from and additions to the Board's OTC List, which was last published on January 29, 1996 (61 FR 2667), and became effective February 12, 1996. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below are the deletions from and additions to the Board's Foreign List, which was last published on January 29, 1996 (61 FR 2667), and became effective February 12, 1996. The Foreign List includes those foreign securities that meet the criteria in section 220.17 of Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from the Federal Reserve Banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6(a) and (b), 220.17(a), (b), (c) and (d), and 221.7(a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed For Failing Continued Listing Requirements

ABS Industries, Inc.
No par common
Allegiant Physician Services, Inc.
$.001 par common
Angeion Corporation
Warrants (expire 03–12–96)
Arrow Transportation Company
No par common
Broad National Bancorporation
8½% cumulative convertible preferred
Cannon Express, Inc.
Class B, $.01 par common
Canyon Resources Corporation
Warrants (expire 04–12–96)
Cafolina First Corporation
Series 1994, non-cumulative convertible preferred
Cimco, Inc.
$.01 par common
Communication Cable, Inc.
$1.00 par common
Cytogen Corporation
Rights (expire 01–31–97)
Drypers Corporation
$.001 par common
Envirogen, Inc.
$.01 par common
Warrants (expire 10–12–98)
Enviropur Waste Refining & Technologies, Inc.
$.01 par common
Framingham Savings Bank
Warrants (expire 01–31–96)
Gambro Incorporated
American Depositary Receipts
Gaming World International, Inc.
$.01 par common
Class A, redeemable purchase warrants
Hallwood Energy Corporation
$.50 par common
Harvard Industries, Inc.
14¼% PIK exchangeable preferred
Hudson Chartered Bancorp, Inc.
7.25% Series B, cumulative convertible preferred
Interneuron Pharmaceuticals, Inc.
Class B, warrants (expire 03–15–96)
IVF America, Inc.
Series A, $1.00 par cumulative convertible preferred
Medical Technology Systems, Inc.
$.01 par common
Warrants (expire 07–10–96)
Miles Homes, Inc.
Warrants (expire 04–01–97)
Model Imperial, Inc.
$.01 par common
NAB Asset Corporation
$.01 par common
Northern Trust Corporation
Depositary Shares
NYCOR, Inc.
$1.00 par convertible exchangeable preferred
Orchard Supply Hardware Stores Corporation
$.01 par common
Perseptive Technologies II Corp.
Units
Right Start, Inc., The
Rights (expire 04–08–96)
Singing Machine Company, Inc.
$.01 par common
Warrants (expire 11–10–99)
Solo Serve Corporation
$.01 par common
Unitech Industries, Inc.
No par common
WRT Energy Corporation
$.01 par common
9% convertible preferred

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

Advantage Health Corporation
$.01 par common
Ael Industries, Inc.
Class A, $1.00 par common
Agridyne Technologies, Inc.
$.06 par common
Alantec Corporation
$.001 par common
Allied Bank Capital, Inc. (NC)
$1.00 par common
Autotote Corporation
Class A, $.01 par common
Bank of New Hampshire Corp.
No par common
Bankers First Corporation (GA)
$.01 par common
Bay Networks, Inc.
$.01 par common
Bliss & Laughlin Industries, Inc.
$.01 par common
Brooklyn Bancorp, Inc. (NY)
$.01 par common
Cablemaxx Holdings, Inc.
$.01 par common
Career Horizons, Inc.
$.01 par common
Champps Entertainments, Inc.
$.01 par common
CNB Bancshares, Inc. (IN)
No par common
Coastwide Energy Services, Inc.
$.01 par common
Cobra Golf Incorporated
$.001 par common
Coda Energy, Inc.
$.02 par common
Concord Health Group, Inc.
$.001 par common
Warrants (expire 04–19–2000)
Condor Services, Inc.
$.01 par common
Conservative Savings Corporation
$.01 par common
Conwest Exploration Company Ltd.
No par common
Cordis Corporation
$1.00 par common
Dial Page, Inc.
$.01 par common
Dolco Packaging Corporation
$.01 par common
E For M Corp.
$.001 par common
Eagle Bancorp, Inc.
$.10 par common
Earth Technology Corporation (USA), Inc.
$.10 par common
EP Technologies, Inc.
$.01 par common
F B & T Financial Corporation
$1.25 par common
Felcor Suite Hotels, Inc.
$.01 par common
Financial Benefit Group, Inc.
Class A, $.01 par common
First National Bancorp (GA)
$1.00 par common
Firstier Financial, Inc.
$5.00 par common
Flemington National Bank & Trust Company
$2.50 par common
Flores & Rucks Inc.
$.01 par common
Foodbrands America, Inc.
$.40 par common
Foremost Corporation of America
$1.00 par common
Fourth Financial Corporation
$5.00 par common
Depositary Shares
GBC Technologies, Inc.
$.01 par common
Geodynamics Corporation
No par common
Greenpoint Financial Corp.
$.01 par common
Healthdyne Technologies, Inc.
$.01 par common
Healthwise of America, Inc.
$.25 par common
Hogan Systems, Inc.
$.01 par common
Holson Burnes Group, Inc., The
$.01 par common
Hornbeck Offshore Services, Inc.
$.10 par common
Independent Insurance Group, Inc.
Non-voting, $1.00 par common
Information International, Inc.
$.25 par common
Inmac Corporation
$.01 par common
Jefferies Group, Inc.
$.01 par common
Kentucky Enterprise Bancorp, Inc.
$.01 par common
Kevlin Corporation
$.10 par common
Landmark Bancorp
No par common
Laural Bancorp, Inc. (MD)
$.01 par common
Liberty National Bank (CA)

$3.3333 par common
Marietta Corporation
$.01 par common
Medpartners/Mullikin Inc.
$.001 par common
Meridian Bancorp, Inc. (PA)
$5.00 par common
Metro Financial Corporation
$1.00 par common
Microtec Research, Inc.
$.001 par common
Mid-South Insurance Company
$1.00 par common
Noble Drilling Corporation
$.10 par common
$1.50 par convertible preferred
Olympic Financial Ltd.
$.01 par common
Orthopedic Technology, Inc.
$.01 par common
Outlet Communications, Inc.
Class A, $.01 par common
P.T. Tri Polyta Indonesia
American Depositary Receipts
Pacific Physician Services, Inc.
$.01 par common
Pentair, Inc.
$.16⅔ par common
PSICOR, Inc.
No par common
SCS/Compute Incorporated
$.10 par common
Seaboard Bancorp, Inc. (VA)
$5.00 par common
SFFED Corp.
$.01 par common
St. Ives Laboratories, Inc.
$.01 par common
Summit Bancorporation, The
No par common
Sun International Hotels Limited
Series A, no par common
Series B, common
TGV Software, Inc.
$.001 par common
TIVOLI Systems, Inc.
$.01 par common
Tokos Medical Corporation (DE)
$.001 par common
United Counties Bancorporation
No par common
Victoria Bankshares, Inc.
$10.00 par common
Wackenhut Corrections Corporation
$.01 par common
Western Bank (OR)
$2.50 par common
Younkers, Inc.
$.01 par common

Additions To The List Of Marginable OTC Stocks

1st Bergen Bancorp
No par common
3–D Geophysical, Inc.
$.01 par common
A.S.V., Inc.
$.01 par common
Aavid Thermal Technologies, Inc.
$.01 par common
Air-Cure Technologies, Inc.
$.01 par common
Alexion Pharmaceuticals, Inc.
$.0001 par common
Alliance Communications Corporation
Class B, non-voting, no par common
Alphanet Solutions, Inc.
$.01 par common
Alrenco Inc.
No par common
Amedisys, Inc.
$.001 par common
American Bancshares, Inc. (Florida)
$1.175 par common
American Communications Services, Inc.
$.01 par common
Analogy, Inc.
No par common
Andersons Inc., The
No par common
Ansoft Corporation
$.01 par common
Antares Resources Corporation
$.001 par common
APA Optics, Inc.
$.01 par common
Arterial Vascular Engineering, Inc.
$.001 par common
Arthrocare Corporation
$.001 par common
Autologic Information International, Inc.
$.01 par common
Bacou USA, Inc.
$.01 par common
Bankatlantic Bancorp, Inc. (Florida)
Class A, $.01 par common
Barnett Inc.
$.01 par common
Batteries Batteries, Inc.
$.001 par common
Warrants (expire 04–08–2000)
Benton Oil & Gas Company
Warrants (expire 01–04–99)
Biofield Corporation
$.001 par common
Boatmen's Bancshares, Inc. (Missouri)
Depositary Shares
Bonded Motors, Inc.
No par common
Bureau of Electronic Publishing, Inc.
$4.75 par common
California Community Bancshares Corporation
$.01 par common
Cam Designs, Inc.
Class A, $.001 par common
Warrants (expire 07–24–2000)
Cayman Water Company, Ltd.
Ordinary shares
Cellularvision USA, Inc.
$.01 par common
Century Aluminum Company
$.01 par common
Chancellor Broadcasting Company
Class A, $.01 par common
Childtime Learning Centers, Inc.
No par common
China Resources Development, Inc.
$.001 par common
Chirex, Inc.
$.01 par common
Cimatron, Limited
Ordinary Shares (NIS .01)
Cinram Limited
No par common
Cohr Inc.
$.01 par common
Colonial Data Technologies Corporation
$.01 par common
Columbus McKinnon Corporation
$.01 par common
COM/TECH Communications Technologies, Inc.
$.0001 par common
Community Federal Bancorp, Inc.
$.01 par common
Conceptus Inc.
$.003 par common
Connective Therapeutics, Inc.
$.001 par common
Cost Plus, Inc.
$.01 par common
Cotelligent Group, Inc.
$.01 par common
CSG Systems International, Inc.
$.01 par common
Cyanotech Corporation
$.005 par common
Cybercash Inc.
$.001 par common
Cylink Corporation
$.01 par common
Cytyc Corporation
$.01 par common
Data Dimensions, Inc.
$.001 par common
Data Processing Resources Corporation
No par common
Dawson Production Services, Inc.
$.01 par common
Decisionone Holdings Corporation
$.01 par common
Dense-Pac Microsystems, Inc.
No par common
Diacrin Inc.
Units (expire 12–31–2000)
Dignity Partners, Inc.
$.01 par common
Ditital Generation Systems, Inc.
No par common
Documentum Inc.
$.001 par common
Eagle River Interactive, Inc.
$.001 par common
Elamex S.A. De C.V.
No par common
Elmira Savings Bank, FSB
$1.00 par common
Endovascular Technologies, Inc.
$.00001 par common
Engineering Animation, Inc.
$.01 par common
ESC Medical Systems, Limited
Ordinary shares
Esmor Correctional Services, Inc.

Warrants (expire 07–31–99)
Euromed, Inc.
$.01 par common
Excite, Inc.
No par common
F.Y.I. Incorporated
$.01 par common
FEMRX, Inc.
$.001 par common
Fidelity Federal Bank (California)
Class A, $.01 par common
Fidelity Financial of Ohio, Inc.
$.01 par common
First Federal Savings Bank of Siouxland
$1.00 par common
First Savings Bank, FSB (New Mexico)
$1.00 par common
Forte Software, Inc.
$.01 par common
Galagen Inc.
$.01 par common
Gateway Data Sciences Corporation
$.01 par common
Gensym Corporation
$.01 par common
Geographics Inc.
No par common
Gilman & Ciocia, Inc.
$.01 par common
Globe Business Resources, Inc.
No par common
Green Street Financial Corporation
No par common
Greenman Technologies, Inc.
$.01 par common
Greif Bros. Corporation
Class A, no par common
Class B, no par common
Hardin Bancorp, Inc. (Missouri)
$.01 par common
Health Systems Design Corporation
$.001 par common
Heartstream, Inc.
$.001 par common
Helisys Inc.
$.001 par common
HMT Technology Corporation
$.001 par common
Horizon Bancorp, Inc.
$.01 par common
Houghten Pharmaceuticals, Inc.
$.001 par common
Housecall Medical Resources, Inc.
$.01 par common
Hub Group, Inc.
Class A, $.01 par common
Hybridon, Inc.
$.001 par common
Ibis Technology Corporation
$.008 par common
Warrants (expire 05–20–99)
IDT Corporation
$.01 par common
Impath Inc.
$.01 par common
Individual, Inc.
$.01 par common
Indus Group, Inc., The
$.001 par common
Innotech, Inc.
$.001 par common
Integrated Packaging Assembly Corporation
No par common
Intelligent Medical Imaging, Inc.
$.01 par common
Intelliquest Information Group, Inc.
$.0001 par common
Intercardia, Inc.
$.001 par common
Intime Systems International, Inc.
Class A, $.01 par common
Iona Appliances, Inc.
No par common
IPC Holdings, Limited
$.01 par common
Iron Mountain Incorporated
$.01 par common
Isocor
No par common
Jacksonville Bancorp, Inc.
$.01 par common
JDA Software Group, Inc.
$.01 par common
K&G Men's Center, Inc.
$.01 par common
Katz Digital Technologies, Inc.
$.001 par common
Kellstrom Industries, Inc.
$.001 par common
KVH Industries, Inc.
$.01 par common
Landec Corporation
No par common
Liferate Systems, Inc.
No par common
Logal Educational Software & Systems, Ltd.
Ordinary Shares (NIS .01)
Ycos, Inc.
$.01 par common
MACC Private Equities, Inc.
$.01 par common
Managed Care Solutions, Inc.
$.01 par common
Matria Healthcare, Inc.
$.001 par common
May & Speh, Inc.
$.01 par common
Mesa Laboratories, Inc.
No par common
Micro Component Technology, Inc.
$.01 par common
Microlog Corporation
$.01 par common
Microware Systems Corporation
No par common
Mindspring Enterprises, Inc.
$.01 par common
Mining Services International Corporation
$.001 par common
Moyco Technologies, Inc.
$.005 par common
Multi-Corp Inc.
No par common
MVSI, Inc.
$.01 par common
National Medical Financial Services Corporation
$.01 par comon
NCS Healthcare, Inc.
Class A, $.01 par common
Neose Technologies, Inc.
$.01 par common
Network Connection, Inc., The
$.001 par common
New World Coffee, Inc.
$.001 par common
Nice-Systems, Limited
American Depositary Receipts
Nobel Education Dynamics, Inc.
$.001 par common
Novatek International, Inc.
$1.00 par common
Ocal, Inc.
$.001 par common
Ohio Valley Banc Corp.
No par common
Omnipoint Corporation
$.01 par common
Onyx Acceptance Corporation
$.01 par common
Open Text Corporation
No par common
Optical Cable Corporation
No par common
Optical Sensors Incorporated
$.01 par common
Orange National Bancorp
No par common
Orange, PLC
American Depositary Receipts
Orbit International Corporation
$.10 par common
Orcad, Inc.
$.01 par common
Palomar Medical Technologies, Inc.
$.01 par common
Party City Corporation
$.01 par common
Patlex Corporation
$.10 par common
Patriot National Bank
$2.00 par common
PCD Inc.
$.01 par common
Pen Interconnect, Inc.
$.01 par common
Warrants (expire 11–17–2000)
Penske Motorsports, Inc.
$.01 par common
Performance Technologies, Inc.
$.01 par common
PFF Bancorp, Inc.
$.01 par common
Phar-Mor Inc.
$.01 par common
Warrants (expire 09–10–2002)
Pharmaceutical Product Development, Inc.
$.10 par common
Phymatrix Corporation
$.01 par common
Physician Support Systems, Inc.
$.001 par common
PIA Merchandising Services, Inc.

$.01 par common
Pittsburgh Home Financial Corporation
$.01 par common
Platinum Entertainment, Inc.
$.001 par common
Powercerv Corporation
$.001 par common
Praegitzer Industries, Inc.
No par common
Preferred Networks, Inc.
$.01 par common
Premiere Radio Networks, Inc.
Class A, $.01 par common
Premiere Technologies, Inc.
$.01 par common
Prism Solutions, Inc.
$.001 par common
Profit Recovery Group International, Inc., The
No par common
PTI Holding, Inc.
$.01 par common
Pudgie's Chicken, Inc.
$.01 par common
Q–MED, Inc.
$.001 par common
Q–ZAR, Inc.
No par common
RAC Financial Group, Inc.
$.01 par common
Raptor Systems, Inc.
$1.00 par common
Realco Inc.
No par common
Warrants (expire 02–01–2001)
Red Brick Systems, Inc.
$.01 par common
Remec Inc.
$.01 par common
Renal Care Group, Inc.
$.01 par common
Resource Bank (California)
$3.00 par common
Restor Industries, Inc.
$.01 par common
Ribozyme Pharmaceuticals, Inc.
$.01 par common
Riscorp, Inc.
Class A, $.01 par common
Rural Cellular Corporation
Class A, $.01 par common
Sage Laboratories, Inc.
$.10 par common
Sapient Corporation
$.01 par common
Savings Bank of the Finger Lakes, FSB (New York)
$.01 par common
SCB Computer Technology, Inc.
$.01 par common
Segue Software, Inc.
No par common
Sel-Lab Marketing, Inc.
Warrants (expire 07–13–99)
Semiconductor Packaging Materials Company
$.10 par common
Silicon Valley Research, Inc.
No par common
Silver Diner Development, Inc.
$.0007 par common
Sipex Corporation
$.01 par common
SJS Bancorp, Inc. (Missouri)
$.01 par common
Softquad International, Inc.
No par common
Sonics & Materials, Inc.
$.03 par common
Warrants (expire 02–27–2001)
Station Casinos, Inc.
7% convertible preferred
Sunbase Asia, Inc.
$.01 par common
Supergen, Inc.
$.001 par common
Warrants (expire 03–12–2001)
Superior National Insurance Group, Inc.
No par common
Superior Services, Inc.
$.01 par common
Tadiran Telecommunications, Limited
Ordinary Shares (NIS 1.00)
Telechips Corporation
$.01 par common
Telemundo Group, Inc.
Warrants (expire 12–29–99)
Trescom International, Inc.
$.01 par common
Trident International, Inc.
$.01 par common
Ultradata Corporation
$.001 par common
Ultrafem, Inc.
$.001 par common
Unidigital, Inc.
$.01 par common
United States Satellite Broadcasting Company, Inc. Class A,
$.0001 par common
Videolan Technologies, Inc.
$.01 par common
Warrants (expire 08–10–2000)
Vista 2000, Inc.
Warrants (expire 10–24–98)
Vitalcom, Inc.
$.01 par common
Vocaltec, Limited Ordinary Shares
Voice Control Systems, Inc.
$.01 par common
West Jersey Bancshares, Inc.
No par common
Wilmar Industries, Inc.
No par common
Winfield Capital Corporation
$.01 par common
Workgroup Technology Corporation
$.01 par common
Worldtalk Communications Corporation
$.01 par common
Xeikon, N.V.
American Depository Receipts
Xetel Corporation
$.0001 par common
Xylan Corporation
$.001 par common
Yahoo! Inc.
$.001 par common
York Group, Inc., The
$.01 par common

Deletions From The List Of Foreign Margin Stocks

Higashi-Nippon Bank, Ltd.
¥ 50 par common
Hyogo Bank, Ltd.
¥ 50 par common
Taisei Prefab Construction Co., Ltd.
¥ 50 par common

Additions To The List Of Foreign Margin Stocks

New World Development Co., Ltd.
Ordinary, par HK $1.00
Peregrine Investment Holdings Ltd.
Ordinary, par HK $.60

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), April 23, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–10367 Filed 4–25–96; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

36 CFR Part 327

Shoreline Management at Civil Works Project

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule; technical revision to correct authority citation.

SUMMARY: The final rule on shoreline management, published on August 10, 1990, erroneously failed to include 16 U.S.C. 460d and 460l–6a as an authority for the regulation. (55 FR 30690, dated July 27, 1990) This revision will add the proper citation of statutory authority for Part 327. This revision will have no regulatory or economic impact, nor would it alter the present rights or responsibilities of the general public.

DATES: April 26, 1996.

ADDRESSES: Office of the Chief of Engineers, ATTN: CECW–ON, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: George Tabb, telephone: (202)–761–1791.

SUPPLEMENTARY INFORMATION: The purpose and effect of this revision is to incorporate authority that was erroneously left out when this regulation was published in the Federal Register in 1990.

List of Subjects in 36 CFR Part 327

Public lands, Water Resources, Natural Resources, Resource Management.

The authority citation for part 327 is revised to read as follows:

Authority: The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1); 16 U.S.C. 460d and 460l–6a.

George D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–10337 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS #CA163–1–7251; FRL–5452–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of a revision to the San Joaquin Valley portion of the California State Implementation Plan (SIP) that was proposed in the Federal Register on November 1, 1995. The revision concerns Rule 2530 from the San Joaquin Valley Unified Air Pollution Control District. This approval action will incorporate this rule into the federally-approved SIP. EPA is also finalizing its approval of Rule 2530 under section 112(l) of the Clean Air Act for the control of hazardous air pollutants.

EFFECTIVE DATE: This action is effective on May 28, 1996.

ADDRESSES: Copies of Rule 2530 and EPA's technical support document including response to comments on the proposed approval are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations: Operating Permits Section, A–5–2, Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Operating Permits Section, A–5–2, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1250.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995 at 60 FR 55516, EPA proposed to approve Rule 2530 *Federally Enforceable Potential to Emit* of the San Joaquin Valley Unified APCD (San Joaquin Valley or District) as a revision to the California SIP and under section 112(l) of the Clean Air Act (Act). Approval of Rule 2530 was proposed in the same notice that EPA proposed interim approval of the District's title V operating permits program. Rule 2530 was adopted by the District on June 15, 1995 and submitted by the California Air Resources Board on October 24, 1995.

Once approved into the SIP and under section 112(l), Rule 2530 will create federally-enforceable limits on potential to emit for sources with actual emissions less than 50 percent of any applicable major source threshold including hazardous air pollutant thresholds. A detailed discussion of the background for Rule 2530 is provided in the Federal Register notice cited above.

EPA has evaluated this rule for consistency with the requirements of the Act and EPA regulations as well as EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposal cited above. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule has been provided in technical support document (TSD) available at EPA's Region IX office.

Response to Public Comments

EPA received identical comments on its proposed approval of Rule 2530 from two separate commenters. Both Chevron and Western States Petroleum Association requested that EPA include an interim approval issue for correcting the applicable emission levels in Rule 2530 to include provisions for areas that receive a Clean Air Act section 182(f) nitrogen oxides (NO_X) opt-out approval.

Rule 2530 is being approved into the San Joaquin Valley portion of the California SIP under section 110(k) of the Act. Section 110(k) provides that EPA may either approve, disapprove, or conditionally approve a SIP revision. Conditional approvals are limited to situations where the State has adopted and submitted a commitment to adopt specific enforceable measures by a date certain. Interim approval is an approval option that is limited to actions under title V of the Act and is not available for SIP or section 112(l) approvals; therefore, EPA is not able to create an interim approval issue for Rule 2530.

It should be noted that, from an approval standpoint, there is no error in Rule 2530's NO_X limits. Should EPA grant the NO_X waiver that raises the major source threshold for NO_X sources to 100 tons per year, Rule 2530's NO_X limits would merely be more stringent (at 25 tons per year (tpy) rather than 50 tpy) than strictly necessary. If a NO_X waiver is granted, San Joaquin may submit a revision to Rule 2530 to raise the NO_X limits.

EPA Action

EPA is finalizing approval of Rule 2530 under section 110(k)(3) of the Act for inclusion into the California SIP and under section 112(l) of the Act for the control of hazardous air pollutants.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan or for approval under 112(l). Each request for a SIP revision or an approval under section 112(l) shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Unfunded Mandates

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

The District has voluntarily elected to adopt Rule 2530 and submit it to EPA for approval. This rule may bind the District to perform certain actions and also require the private sector to perform certain duties. The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 24, 1996.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(227) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(227) New regulation for the following APCD was submitted on October 18, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Rule 2530, adopted on June 15, 1995.

[FR Doc. 96–10383 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–W

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40 CFR Part 241

[FRL–5462–7]

Solid Waste Programs; Removal of Legally Obsolete Guidelines

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In response to the President's Regulatory Reform Initiative, the Environmental Protection Agency (EPA) has conducted a review of the regulations it administers and has identified the guidelines pertaining to solid waste management as obsolete. These guidelines, which are being removed from the Code of Federal Regulations (CFR) today, are no longer necessary because they have been addressed by more recent regulations. Deleting these guidelines from the CFR will have no impact on solid waste management.

EFFECTIVE DATE: This final rule takes effect on April 26, 1996.

ADDRESSES: Supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification Number is F–96–LOGF–FFFFF. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page.

FOR FURTHER INFORMATION CONTACT: Deborah Gallman (703) 308–7276, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, or the RCRA Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, D.C., metropolitan area.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995, the President directed all Federal agencies and departments to conduct a comprehensive review of the regulations they administer and to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of its rules and guidelines, including those issued under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 9601 et seq.). Based on this review, EPA is today eliminating the following obsolete RCRA guidelines from the CFR: 40 CFR, Part 241, ''Guidelines for the Land Disposal of Solid Wastes''. The guidelines, promulgated on August 14, 1974, are no longer necessary because they have been included in and/or addressed by the Criteria for Classification of Solid Waste Disposal Facilities and Practices, 40 CFR Part 257, promulgated on September 13, 1979 (44 FR 53460) and the Criteria for Municipal Solid Waste Landfills, 40 CFR Part 258, promulgated on October 9, 1991 (56 FR 50978). The removal of these rules from the CFR because they are obsolete is not intended to affect the status of any civil or criminal actions that were initiated prior to the date of publication of this notice or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect.

II. Obsolete Rule

40 CFR Part 241—Guidelines for the Land Disposal of Solid Waste

On August 14, 1974, EPA issued guidelines for the land disposal of all solid waste materials, excluding hazardous, agricultural, and mining wastes. These guidelines were intended to ensure that design, construction, and operation of land disposal sites for non-hazardous or municipal solid wastes met specified health and environmental standards. These guidelines were required to be followed by federal agencies and recommended to state and local governmental agencies. All guideline requirements contained in 40 CFR Part 241 are now included in and/or addressed by the Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257) and the Criteria for Municipal Solid Waste Landfills (40 CFR Part 258). These criteria must be followed by federal agencies. 42 U.S.C. 6961(a). Accordingly, EPA is removing the Part 241 guidelines from the CFR.

III. Good Cause Exemption From Notice-and-Comment Rulemaking Procedures

The Administrative Procedure Act generally requires agencies to provide prior notice and opportunity for public comment before issuing a final rule. 5 U.S.C. 553(b). Rules are exempt from this requirement if the issuing agency finds for good cause that notice and comment is unnecessary. 5 U.S.C. 553(b)(3)(B). EPA has determined that providing prior notice and opportunity for comment on the deletion of the 40 CFR Part 241 guidelines from the CFR is unnecessary. For the reasons discussed in Sections I and II, these guidelines are covered/addressed by 40 CFR Parts 257 and 258. Thus, withdrawing them from the CFR will have no impact on current Federal and state solid waste management practices. For the same reasons, EPA believes there is good cause for making the removal of these guidelines from the CFR immediately effective. See 5 U.S.C. 553(d).

IV. Analysis under Executive Order (E.O.) 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act and the Paperwork Reduction Act

Because the withdrawal of these rules from the CFR merely reflects their current obsolescence and thus has no regulatory impact, this action is not a ''significant'' regulatory action within the meaning of E.O. 12866, and does not impose any Federal mandate on State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. For the same reasons, pursuant to the Regulatory Flexibility Act, I certify that this action would not have a significant economic impact on a substantial number of small entities. Finally, because these guidelines have been replaced or addressed by 40 CFR Parts 257 and 258, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

List of Subjects in 40 CFR Part 241

Waste treatment and disposal.

Dated: April 17, 1996.

Elliott P. Laws,

Assistant Administrator.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 6907 and 6912, Title 40, Chapter I of the Code of Federal Regulations is amended as follows:

Part 241—[REMOVED]

1. Part 241 is removed.

[FR Doc. 96–10388 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 271

[5461–1]

South Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: South Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). South Carolina's revisions consist of the provisions contained in certain rules promulgated between April 24, 1984, and September 2, 1988. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed South Carolina's application and has made a decision, subject to public review and comment, that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve South Carolina's hazardous waste program revisions. South Carolina's applications for program revisions are available for public review and comment.

DATES: Final authorization for South Carolina's program revisions shall be effective June 25, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on South Carolina's program revision application must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of South Carolina's program revision applications are available during normal business hours at the following addresses for inspection and copying: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; U.S. EPA Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (''RCRA'' or ''the Act''), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–268 and 124 and 270.

B. South Carolina

South Carolina initially received final authorization for its base RCRA program effective on November 22, 1985. South Carolina most recently received authorization for revisions to its program effective October 16, 1995, (60 FR 42046, August 15, 1995). Today, South Carolina is seeking approval of additional program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed South Carolina's applications and has made an immediate final decision that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to South Carolina. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of South Carolina's application for these program revisions are available for inspection and copying at the locations indicated in the ''Addresses'' section of this notice.

Approval of South Carolina's program revisions shall become effective June 25, 1996, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

South Carolina is today seeking authority to administer the following Federal requirements:

Federal requirement	HSWA or FR notice	Promulgation	State authority
State Availability of Information	HSWA § 3006(f)	11/8/84	SCHWMA§ 30–4–15, SCHWMA§ 30–4–20(c), SCHWMA§ 30–4–30(a), SCHWMA§ 30–4–30(b), SCHWMA§ 30–4–30(c), SCHWMA§ 30–4–30(t), SCHWMA§ 30–4–40(a)(1), SCHWMA§ 30–4–100, SCHWMA§ 30–4–100(a), SCHWMA§ 30–4–100(b), SCHWMA§ 44–56–80, R.61–79.270.12, R.61–72.201, R.61–72.201(a), R.61–72.260.2(a), R.61–72.260.2(b).
Checklist 6 Permit Rules: Settlement Agreement.	49 FR 17718	4/24/84	SCHWMA§ 44–56–30, R.61–79.260.70(b).
Checklist 25 Codification Rule, Technical Correction.	51 FR 19176	5/28/86	SCHWMA§ 44–56–30, SCHWMA§ 44–56–70, R.61–79.265.314(d).
Checklist 47 Identification and Listing of 1 Hazardous Waste: Technical Correction.	53 FR 27162	7/19/88	SCHWMA§ 44–56–20(5,6,&8), SCHWMA§ 44–56–310, SCHWMA§ 44–56–30, SCHWMA§ 44–56–60(a), SCHWMA§ 44–56–70, SCHWMA§ 44–56–170, R.61–79.261.5(e), R.61–79.261.5(f)(2).
Checklist 48 Farmer Exemptions; Technical Corrections.	53 FR 27164	7/19/88	SCHWMA§ 44–56–20(6), R.61–79.262.10(b), R.61–79.262.10(d), R.61–79.264.1(g)(4), R.61–79.265.1(c)(8), R.61–79.268.1(c)(5), R.61–79.270.1(c)(2)(ii).
Checklist 52 Hazardous Waste Management Systems: Standards for Hazardous Waste Storage and Treatment Tank Systems.	53 FR 34079	9/2/88	SCHWMA§ 44–56–30, SCHWMA§ 44–56–50, R.61–79.260.10, R.61–79.264.114, R.61–79.264.190(a), R.61–79.264.190(b), R.61–79.264.193(f)(3), R.61–79.264.196, R.61–79.265.110(b)(2), R.61–79.265.114, R.61–79.265.190(a)–(b), R.61–79.265.193(f)(3), R.61–79.265.193(g)(3)(iii), R.61–79.265.196, R.61–79.265.201(c)(3), R.61–79.270.2.

C. Decision

I conclude that South Carolina's application for these program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, South Carolina is granted final authorization to operate its hazardous waste program as revised.

South Carolina now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision applications and previously approved authorities. South Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of South Carolina's hazardous waste program referenced in today's notice will result in annual costs of $100 million or more.

EPA's approval of state programs generally has a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect

small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved state program.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of South Carolina's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: April 11, 1996.

William Waldrop,

Acting, Regional Administrator.

[FR Doc. 96–10098 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 271

[FRL–5461–5]

Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate Final Rule.

SUMMARY: Kentucky has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Kentucky's revisions consist of the provisions contained in rules promulgated between November 8, 1984, through June 30, 1987, otherwise known as HSWA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Kentucky's application and has made a decision, subject to public review and comment, that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Kentucky's hazardous waste program revisions. Kentucky's application for program revisions is available for public review and comment.

DATES: Final authorization for Kentucky's program revisions shall be effective June 25, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Kentucky's program revision application must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of Kentucky's program revision application are available during normal business hours at the following addresses for inspection and copying: Kentucky Department for Environmental Protection, Fort Boone Plaza, Building #2, 18 Reilly Road, Frankfort, Kentucky 40601; U.S. EPA Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–3555 vmx 2018.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (''RCRA'' or ''the Act''), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–268 and 124 and 270.

B. Kentucky

Kentucky initially received final authorization for its base RCRA program effective on January 31, 1985. Kentucky has received authorization for revisions to its program on December 19, 1988, March 20, 1989, May 15, 1989, November 30, 1992, and March 13, 1995. On October 16, 1995, Kentucky submitted a program revision application for additional program approvals. Today, Kentucky is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3). EPA has reviewed Kentucky's application and has made an immediate final decision that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Kentucky. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of Kentucky's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Kentucky's program revisions shall become effective June 25, 1996, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under

the provisions for which the State is being authorized on the effective date of this authorization.

Kentucky is today seeking authority to administer the following Federal requirements promulgated on July 1, 1988–June 30, 1989, and March 29, 1990.

Checklist	Federal requirement	HSWA or FR reference	FR promulgation date	Promulgation
SR1	Existing and Newly Regulated Surface Impoundments.	HSWA § 3005(j)(1)&(6)		KRS 224.46–520; KRS 224.46–530(1) (g), (h), (i).
SR2	Variance under § 3005(j)(2)–(9) and (13).	HSWA § 3005(j)(2)&(9)		KRS 224.46–520; KRS 224.46–530(1) (d), (h), (i).
BB	Exceptions to the Burning and Blending of Hazardous Waste.	HSWA § 3004(q)(2)(A); § 3004(r)(2)&(3).		KRS 224.46–510(3); KRS 224.46–530(1) (d) and (n).
CP	Hazardous and Used Oil Fuel Criminal Penalties.	HSWA § 3006(h); § 3008(d); § 3014.		KRS 224.99–010(6).
14	Dioxin Waste Listing and Management Standards.	50 FR 1978	1/14/85	KRS Chapter 13A, Authority; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:010§ 5(5)(a–b) and § 7(2)(a–c); 401 KAR 31:040§ 1(4),(2) and § 4(6); 401 KAR 31:120§ 1(4) and (6); 401 KAR 31:160§ 1; 401 KAR 31:170§ 1; 401 KAR 31:190§ 1; 401 KAR 34:190§ 5(3); 401 KAR 34:200§ 9(1–2); 401 KAR 34:210§ 9(1–2); 401 KAR 34:220§ 11(1–2); 401 KAR 34:230§ 12(1–2); 401 KAR 34:240§ 4(1); 401 KAR 35:010§ 1(4); 401 KAR 35:240§ 6(1–2); 401 KAR 35:240§ 7(1–2); 401 KAR 38:090§ 2(7); 401 KAR 38:160§ 2(7); 401 KAR 38:170§ 2(9); 401 KAR 38:180§ 2(9); 401 KAR 38:200§ 2(4)(i); 401 KAR 38:210§ 2(10).
16	Paint Filter Test	50 FR 18370	4/30/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 34:020§ 4(2)(f); 401 KAR 34:230§ 4(2)(c); 401 KAR 35:020§ 4(2)(f); 401 KAR 35:050§ 4(2)(c); 401 KAR 35:230§ 7(2).
17A	Small Quantity Generators	50 FR 28702	7/15/85	KRS 224.033; KRS 224.864; 401 KAR 31:010§ 5(2).
17B	Delisting	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530(1)(n); 401 KAR 31:060§ 2(1)–(5).
17C	Household Waste	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(1)(a)–(c); 401 KAR 31:010§ 4(2)(a).
17D	Waste Minimization	50 FR 28702	7/15/85	KRS Chapter 13A, 13A.210; KRS 224.10–100; KRS 224.46–510; KRS 224.46–520; 401 KAR 32:040§ 2(1)(c)(d)(h); 401 KAR 32:100§ 3 and Appendix A; 401 KAR 34:050§ 1§ 4(2)(i),§ 6(7)–(9); 401 KAR 35:050§ 6(8)–(10); 401 KAR 38:030§ 1(10)(b); 401 KAR 38:020§ 1 and § 1(3).
17E	Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves.	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 34:020§ 9(3); 401 KAR 35:020§ 9.
17F	Liquids in Landfills	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 34:020§ 4(2)(f); 401 KAR 35:020§ 4(2)(c); 401 KAR 34:230§ 9(1)–(4); 401 KAR 35:020§ 4(2)(f); 401 KAR 35:020§ 4(2)(c); 401 KAR 35:230§ 7(1),(2),(4)(a), and (b); 401 KAR 38:210§ 2(8).
17G	Dust Suppression	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 36:030§ 4.
17H	Double Liners	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; KRS 224.46–530; 401 KAR 34:200§ 2(1),(3)–(5); 401 KAR 34:230§ 2(1),(3)–(7); 401 KAR 35:200§ 10(1)–(4); 401 KAR 35:230§ 10(1)–(5); 401 KAR 35:210§ 8.
17I	Ground-Water Monitoring	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.033; KRS 224.866; 401 KAR 34:060§ 1(2); 401 KAR 34:200; 401 KAR 34:210§ 3.
17J	Cement Kilns	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; KRS 224.46–530; 401 KAR 36:040§ 5(1)–(6); 401 KAR 36:040§ 2(2)(a),§ 5(1)–(6); KRS 224.40–330.
17K	Fuel Labeling	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; KRS 224.46–530; 401 KAR 36:040§ 2(2)(a),§ 5(1)–(6); KRS 224.40–330.
17L	Corrective Action	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; KRS 224.46–530(1)(e)–(f); 401 KAR 34:060§ 1(1)(a) and (b),§ 12(1)–(2); 401 KAR 38:060§ 1(2)(c) and 3(c).
17M	Pre-construction Ban	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 38:070§ 3(3).
17N	Permit Life	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–505; KRS 224.46–520; 401 KAR 38:040§ 2(1)(f) and 5(4).
17P	Interim Status	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 38:020§ 1(1), § 1(3), § 4(3)(a) and (b), § 4(5), § 4(6).
17Q	Research and Development Permits.	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 38:060§ 6.

Checklist	Federal requirement	HSWA or FR reference	FR promulgation date	Promulgation
17R	Hazardous Waste Exports	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510; 401 KAR 32:050§1.
17S	Exposure Information	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 38:070§1(3) and §9.
18	Listing of TDI, TDA, DNT	50 FR 28702	7/15/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
19	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces.	50 FR 49164	11/29/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.40–330; KRS 224.46–510; KRS 224.46–520; KRS 224.46–530; 401 KAR 31:010§3(3)(b),§5(2) and (10),§6(1) (b)(3),(c)(3) and (7)–(9); 401 KAR 34:240§1(b); 401 KAR 35:240§1(1)(b); 401 KAR 36:040§1(1),(2)(a) and (b),§2(1)–(3), §3(1)–(3), §4, §5(1)–(6), §6(1)–(5); 401 KAR 36:050§1(1)–(5), §2(1) and (2), §3, §4(1) and (2)(a)–(f), §5(1)–(5).
20	Listing of Spent Solvents	50 FR 53315	12/31/85	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
21	Listing of EDB	51 FR 5327	2/13/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
22	Listing of Four Spent Solvents	51 FR 6537	2/25/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
23	Generators of 100 to 1000kg Hazardous Waste.	51 FR 10146	3/24/86	KRS Chapter 13A; KRS 224.10–010(31)(b); KRS 224.10–100; KRS 224.40–650; KRS 224.46–510; KRS 224.46–530; 401 KAR 30:010§1(79)(a) and (b) and (84); 401 KAR 31:040; 401 KAR 32:020; 401 KAR 32:030; 401 KAR 32:100§3 and Appendix A; 401 KAR 33:020; 401 KAR 38:010; 401 KAR 38:070; 401 KAR 38:080.
25	Codification Rule; Technical Correction.	51 FR 19176	5/28/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–520; 401 KAR 34:020§4(2)(f); 401 KAR 34:050§4(2)(c); 401 KAR 34:230§9(1)–(4); 401 KAR 35:020§4(2)(f); 401 KAR 35:050§4(2)(c); 401 KAR 35:230§7(1)(2), (4)(a) and (b); 401 KAR 35:210§2(2)(8).
30	Biennial Report; Correction	51 FR 28556	8/8/86	KRS Chapter 13A, 13A.210; KRS 224.10–100; KRS 224.46–510; KRS 224.46–520; 401 KAR 32:040§2(1)(c), (d), and (h); 401 KAR 32:100§3 and Appendix A; 401 KAR 34:050§1, §4(2)(i), §6(7)–(9); 401 KAR 35:050§6(8)–(10); 401 KAR 38:030§1(10)(b)31.
Exports of Hazardous Waste.	51 FR 28664	8/8/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510; 401 KAR 32:050§1.	
32	Standards for Generators; Waste Minimization Certifications.	51 FR 35190	10/21/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
33	Listing of EBDC	51 FR 37725	10/24/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–510(3); KRS 224.46–530; 401 KAR 31:040; 401 KAR 31:120; 401 KAR 31:160; 401 KAR 31:170.
34	Land Disposal Restrictions	51 FR 40572	11/7/86	KRS Chapter 13A; KRS 224.10–100; KRS 224.46–505; KRS 224.46–510; KRS 224.46–520; KRS 224.46–530; KRS 224.46–560; 401 KAR 31:010; 401 KAR 31:020§1,6,8(1)&(2); 401 KAR 31:010§1(1),1(1)(a),4(3)&(4)(a), 5(2),(3),(5),(6)&(7)(b), 6(1)(c)&(3)(a),7(1)(a)&(b); 401 KAR 31:040§1(3); 401 KAR 31:060§1; 401 KAR 32:010§2(4); 401 KAR 33:010§3; 401 KAR 34:010§1(7); 401 KAR 34:020§4(1)(a),(2)(f)&(g); 401 KAR 34:050§4(2)(c),(j),(k),(l),(m)&(n); 401 KAR 35:010§1(5); 401 KAR 35:020§4(1)(a),(2)(f)&(g); 401 KAR 35:050§4(2)(c),(h)–(i); 401 KAR 37:010§1(1)–(3)(a)–(d),2(1)(a)–(b), 2(2),3,4(1),4(1)(a)–(d),6(1)–(3) footnote 2,6(4)–(10),7(1)–(3); 401 KAR 37:030§2(1)–(3),3(1)–(3); 401 KAR 37:040§2,3(1)–(2),4(1)–(2) footnote 3,4(3)–(7); 401 KAR 37:050§2(1)–(5); 401 KAR 37:100§1–2; 401 KAR 38:030§3(2); 401 KAR 38:040§3(15); 401 KAR 38:090§2(23).

C. Decision

I conclude that Kentucky's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Kentucky is granted final authorization to operate its hazardous waste program as revised.

Kentucky now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Kentucky also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Unfunded Mandates Reform Act:

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Kentucky's hazardous waste program referenced in today's notice will result in annual costs of $100 million or more.

EPA's approval of state programs generally has a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved state program.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Kentucky's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: April 9, 1996.

Phyllis P. Harris,

Acting Regional Administrator.

[FR Doc. 96–10107 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5460–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Kummer Sanitary Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Kummer Sanitary Landfill site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Minnesota, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Terry Roundtree at (312) 353–3236 (SR–6J), Remedial Project Manager or Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Superfund

Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Bemidji Public Library, 602 Beltrami Ave., Bemidji, MN 56601. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Kummer Sanitary Landfill Site located in Beltrami County, Minnesota. A Notice of Intent to Delete for this site was published March 1, 1996 (61 FR 8012). The closing date for comments on the Notice of Intent to Delete was March 30, 1996. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193. 42 U.S.C. 9601–9657;

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site ''Kummer Sanitary Landfill Site, Bemidji County, Minnesota''.

Dated: April 10, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

[FR Doc. 96–10089 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[ET Docket No. 93–7; FCC 96–129]

Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992; and Compatibility Between Cable Systems and Consumer Electronics Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: The Commission has revised and clarified certain aspects of its regulations for assuring compatibility between consumer electronics equipment and cable systems. In particular, the Commission has clarified the requirement for cable operators to offer subscribers set-top devices with multiple tuners; eliminated the prohibition on changing the infrared codes used with remote controls; clarified its policy with regard to the Decoder Interface connector standard; and, refined the ''cable ready'' TV receiver standards. These revisions and clarifications will further the Commission's goals of promoting greater compatibility between cable systems and consumer electronics equipment. This action is in response to ten Petitions for Reconsideration of the *First Report and Order* in this proceeding.

EFFECTIVE DATES: May 28, 1996. The incorporation by reference of a publication listed in the regulations was approved by the Director of the Federal Register as of May 16, 1994.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell (202–418–2470) or Robert Bromery (301–418–2475), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum, Opinion and Order in ET Docket No. 93–7, FCC 96–129, adopted March 22, 1996 and released April 10, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplicating contractor, International Transcriptions Service, 2100 M Street, N.W., Washington, DC 20036, (202) 857–3800.

Summary of the Memorandum Opinion and Order

1. In the *First Report and Order* in this proceeding, 59 FR 25339, May 16, 1994, the Commission adopted regulations to ensure compatibility between cable systems and consumer electronics equipment, *i.e.*, TV receivers, videocassette recorders (VCRs) and similar devices. These regulations were adopted in response to Section 17 of the Cable Consumer Protection and Competition Act of 1992 (1992 Cable Act), Pub. L. No. 102–385, 106 Stat. 1460, (1992), § 17. The major compatibility problems addressed in the compatibility rules include the capabilities to record sequential programs on different channels; to record one program while watching another; to use advanced television picture generation and display features such as ''Picture-in-Picture''; and to use remote controls. The new rules include requirements for cable operators to take a number of actions that will improve compatibility between existing cable system and consumer TV equipment. The compatibility rules also include requirements and standards for both cable operators and consumer equipment operators that are intended to achieve more effective compatibility through new cable and consumer equipment.

2. Petitions for Reconsideration of the *First Report and Order* were filed by ten parties: ANTEC Corporation, Cablevision Systems Corporation, Cable Telecommunications Association, the Consumer Electronics Group of the Electronics Industries Association, General Instrument Corporation, the National Cable Television Association, Scientific-Atlanta, Inc., TeleCable Corporation, Time Warner Entertainment Company, L.P., and Zenith Electronics Corporation. These parties requested revisions and clarifications with regard to a number of specific provisions of the rules adopted in the *First Report and Order*.

3. In response to the Petitions for Reconsideration, the Commission's Memorandum, Opinion and Order sets forth a number of decisions pertaining to the cable-consumer electronics equipment compatibility rules. In particular, this decision:

—Clarifies that cable operators who use scrambling are required to offer subscribers supplemental equipment

that has the capability to allow simultaneous reception of two scrambled signals;

—Eliminates the prohibition on changing the infrared (IR) codes used with remote controls;

—Denies a request to expand the consumer education program to include an advisory that consumer equipment could become obsolete;

—Clarifies the Commission will: (1) Require that the Decoder Interface standard be designed to enable all functions other than security to be provided in competitively supplied equipment; (2) require cable operators to offer security-only component descrambler modules and (3) not preclude cable operators from incorporating security functions in multi-function component descrambler modules;

—Eliminates the advisory labeling requirement for consumer TV receivers and VCRs that incorporate features intended to be used with cable service, but do not fully comply with the ''cable ready'' equipment standards;

—Clarifies that the Commission's rules do not prohibit equipment manufacturers from applying the Canadian GRR II label for cable compatible devices to TV receivers and VCRs marketed in the United States that do not fully comply with the ''cable ready'' equipment standards if that label is carried on the device in an inconspicuous location and manner;

—Makes several minor revisions and clarifications with regard to the technical standards for ''cable ready'' TV equipment.

4. Accordingly, it is Ordered that Parts 15 and 76 of the Commission's rules Are Amended as set forth below, effective May 28, 1996. This action is taken pursuant to authority provided in Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), 303(r) and 324A of the Communications Act of 1934, as amended 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), 303(r) and 324A.

List of Subjects

47 CFR Part 15

Communications equipment, Television receivers, TV interface devices.

47 CFR Part 76

Cable television.

Federal Communications Commission

William F. Caton,

Acting Secretary.

Rule Changes

Parts 15 and 76 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 is revised to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

2. Section 15.19 is amended by revising paragraph (d) to read as follows:

§ 15.19 Labeling requirements.

* * * * *

(d) Consumer electronics TV receiving devices, including TV receivers, videocassette recorders, and similar devices, that incorporate features intended to be used with cable television service, but do not fully comply with the technical standards for cable ready equipment set forth in § 15.118, shall not be marketed with terminology that describes the device as ''cable ready'' or ''cable compatible,'' or that otherwise conveys the impression that the device is fully compatible with cable service. Factual statements about the various features of a device that are intended for use with cable service or the quality of such features are acceptable so long as such statements do not imply that the device is fully compatible with cable service. Statements relating to product features are generally acceptable where they are limited to one or more specific features of a device, rather than the device as a whole. This requirement applies to consumer TV receivers, videocassette recorders and similar devices manufactured or imported for sale in this country on or after October 31, 1994.

3. Section 15.115 is amended by revising paragraph (i) to read as follows:

§ 15.115 TV interface devices, including cable system terminal devices.

* * * * *

(i) Switches and other devices intended to be used to by-pass the processing circuitry of a cable system terminal device, whether internal to such a terminal device or a stand-alone unit, shall not attenuate the input signal more than 6 dB from 54 MHz to 550 MHz, or more than 8 dB from 550 MHz to 804 MHz. The 6 dB standard applies at 550 MHz. The provisions of this paragraph are applicable June 30, 1997.

4. Section 15.118 is amended by revising paragraphs (b), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5) and (d) to read as follows:

§ 15.118 Cable ready consumer electronics equipment.

* * * * *

(b) Cable ready consumer electronics equipment shall be capable of receiving all NTSC or similar video channels on channels 1 through 125 of the channel allocation plan set forth in the Electronics Industries Association's ''Cable Television Channel Identification Plan, EIA IS–132, May 1994'' (EIA IS–132). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. Copies of EIA IS–132 may be obtained from: Global Engineering Documents, 3130 South Harbor Boulevard, Santa Anna, CA 92704. Copies of EIA IS–132 may be inspected during normal business hours at the following locations: Federal Communications Commission, 1919 M Street, NW., Dockets Branch (Room 239), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(c) * * *

(1) *Adjacent channel interference.* In the presence of a lower adjacent channel CW signal that is 1.5 MHz below the desired visual carrier in frequency and 10 dB below the desired visual carrier in amplitude, spurious signals within the IF passband shall be attenuated at least 55 dB below the visual carrier of the desired signal. The desired input signal shall be an NTSC visual carrier modulated with a 10 IRE flat field with color burst and the aural carrier which is 10 dB below the visual carrier should be unmodulated. Measurements are to be performed for input signal levels of 0 dBmV and +15 dBmV, with the receiver tuned to ten evenly spaced EIA IS–132 channels covering the band 54 MHz to 804 MHz.

(2) *Image channel interference.* Image channel interference within the IF passband shall be attenuated below the visual carrier of the desired channel by at least 60 dB from 54 MHz to 714 MHz and 50 dB from 714 MHz to 804 MHz. The 60 dB standard applies at 714 MHz. In testing for compliance with this standard, the desired input signal is to be an NTSC signal on which the visual carrier is modulated with a 10 IRE flat field with color burst and the aural carrier is unmodulated and 10 dB below the visual carrier. The undesired test signal shall be a CW signal equal in amplitude to the desired visual carrier and located 90 MHz above the visual

carrier frequency of the desired channel. Measurements shall be performed for input signals of 0 dBmV and +15 dBmV, with the receiver tuned to at least ten evenly spaced EIA IS–132 channels covering the band 54 MHz to 804 MHz.

(3) *Direct pickup interference.* The direct pickup (DPU) of a co-channel interfering ambient field by a cable ready device shall not exceed the following criteria. The ratio of the desired to undesired signal levels at the IF passband on each channel shall be at least 45 dB. The average ratio over the six channels shall be at least 50 dB. The desired input signal shall be an NTSC signal having a visual carrier level of 0 dBmV. The visual carrier is modulated with a 10 IRE flat field with color burst, visual to aural carrier ratio of 10 dB, aural carrier unmodulated. The equipment under test (EUT) shall be placed on a rotatable table that is one meter in height. Any excess length of the power cord and other connecting leads shall be coiled on the floor under the table. The EUT shall be immersed in a horizontally polarized uniform CW field of 100 mV/m at a frequency 2.55 MHz above the visual carrier of the EUT tuned channel. Measurements shall be made with the EUT tuned to six EIA IS–132 channels, two each in the low VHF, high VHF and UHF broadcast bands. On each channel, the levels at the IF passband due to the desired and interfering signals are to be measured.

(4) *Tuner overload.* Spurious signals within the IF passband shall be attenuated at least 55 dB below the visual carrier of the desired channel using a comb-like spectrum input with each visual carrier signal individually set at +15 dBmV from 54 to 550 MHz. The desired input signal is to be an NTSC signal on which the visual carrier is modulated with a 10 IRE flat field with color burst and the aural carrier is unmodulated and 10 dB below the visual carrier. Measurements shall be made with the receiver tuned to at least seven evenly spaced EIA IS–132 channels covering the band 54 MHz to 550 MHz. In addition, spurious signals within the IF passband shall be attenuated at least 51 dB below the visual carrier of the desired channel using a comb spectrum input with each signal individually set at +15 dBmV from 550 to 804 MHz. Measurements shall be made with the receiver tuned to at least three evenly spaced EIA IS–132 channels covering the band 550 MHz to 804 MHz.

(5) *Cable input conducted emissions.* (i) Conducted spurious emissions that appear at the cable input to the device must meet the following criteria. The input shall be an NTSC video carrier modulated with a 10 IRE flat field with color burst at a level of 0 dBmV and with a visual to aural ratio of 10 dB. The aural carrier shall be unmodulated. The peak level of the spurious signals will be measured using a spectrum analyzer connected by a directional coupler to the cable input of the equipment under test. Spurious signal levels must not exceed the limits in the following table:

From 54 MHz up to and including 300 MHz–26 dBmV
From 300 MHz up to and including 450 MHz–20 dBmV
From 450 MHz up to and including 804 MHz-15 dBmV

(ii) The average of the measurements on multiple channels from 450 MHz up to and including 804 MHz shall be no greater than -20 dBmV. Measurements shall be made with the receiver tuned to at least four EIA IS–132 channels in each of the above bands. The test channels are to be evenly distributed across each of the bands. Measurements for conducted emissions caused by sources internal to the device are to be made in a shielded room. Measurements for conducted emissions caused by external signal sources shall be made in an ambient RF field whose field strength is 100 mV/m, following the same test conditions as described in paragraph (c)(3) of this section.

(d) The field strength of radiated emissions from cable ready consumer electronics equipment shall not exceed the limits in § 15.109(a) when measured in accordance with the applicable procedures specified in §§ 15.31 and 15.35 for unintentional radiators, with the following modifications. During testing the NTSC input signal level is to be +15 dBmV, with a visual to aural ratio of 10 dB. The visual carrier is to be modulated by a 10 IRE flat field with color burst; the aural carrier is to be unmodulated. Measurements are to be taken on six EIA IS–132 channels evenly spaced across the required RF input range of the equipment under test.

* * * * *

PART 76—CABLE TELEVISION SERVICE

5. The authority citation for Part 76 is revised to read as follows:

Authority: 47 U.S.C. 151–714; 106 Stat. 1460.

6. Section 76.605 is amended by revising paragraph (a)(1), removing paragraph (a)(2), and redesignating paragraphs (a)(3) through (a)(13) as paragraphs (a)(2) through (a)(12), respectively, to read as follows:

§ 76.605 Technical standards.

(a) * * *

(1)(i) The cable television channels delivered to the subscriber's terminal shall be capable of being received and displayed by TV broadcast receivers used for off-the-air reception of TV broadcast signals, as authorized under part 73 of this chapter; and

(ii) Cable television systems shall transmit signals to subscriber premises equipment on frequencies in accordance with the channel allocation plan set forth in the Electronics Industries Association's ''Cable Television Channel Identification Plan, EIA IS–132, May 1994'' (EIA IS–132). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. Cable systems are required to use this channel allocation plan for signals transmitted in the frequency range 54 MHz to 1002 MHz. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR Part 51. Copies of EIA IS–132 may be obtained from: Global Engineering Documents, 2805 McGraw Ave., Irvine CA 92714. Copies of EIA IS–132 may be inspected during normal business hours at the following locations: Federal Communications Commission, 1919 M Street, NW, Dockets Branch (Room 239), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. This requirement is applicable on May 31, 1995, for new and re-built cable systems, and on June 30, 1997, for all cable systems.

* * * * *

7. Section 76.630 is amended by removing paragraph (c), redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively, and revising newly redesignated paragraphs (c) introductory text, (c)(2)(i), and (d)(2)(iii) and the note to § 76.630 at the end of the section to read as follows:

§ 76.630 Compatibility with consumer electronics equipment.

* * * * *

(c) Cable system operators that use scrambling, encryption or similar technologies in conjunction with cable system terminal devices, as defined in § 15.3(e) of this chapter, that may affect subscribers' reception of signals shall offer to supply each subscriber with special equipment that will enable the simultaneous reception of multiple signals. The equipment offered shall include a single terminal device with dual descramblers/decoders and/or timers and bypass switches. Other equipment, such as two independent set-top terminal devices may be offered

at the same time that the single terminal device with dual tuners/descramblers is offered. For purposes of this rule, two set-top devices linked by a control system that provides functionality equivalent to that of a single device with dual descramblers is considered to be the same as a terminal device with dual descramblers/decoders.

* * * * *

(2) * * *

(i) To allow simultaneous reception of any two scrambled or encrypted signals and to provide for tuning to alternative channels on a pre-programmed schedule; and

* * * * *

(d) * * *

(2) * * *

(iii) In cases where cable system operators offer remote control capability with cable system terminal devices and other customer premises equipment that is provided to subscribers, they shall advise their subscribers that remote control units that are compatible with that equipment may be obtained from other sources, such as retail outlets. Cable system operators shall also provide a representative list of the models of remote control units currently available from retailers that are compatible with the customer premises equipment they employ. Cable system operators are required to make a good faith effort in compiling this list and will not be liable for inadvertent omissions. This list shall be current as of no more than six months before the date the consumer education program is distributed to subscribers. Cable operators are also required to encourage subscribers to contact the cable operator to inquire about whether a particular remote control unit the subscriber might be considering for purchase would be compatible with the subscriber's customer premises equipment.

Note to § 76.630: The provisions of paragraphs (a) and (b) of this section are applicable July 31, 1994, and June 30, 1994, respectively. The provisions of paragraphs (c) and (d) of this section are applicable October 31, 1994, except for the requirement under paragraph (c) of this section for cable system operators to supply cable system terminal devices with dual tuners (as needed), which is applicable October 31, 1995. The initial offer of special equipment to all subscribers, as required under paragraph (c) of this section, shall be made by October 31, 1994.

[FR Doc. 96–9489 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–N

47 CFR Part 73

[MM Docket No. 95–179; RM–8728]

Radio Broadcasting Services; Cassville and Kimberling City, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 261C2 for Channel 261A at Cassville, Missouri, reallots the Channel to Kimberling City, Missouri, and modifies the license for Station KRLK to specify operation on Channel 261C2 at Kimberling City. The *Notice* was issued in response to a petition filed by Kevin M. and Patricia W. Wodlinger. *See* 60 FR 65618, December 20, 1995. The coordinates for Channel 261C2 at Kimberling City are 36–30–00 and 93–23–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 3, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–179, adopted March 27, 1996, and released April 19, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Cassville, Channel 261A and adding Kimberling City, Channel 261C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10296 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–170; RM–8721; RM–8753]

Radio Broadcasting Services; Campton and Frenchburg, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of James P. Wagner, allots Channel 279A at Campton, Kentucky, as the community's first local aural transmission service (RM–8721). *See* 60 FR 58038, October 24, 1995. At the request of James P. Gray, we also dismiss the counterproposal proposing the allotment of Channel 279A at Frenchburg, Kentucky, as the community's first local aural transmission service (RM–8753). Channel 279A can be allotted to Campton in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 279A at Campton are North Latitude 37–44–06 and West Longitude 83–32–48. With this action, this proceeding is terminated.

DATES: Effective June 3, 1996. The window period for filing applications will open on June 3, 1996 and close on July 3, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–170, adopted March 25, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Campton, Channel 279A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10293 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192, 193, 195, 198, and 199

[Docket No. PS 145; Amdt Nos. 190–6; 191–10; 192–74; 193–10; 195–55; 198–2; 199–13]

RIN 2137–AC79

Pipeline Safety Program Procedures; Update and Corrections

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correcting amendments.

SUMMARY: In response to the President's Regulatory Reinvention Initiative, this rulemaking updates and corrects pipeline safety program procedures by amending nomenclature, addresses, amendment summaries, typographical errors, and penalty amounts. These editorial amendments impose no new procedural requirements.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick at 202–366–5523 or online at herrickl@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

In a memorandum dated March 4, 1995, the President provided direction to the heads of Departments and Agencies on carrying out his regulatory reform initiative for reinventing the government. As part of this initiative, RSPA reviewed existing pipeline safety regulations and identified those that are outdated or in need of reform. RSPA also conducted public outreach meetings to discuss the pipeline safety program. A theme of this process and an issue often raised during the course of the outreach meetings and other recent public contacts is the need to keep existing regulation updated. As a result, RSPA reviewed its pipeline safety program procedures, 49 CFR parts 190–199 and identified numerous instances in which these regulations were not up to date. These discrepancies include titles, addresses, amendment summaries, typographical errors and statutory citations. For example, references to the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act have been deleted and replaced with references to Public Law 103–272. Enacted on July 5, 1994, Public Law 103–272 revised, codified, and enacted the provisions of those Acts without substantive change as Chapter 601 of Title 49, United States Code. This amendment makes those corrections.

In addition, unnecessary gender specific terms have been changed to gender neutral terms and other minor corrections have been made. Since these amendments do not impose new requirements, notice and public procedure are unnecessary.

Rulemaking Analysis and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). This final rule does not require a Regulatory Impact Analysis, or a regulatory evaluation or an environmental assessment or impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 (''Federalism'') and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

I certify that this rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor corrections which will not impose any new requirements on persons subject to the Pipeline Safety Regulations; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

Lists of Subjects

49 CFR Part 190

Administrative practice and procedure, Penalties, Pipeline safety.

49 CFR Part 191

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 198

Grant programs, Formula, Pipeline safety.

49 CFR Part 199

Alcohol testing, Drug testing, Pipeline safety, Reporting and recordkeeping requirements.

Accordingly, 49 CFR parts 190, 191, 192, 193, 195, 198, and 199 are corrected by making the following amendments:

PART 190—[AMENDED]

1. The authority citation for part 190 is revised to read as follows:

Authority: 49 U.S.C. 5123, 60108, 60112, 60117, 60118, 60120, 60122, and 60123; and 49 CFR 1.53.

2. Section 190.1 is amended by revising paragraph (a) to read as follows:

§ 190.1 Purpose and scope.

(a) This part prescribes procedures used by the Research and Special Programs Administration in carrying out duties regarding pipeline safety under 49 U.S.C. 60101 *et seq.* (the pipeline safety laws) and 49 U.S.C. 5101 *et seq.* (the hazardous material transportation laws).

* * * * *

3. Section 190.3 is revised to read as follows:

§ 190.3 Definitions.

As used in this part:

Hearing means an informal conference or a proceeding for oral presentation. Unless otherwise specifically prescribed in this part, the use of ''hearing'' is not intended to require a hearing on the record in accordance with section 554 of title 5, U.S.C.

OPS means the Office of Pipeline Safety, which is part of the Research and Special Programs Administration, U.S. Department of Transportation.

Person means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Presiding Official means the person who conducts any hearing relating to civil penalty assessments, compliance orders or hazardous facility orders.

Regional Director means the head of any one of the Regional Offices of the Office of Pipeline Safety, or a designee appointed by the Regional Director. Regional Offices are located in Washington, DC (Eastern Region); Atlanta, Georgia (Southern Region); Kansas City, Missouri (Central Region); Houston, Texas (Southwest Region); and Lakewood, Colorado (Western Region).

Respondent means a person upon whom the OPS has served a notice of probable violation.

RSPA means the Research and Special Programs Administration of the United States Department of Transportation.

State means a State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

4. Section 190.7 is amended by revising paragraphs (d) and (i), introductory text, to read as follows:

§ 190.7 Subpoenas; witness fees.

* * * * *

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (g) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at the person's office with the person in charge thereof, leaving them at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to the person at the last known address, or by any method whereby actual notice is given to the person and the fees are made available prior to the return date.

* * * * *

(i) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the official who issued the subpoena, or if the person is unavailable, to the Administrator, RSPA to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The Administrator, RSPA, or this issuing official, as the case may be, may:

* * * * *

5. Section 190.9 is amended by revising paragraph (b)(1)(i) to read as follows:

§ 190.9 Petitions for finding or approval.

* * * * *

(b) * * *

(1) * * *

(i) The State agency certified to participate under 49 U.S.C. 60105.

* * * * *

6. Section 190.201 is amended by revising paragraph (a) to read as follows:

§ 190.201 Purpose and scope.

(a) This subpart describes the enforcement authority and sanctions exercised by the Associate Administrator, OPS for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions.

* * * * *

7. Section 190.203 is amended by revising paragraphs (a), (b)(1), (b)(4), and (d) to read as follows:

§ 190.203 Inspections.

(a) Officers, employees, or agents authorized by the Associate Administrator, OPS upon presenting appropriate credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the requirements of 49 U.S.C. 60101 *et seq.* or regulations, or orders issued thereunder.

(b) * * *

(1) Routine scheduling by the Regional Director of the Region in which the facility is located;

* * * * *

(4) Report from a State Agency participating in the Federal Program under 49 U.S.C. 60105;

* * * * *

(d) To the extent necessary to carry out the responsibilities under 49 U.S.C. 60101 *et seq.*, the Administrator, RSPA or the Associate Administrator, OPS may require testing of portions of pipeline facilities that have been involved in, or affected by, an accident. However, before exercising this authority, the Administrator, RSPA or the Associate Administrator, OPS shall make every effort to negotiate a mutually acceptable plan with the owner of those facilities and, where appropriate, the National Transportation Safety Board for performing the testing.

* * * * *

8. Section 190.205 is revised to read as follows:

§ 190.205 Warning letters.

Upon determining that a probable violation of 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder has occurred, the Associate Administrator, OPS may issue a Warning Letter notifying the owner or operator of the probable violation and advising the operator to correct it or be subject to enforcement action under §§ 190.207 through 190.235.

9. Section 190.207 is amended by revising paragraphs (a) and (c) to read as follows:

§ 190.207 Notice of probable violation.

(a) Except as otherwise provided by this subpart, a Regional Director begins an enforcement proceeding by serving a notice of probable violation on a person charging that person with a probable violation of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder.

* * * * *

(c) The Associate Administrator, OPS may amend a notice of probable violation at any time prior to issuance of a final order under § 190.213. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under § 190.217, the respondent shall have the opportunity to respond under § 190.209.

10. Section 190.209 is amended by revising the introductory text and paragraphs (c) and (d) to read as follows:

§ 190.209 Response options.

Within 30 days of receipt of a notice of probable violation the respondent shall respond to the Regional Director who issued the notice in the following way:

* * * * *

(c) An offer in compromise under paragraph (a) of this section is made by submitting a check or money order for the amount offered to the Regional Director who forwards the offer to the Associate Administrator, OPS for action. If the offer in compromise is accepted by the Associate Administrator, OPS the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise submitted under paragraph (a) of this section is rejected by the Associate Administrator, OPS it is returned to the respondent with written notification. Within 10 days of receipt of such notification, the respondent shall again respond to the Regional Director in one or more of the ways provided in paragraph (a) of this section.

(d) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of the right to contest the allegations in the notice of probable violation and authorizes the Associate Administrator, OPS, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under § 190.213.

11. Section 190.211 is amended by revising paragraphs (a), (b), (d), and (j) to read as follows:

§ 190.211 Hearing.

(a) A request for a hearing provided for in this part must be accompanied by a statement of the issues that the respondent intends to raise at the hearing. The issues may relate to the allegations in the notice, the proposed corrective action (including a proposed amendment, a proposed compliance order, or a proposed hazardous facility order), or the proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of the respondent's right to raise that issue at the hearing. The respondent's request must also indicate whether or not the respondent will be represented by counsel at the hearing.

(b) In such circumstances as deemed appropriate by the Regional Director, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing.

* * * * *

(d) The hearing is conducted informally without strict adherence to rules of evidence. The respondent may submit any relevant information and material and call witnesses on the respondent's behalf. The respondent may also examine the evidence and witnesses presented by the government. No detailed record of a hearing is prepared.

* * * * *

(j) After submission of all materials during and after the hearing, the presiding official shall prepare a written recommendation as to final action in the case. This recommendation, along with any material submitted during and after the hearing, shall be included in the case file which is forwarded to the Associate Administrator, OPS for final administrative action.

12. Section 190.213 is amended by revising paragraph (a), (b)(4), (c), introductory text, and (e) to read as follows:

§ 190.213 Final order.

(a) After a hearing under § 190.211 or, if no hearing has been held, after expiration of the 30 day response period prescribed in § 190.209, the case file of an enforcement proceeding commenced under § 190.207 is forwarded to the Associate Administrator, OPS for issuance of a final order.

(b) * * *

(4) The Regional Director's evaluation of response material submitted by the respondent and recommendation for final action to be taken under this section; and

* * * * *

(c) Based on a review of a case file described in paragraph (b) of this section, the Associate Administrator, OPS shall issue a final order that includes—

* * * * *

(e) It is the policy of the Associate Administrator, OPS to issue a final order under this section within 45 days of receipt of the case file, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

13. Sections 190.215 is revised to read as follows:

§ 190.215 Petitions for reconsideration.

(a) A respondent may petition the Associate Administrator, OPS for reconsideration of a final order issued under § 190.213. It is requested, but not required, that three copies be submitted. The petition must be received no later than 20 days after service of the final order upon the respondent. Petitions received after that time will not be considered. The petition must contain a brief statement of the complaint and an explanation as to why the effectiveness of the final order should be stayed.

(b) If the respondent requests the consideration of additional facts or arguments, the respondent must submit the reasons they were not presented prior to issuance of the final order.

(c) The Associate Administrator, OPS does not consider repetitious information, arguments, or petitions.

(d) Unless the Associate Administrator, OPS otherwise provides, the filing of a petition under this section does not stay the effectiveness of the final order.

(e) The Associate Administrator, OPS may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event the Associate Administrator, OPS reconsiders a final order, a final decision on reconsideration may be issued without further proceedings, or, in the alternative, additional information, data, and comment may be requested by the Associate Administrator, OPS as deemed appropriate.

(f) It is the policy of the Associate Administrator, OPS to issue notice of the action taken on a petition for reconsideration within 20 days after receipt of the petition, unless it is found impracticable to take action within that time. In cases where it is so found and delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

14. Section 190.217 is revised to read as follows:

§ 190.217 Compliance orders generally.

When the Associate Administrator, OPS has reason to believe that a person is engaging in conduct which involves a violation of the 49 U.S.C. 60101 *et seq.* or any regulation issued thereunder, and if the nature of the violation, and the public interest warrant, the Associate Administrator, OPS may conduct proceedings under §§ 190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

15. Section 190.219 is amended by revising paragraph (a) to read as follows:

§ 190.219 Consent order.

(a) At any time before the issuance of a compliance order under § 190.213 the Associate Administrator, OPS and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under § 190.213.

* * * * *

16. Section 190.221 is revised to read as follows:

§ 190.221 Civil penalties generally.

When the Associate Administrator, OPS has reason to believe that a person has committed an act which is a violation of any provision of the 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder, proceedings under §§ 190.207 through 190.213 may be conducted to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

16a. Section 190.223 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder, is subject to a civil penalty not to exceed $10,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed $500,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of 49 U.S.C. 5101 *et seq* is liable for a civil penalty of not more than $25,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under under 49 U.S.C. 60103 shall be subject to a civil penalty of not to exceed $50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

* * * * *

17. Section 190.225, the introductory text, is revised to read as follows:

§ 190.225 Assessment considerations.

The Associate Administrator, OPS assesses a civil penalty under this part only after considering:

* * * * *

18. Section 190.227 is amended by revising paragraphs (c) and (d) to read as follows:

§ 190.227 Payment of penalty.

* * * * *

(c) Within 20 days after the respondent's receipt of a final order assessing a civil penalty issued under § 190.213, the respondent may offer to compromise the assessed penalty by submitting, in the manner required by paragraph (a) of this section, payment in the amount offered. The Chief Counsel or designee may accept or reject the compromise offer on behalf of the Associate Administrator, OPS. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If the compromise offer is rejected it will be returned to the respondent with written notification. Within 20 days after the respondent's receipt of such notification, payment of the full amount of the civil penalty assessed in the final order becomes due. The provisions of paragraph (b) of this section regarding district court or Federal magistrate court action for penalty collection apply upon failure of the respondent to pay the assessed penalty within that time period.

(d) If the respondent elects to make an offer in compromise to a civil penalty proposed in a notice of probable violation issued under § 190.207, the respondent shall do so in accord with the procedures of § 190.209.

19. Section 190.229 is amended by revising paragraphs (a) through (d) to read as follows:

§ 190.229 Criminal penalties generally.

(a) Any person who willfully and knowingly violates a provision of 49 U.S.C. 60101 *et seq.* or any regulation or order issued thereunder shall upon conviction be subject for each offense to a fine of not more than $25,000 and imprisonment for not more than five years, or both.

(b) Any person who willfully violates a regulation or order under this subchapter issued under the authority of 49 U.S.C. 5101 *et seq.* as applied to offshore gas gathering lines shall upon conviction be subject for each offense to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

(c) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility or any interstate pipeline facility (as those terms are defined in 49 U.S.C. 60101 *et seq.*) shall, upon conviction, be subject for each offense to a fine of not more than $25,000, imprisonment for a term not to exceed 15 years, or both.

(d) Any person who willfully and knowingly defaces, damages, removes, destroys any pipeline sign, right-of-way marker, or marine buoy required by 49 U.S.C. 60101 *et seq.* or 49 U.S.C. 5101 *et seq.*, or any regulation or order issued thereunder shall, upon conviction, be subject for each offense to a fine of not more than $5,000, imprisonment for a term not to exceed 1 year, or both.

* * * * *

20. Section 190.231 is revised to read as follows:

§ 190.231 Referral for prosecution.

If an employee of the Research and Special Programs Administration becomes aware of any actual or possible activity subject to criminal penalties under § 190.229, the employee reports it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. The Chief Counsel refers the report to OPS for investigation. Upon completion of the investigation and if appropriate, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

21. Section 190.233 is amended by revising paragraphs (a), (b), (c)(2), (c)(4), (d), (e) introductory text, (e)(5), (g) and (h) to read as follows:

§ 190.233 Hazardous facility orders.

(a) Except as provided by paragraph (b) of this section, if the Associate Administrator, OPS finds, after reasonable notice and opportunity for hearing in accord with paragraph (c) of this section, and § 190.211(a), a particular pipeline facility to be hazardous to life or property, the Associate Administrator, OPS shall issue an order pursuant to this section requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(b) The Associate Administrator, OPS may waive the requirement for notice and hearing under paragraph (a) of this section before issuing an order pursuant to this section when the Associate Administrator, OPS determines that the failure to do so would result in the likelihood of serious harm to life or property. However, the Associate Administrator, OPS shall include in the order an opportunity for hearing as soon as practicable after issuance of the order. The provisions of paragraph (c)(2) of this section apply to an owner or operator's decision to exercise such an opportunity for hearing. The purpose of such a post-order hearing is for the Associate Administrator, OPS to determine whether the order should remain in effect or be rescinded or suspended in accord with paragraph (g) of this section.

(c) * * *

(2) An owner or operator elects to exercise his opportunity for a hearing under this section, by notifying the Associate Administrator, OPS of that election in writing within 10 days of service of the notice provided under paragraph (c)(1) of this section or, under

paragraph (b) of this section when applicable. Absence of such written notification waives an owner or operator's opportunity for a hearing and allows the Associate Administrator, OPS to proceed to issue a ''hazardous facility order'' in accordance with paragraphs (d) through (h) of this section.

* * * * *

(4) Within 48 hours after conclusion of a hearing under this section, the Presiding Official shall submit a recommendation to the Associate Administrator, OPS as to whether or not a ''hazardous facility order'' is required. Upon receipt of the recommendation, the Associate Administrator, OPS shall proceed in accordance with paragraphs (d) through (h) of this section. If the Associate Administrator, OPS finds the facility to be hazardous to life or property the Associate Administrator, OPS shall issue an order in accordance with this section. If the Associate Administrator, OPS does not find the facility to be hazardous to life or property, the Associate Administrator, OPS shall dismiss the allegations contained in the notice, and promptly notify the owner or operator in writing by service as prescribed in § 190.5.

(d) The Associate Administrator, OPS may find a pipeline facility to be hazardous under paragraph (a) of this section:

(1) If under the facts and circumstances the Associate Administrator, OPS determines the particular facility is hazardous to life or property; or

(2) If the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which the Associate Administrator, OPS determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the Associate Administrator, OPS that, under the particular facts and circumstances involved, such equipment, material, or technique is not hazardous to life or property.

(e) In making a determination under paragraph (d) of this section, the Associate Administrator, OPS shall consider, if relevant:

* * * * *

(5) Such other factors as the Associate Administrator, OPS may consider appropriate.

* * * * *

(g) The Associate Administrator, OPS shall rescind or suspend a hazardous facility order whenever the Associate Administrator, OPS determines that the facility is no longer hazardous to life or property. When appropriate, however, such a rescission or suspension may be accompanied by a notice of probable violation issued under § 190.207.

(h) At any time after an order issued under this section has become effective, the Associate Administrator, OPS may request the Attorney General to bring an action for appropriate relief in accordance with § 190.235.

* * * * *

22. Section 190.235 is revised to read as follows:

§ 190.235 Injunctive action.

Whenever it appears to the Associate Administrator, OPS that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of 49 U.S.C. 60101 *et seq.* or any regulations issued thereunder, the Administrator, RSPA, or the person to whom the authority has been delegated, may request the Attorney General to bring an action in the appropriate U.S. District Court for such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages as provided under 49 U.S.C. 60120 and 49 U.S.C. 5123.

23. Section 190.237 is amended by revising paragraph (a) to read as follows:

§ 190.237 Amendment of plans or procedures.

(a) A Regional Director begins a proceeding to determine whether an operator's plans or procedures required under parts 192, 193, 195, and 199 of this subchapter are inadequate to assure safe operation of a pipeline facility by issuing a notice of amendment. The notice shall provide an opportunity for a hearing under § 190.211 of this part and shall specify the alleged inadequacies and the proposed action for revision of the plans or procedures. The notice shall allow the operator 30 days after receipt of the notice to submit written comments or request a hearing. After considering all material presented in writing or at the hearing, the Associate Administrator, OPS shall determine whether the plans or procedures are inadequate as alleged and order the required amendment if they are inadequate, or withdraw the notice if they are not. In determining the adequacy of an operator's plans or procedures, the Associate Administrator, OPS shall consider:

* * * * *

PART 191—[AMENDED]

1. The authority citation for part 191 is revised to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

2. Section 191.3 is amended by removing the definition of *Secretary*, and adding the definition of *Administrator* to read as follows:

§ 191.3 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

3. Section 191.19 is revised to read as follows:

§ 191.19 Report forms.

Copies of the prescribed report forms are available without charge upon request from the address given in § 191.7 Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the Administrator.

4. Section 191.25 is amended by revising paragraph (a) to read as follows:

§ 191.25 Filing safety-related condition reports.

(a) Each report of a safety-related condition under § 191.23(a) must be filed (received by the Associate Administrator, OPS) in writing within five working days (not including Saturday, Sunday, or Federal Holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by facsimile at (202) 366–7128.

* * * * *

PART 192—[AMENDED]

1. The authority citation for Part 192 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. Section 192.11 is amended by revising paragraph (b)(2) to read as follows:

§ 192.11 Petroleum gas systems.

* * * * *

(b) * * *

(2) Below ground structures must have forced ventilation that will prevent any accumulation of gas.

* * * * *

3. Section 192.227 is amended by revising paragraph (b) introductory text, to read as follows:

§ 192.227 Qualification of welders.

* * * * *

(b) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of appendix C to this part. A welder who makes welded service line connections to mains must also perform an acceptable test weld under section II of appendix C to this part as part of the qualifying test. After initial qualification, a welder may not perform welding unless:

* * * * *

4. Section 192.361 is amended by revising paragraph (f)(1) to read as follows:

§ 192.361 Service lines: Installation

* * * * *

(f) * * *

(1) It must be encased in a gas tight conduit;

* * * * *

5. Section 192.367 is amended by revising paragraph (a) to read as follows:

§ 192.367 Service lines: General requirements for connections to main piping.

(a) *Location*. Each service line connection to a main must be located at the top of the main or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

* * * * *

6. Section 192.511 is amended by revising paragraph (a) to read as follows:

§ 192.511 Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

* * * * *

7. Section 192.603 is amended by revising paragraph (c) to read as follows:

§ 192.603 General provisions.

* * * * *

(c) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws, (49 U.S.C. 60101 *et seq.*) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

9. Section 192.623, the heading, is revised to read as follows:

§ 192.623 Maximum and minimum allowable operating pressure; Low-pressure distribution systems.

* * * * *

PART 193—[AMENDED]

1. The authority citation for part 193 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53.

2. Section 193.2001 is amended by revising paragraph (a) to read as follows:

§ 193.2001 Scope of part.

(a) This part prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*) and Part 192 of this chapter.

* * * * *

3. Section 193.2007 is amended by revising the definition of Administrator and the definition of *g* to read as follows:

§ 193.2007 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

g means the standard acceleration of gravity of 9.806 meters per second^2 (32.17 feet per second^2).

* * * * *

4. Section 193.2017 is amended by revising paragraph (a) to read as follows:

§ 193.2017 Plans and procedures.

(a) Each operator shall maintain at each LNG plant the plans and procedures required for that plant by this part. The plans and procedures must be available upon request for review and inspection by the Administrator or any State Agency that has submitted a current certification or agreement with respect to the plant under the pipeline safety laws (49 U.S.C. 60101 *et seq.*). In addition, each change to the plans or procedures must be available at the LNG plant for review and inspection within 20 days after the change is made.

* * * * *

5. Section 193.2321 is amended by revising paragraph (a) to read as follows:

§ 193.2321 Nondestructive tests.

(a) The following percentages of each day's circumferentially welded pipe joints for hazardous fluid piping, selected at random, must be nondestructively tested over the entire circumference to indicate any defects which could adversely affect the integrity of the weld or pipe:

Weld type	Cryogenic piping	Other	Test method
Butt welds more than 2 inches in nominal size	100	30	Radiographic or ultrasonic.
Butt welds 2 inches or less in nominal size	100	30	Radiographic, ultrasonic, liquid penetrant or magnetic particle.
Fillet and socket welds	100	30	Liquid penetrant or magnetic particle.

* * * * *

6. Section 193.2515 is amended by revising paragraph (c) to read as follows:

§ 193.2515 Investigation of failures.

* * * * *

(c) If the Administrator or relevant state agency under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) investigates an incident, the operator involved shall make available all relevant information and provide reasonable assistance in conducting the investigation. Unless necessary to

restore or maintain service, or for safety, no component involved in the incident may be moved from its location or otherwise altered until the investigation is complete or the investigating agency otherwise provides. Where components must be moved for operational or safety reasons, they must not be removed from the plant site and must be maintained intact to the extent practicable until the investigation is complete or the investigating agency otherwise provides.

PART 195—[AMENDED]

1. The authority citation for part 195 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.58 is revised to read as follows:

§ 195.58 Address for written reports.

Each written report required by this subpart must be made to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2335, 400 Seventh Street SW., Washington DC 20590. However, accident reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to a certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) may be submitted in duplicate to that State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Resources Manager. Safety-related condition reports required by § 195.55 for intrastate pipelines must be submitted concurrently to the State agency, and if that agency acts as an agent of the Secretary with respect to interstate pipelines, safety-related condition reports for these pipelines must be submitted concurrently to that agency.

§ 195.402 [Amended]

3. Section 195.402 is amended by revising paragraph (b) to read as follows:

* * * * *

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

* * * * *

PART 198—[AMENDED]

1. The authority citation for part 198 is revised to read as follows:

Authority: 49 U.S.C. 60105, 60106, 60114; and 49 CFR 1.53.

2. Section 198.3 is amended by revising the definition for *Underground pipeline facilities* to read as follows:

* * * * *

Underground pipeline facilities means buried pipeline facilities used in the transportation of gas or hazardous liquid subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*).

* * * * *

3. Section 198.11 is revised to read as follows:

§ 198.11 Grant authority.

The pipeline safety laws (49 U.S.C. 60101 *et seq.*) authorize the Administrator to pay out funds appropriated or otherwise make available up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for each state agency to carry out a safety program for intrastate pipeline facilities under a certification or agreement with the Administrator or to act as an agent of the Administrator with respect to interstate pipeline facilities.

4. Section 198.31 is revised to read as follows:

§ 198.31 Scope.

This subpart implements parts of the pipeline safety laws (49 U.S.C. 60101 *et seq.*), which direct the Secretary to require each State to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for its pipeline safety compliance program.

5. Section 198.35 is revised to read as follows:

§ 198.35 Grants conditioned on adoption of one-call damage prevention program.

In allocating grants to State agencies under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1674) and under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2004), the Secretary considers whether a State has adopted or is seeking to adopt a one-call damage prevention program in accordance with § 198.37. If a State has not adopted or is not seeking to adopt such program, the State agency may not receive the full reimbursement to which it would otherwise be entitled.

6. Section 198.37 is amended by revising paragraphs (e) and (h) to read as follows:

§ 198.37 State one-call damage prevention program.

* * * * *

(e) Except with respect to interstate transmission facilities as defined in the pipeline safety laws (49 U.S.C. 60101 *et seq.*), operators of underground pipeline facilities must be required to participate in the one-call notification systems that cover the areas of the State in which those pipeline facilities are located.

* * * * *

(h) Operators of underground pipeline facilities (other than operators of interstate transmission facilities as defined in the pipeline safety laws (49 U.S.C. 60101 *et seq.*), and interstate pipelines as defined in § 195.2 of this chapter), excavators and persons who operate one-call notification systems who violate the applicable requirements of this subpart must be subject to civil penalties and injunctive relief that are substantially the same as are provided under the pipeline safety laws (49 U.S.C. 60101 *et seq.*).

PART 199—[AMENDED]

1. The authority citation for part 199 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 199.3 is amended by revising the definition for *Administrator* and the definition for *State agency* to read as follows:

§ 199.3 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 *et seq.*)

3. Section 199.7 is amended by revising paragraph (b) to read as follows:

§ 199.7 Anti-drug plan.

* * * * *

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and

procedures as necessary to provide a reasonable level of safety.

§ 199.205 [Amended]

4. Section 199.205 is amended by revising the definition for State agency to read as follows:

* * * * *

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 *et seq.*).

* * * * *

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

Rose A. McMurray,

Acting Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 96–10282 Filed 4–25–96; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register
Vol. 61, No. 82
Friday, April 26, 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

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–30]

Airworthiness Directives; Hartzell Propeller Inc. HC–A3V, HC–B3M, HC–B3T, HC–B4M, HC–B4T, and HC–B5M Series Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Hartzell Propeller Inc. (Hartzell) HC–A3V, HC–B3M, HC–B3T, HC–B4M, HC–B4T, and HC–B5M series propellers. This proposal would require hub replacement over a 10-year time period with a concurrent blade and blade clamp inspection. This proposal is prompted by reports of two propeller hub failures and one crack indication that occurred on Mitsubishi MU–2B–60 aircraft, the similarity of construction and load transfer paths between the Hartzell propeller models installed on the Mitsubishi MU–2 aircraft and Hartzell's 3-, 4-, and 5-bladed steel hub propeller models, several blade shank failures, and reports of cracks in blade clamps. The actions specified by the proposed AD are intended to prevent propeller hub, blade, or blade clamp failure, which can result in loss of aircraft control.

DATES: Comments must be received by June 25, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–30, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Hartzell Propeller Inc., One Propeller Place, Piqua, OH 45356–2634. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Des Plaines, IL 60018; telephone (847) 294–7031, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–30.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–30, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of two hub failures and one crack indication that occurred on Hartzell Propeller Inc. (Hartzell) HC–B4TN–5(D,G,J)L/LT10282(B,K)–5.3R and HC–B4TN–5(D,G,J)L/LT10282N(B,K)–5.3R propellers installed on Mitsubishi MU–2B–60 aircraft. This airworthiness directive (AD) action is prompted by those reports and the similarity of construction and load transfer paths between the Hartzell propeller models installed on the Mitsubishi MU– 2B–60 aircraft and other Hartzell 3-, 4-, and 5-bladed steel hub propeller model installations. This condition, if not corrected, could result in hub failure, which can result in loss of aircraft control.

The FAA has determined that the most effective way to address all hub strength concerns is to require propeller hub replacement. The following are some of the benefits of a replacement program:

1. Improved propeller hub metallurgy;
2. Elimination of any surface decarburization in the pilot tube bore;
3. Introduction of compressive residual stress in the pilot tube bore;
4. Improved corrosion protection in the pilot tube bore;
5. Improved surface finish in the pilot tube bore.

Additionally, the referenced propeller models have been involved in several incidents of blade shank failures and have been reported to have cracks in the blade clamps. These conditions, if not corrected, could result in blade or blade clamp failure, which can result in loss of aircraft control. Therefore, the FAA has determined that a concurrent inspection of the blades and blade clamps at the time of hub replacement is necessary to detect cracks in either component.

The FAA has issued previous AD's to address a similar condition for specific propeller models and aircraft combinations. This AD, however, addresses a broader population. Airworthiness directive 95–01–02 is applicable to Hartzell propeller models HC–B4TN–5(D,G,J)L/LT10282(B,K)–5.3R, HC–B4TN–5(D,G,J)L/

LT10282N(B,K)–5.3R, and HC–B4TN–5(D,G,J)L/LT10282NS(B,K)–5.3R installed on Mitsubishi MU–2B– 26A, –36A, –40, –60; MU–2B–30 modified by Supplemental Type Certificate (STC) SA336GL–D & SA339GL–D; MU–2B–36 Modified by STC SA2413SW and any other MU–2 Series aircraft which have the referenced propeller models installed. Airworthiness directive 95–03–03 is applicable to Hartzell propeller models HC–B4TN–3/T10173F(N)(B,K)–12.5 and HC–B4TN– 3A/T10173F(N)(B,K)–12.5 installed on Beech A100 and A100A aircraft. Operators of the referenced propellers and aircraft combinations must refer to the previous AD's for required actions.

The FAA has reviewed and approved the technical contents of Hartzell Propeller Inc. Manual 118F, Revision 2, dated May 1992, pages 15 to 19 and 57 through 96, for 3- and 4-bladed hub models, and Manual 132A, Revision 2, dated June 1992, pages IV–5 to IV–11 and VII–1 to VII–46, for 5-bladed hub models, that describe procedures for disassembling and reassembling the propeller with a new hub; Hartzell Propeller Inc. Service Manual 202A, Revision 3, dated June 1995, pages 201 through 215, that describes the magnetic particle inspection procedure for the propeller blade clamps; and Hartzell Propeller Inc. Service Bulletin No. 136H, dated March 12, 1993, that describes inspection procedures for the propeller blade bearing bores.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require, over a 10-year time period, propeller hub replacement with a concurrent blade and blade clamp inspection for Hartzell Propeller Inc. Models HC–A3VF–7 ( ), HC–B3TF–7( ), HC–B3MN–3( ), HC–B3TN–2( ), HC–B3TN–3( ), HC–B3TN–5 ( ), HC–B4MN–5( ), HC–B4MP–3( ), HC–B4TN–3( ), HC–B4TN–5( ), HC–B5MA–3( ), HC–B5MP–3( ), HC–B5MP–5( ), HC–B3MN–5( ), HC– B3TN–4( ), HC–B4MP–4( ), and HC–B5MN–3( ) propellers. This propeller hub replacement program has been scheduled to require replacement of the most aged propeller hubs first. Additionally, the replacement program will accelerate the replacement of the 4 and 5 blade propeller hubs, while still replacing the 3 blade propeller hubs, with completion of the program in 10 years. Hartzell Propeller Inc. has advised the FAA that they will provide new hubs at special prices for the duration of this AD program. The actions would be required to be accomplished in accordance with the service documents described previously.

There are approximately 24,320 propellers of the affected design in the worldwide fleet. The FAA estimates that 50% of the subject propellers are installed on aircraft of U.S. registry and that 75% will have the work done during normally scheduled propeller maintenance. For those who accomplish the AD action during normal propeller maintenance, the parts cost will average $1,955 with no additional labor. For those who accomplish the AD action by itself, the parts cost will average $2,174, plus approximately 27 work hours per propeller at an average labor rate of $60 per work hour. Based on these figures, the total cost impact on U.S. operators is estimated to be $29,363,360. The cost will vary between the 3-, 4-, and 5-bladed propeller configurations and the above data represents an average cost.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Hartzell Propeller Inc.: Docket No. 95–ANE–30.

Applicability: Hartzell Propeller Inc. (Hartzell) Models HC–A3VF–7( ), HC–B3TF–7( ), HC–B3MN–3( ), HC–B3TN–2( ), HC–B3TN–3( ), HC–B3TN–5 ( ), HC–B4MN–5( ), HC–B4MP–3( ), HC–B4TN–3( ), HC–B4TN–5( ), HC–B5MA–3( ), HC–B5MP–3( ), HC–B5MP–5( ), HC–B3MN–5( ), HC–B3TN–4( ), HC–B4MP–4( ), and HC–B5MN–3( ) propellers. These propellers are installed on but not limited to the following aircraft:

Aerospace Technologies of Australia PTY LTD N22B, N24A, N22S; Air Tractor, Inc. AT–301, AT–302, AT–400, AT–400A, AT–401, AT–402, AT–502, AT–503, AT–802;
Agusta S.p.A. SF600, F.260;
Ayres Corporation S–2R, S2R–T11, S2R–T15, S2R–T34, S2R–T56, S2RHG–T65;
Beech A36, 65–90, 65–90A, C90, B90, E90, C90A, F90, 100, 200, 200C, A200C, B200, B200C, 200T, 200CT, A200CT, B200T, B200CT, 65–80, 65–A90–1, 65–A90–2, 65–A90–4, 99, 99A, A99A, B99, A200, C99, H90, 300, 300LW, B300, B300C, 1900, 1900C, T34C, T34C–1;
Cessna 208, 208A, 208B, 421, 425, 441, 402, P210N;
Construcciones Aeronauticas, S.A. (CASA) C–212–CB, –CC, –CE, –CF;
deHavilland Aircraft Co., Ltd. D.H.114;
deHavilland Inc. DHC–2, DHC–3, DHC–4; DHC–6, 1, 100, 200, 300;
Empresa Brasileira de Aeronautica S/A Embraer EMB–110P1, EMB–110P2;
Fairchild Aircraft, Inc. SA26–AT, –T; SA226–AT, –TB;
Frakes Aviation (Gulfstream American) G–73;
Great Lakes Aircraft Co. 2T–1A;
Helio HST–550, HST–550A;
Industrie Aeronautiche e Meccaniche Piaggio P.166DL3;
Israel Aircraft Industries, Ltd. Arava 101, 101B;
McDonnell Douglas DC–3 series;
McKinnon Enterprises, Inc. (Grumman) G–21E, G21–G;
Mitsubishi MU–2B series;
Pacific Aerospace Corporation, Ltd. FU24–954, FU2A–954;
Partenavia Costruzioni Aeronautiche S.p.A. AP68TP 300, AP68TP 600;
Pilatus Aircraft Ltd. PC–6/A–H2, /B1–H2, /B–H2, /B2–H2, /B2–H4, PC–7;
Piper Aircraft Corporation PA31–T1, –T2, –T3; PA31P; PA42, –42–720, –42–720R;
Prop-Jets, Inc., Interceptor (Aero Commander) (Meyers) 400;
Schweizer Aircraft Corp. (Grumman) G–164A, G–164B, G–164B–34T, –15T; G–164D;
Short Bros. Limited & Harland Ltd. SC–7 series, SD3 series;

Twin Commander Aircraft Corp. 680T, V, 681, 690A, 690B, 690C, 695, 695A; Weatherly Aviation Company 620TP.

Note 1: The parenthesis that appear in the propeller models indicate the presence or absence of additional letter(s) which vary the basic propeller hub model designation. This airworthiness directive (AD) is applicable regardless of whether these letters are present or absent on the propeller hub model designation.

Note 2: The above is not a complete list of aircraft which may contain the affected Hartzell Propeller Inc. Models HC–A3VF–7( ), HC–B3TF–7( ), HC–B3MN–3( ), HC–B3TN–2( ), HC–B3TN–3( ), HC–3TN–5( ), HC–B4MN–5( ), HC–B4MP–3( ), HC–B4TN–3( ), HC–B4TN–5( ), HC–B5MA–3( ), HC–B5MP–3( ), HC–B5MP–5( ), HC–B3MN–5( ), HC–B3TN–4( ), HC–B4MP–4( ), and HC–B5MN–3( ) propellers because of installation approvals made by, for example, Supplemental Type Certificate or field approval under FAA Form 337 ''Major Repair and Alteration.'' It is the responsibility of the owner, operator, and person returning the aircraft to service to determine if an aircraft has an affected propeller.

Note 3: This AD applies to each propeller 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 propellers 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 (h) to request approval from the Federal Aviation Administration (FAA). This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any propeller from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller hub, blade, or blade clamp failure, which can result in loss of aircraft control, accomplish the following:

(a) This AD requires no action for operators with Hartzell propeller models HC–B4TN–5(D,G,J)L/LT10282(B,K)–5.3R, HC–B4TN–5(D,G,J)L/LT10282N(B,K)–5.3R, and HC–B4TN–5(D,G,J)L/LT10282NS(B,K)–5.3R installed on Mitsubishi MU–2B– 26A, –36A, –40, –60; MU–2B–30 modified by Supplemental Type Certificate (STC) SA336GL–D & SA339GL–D; MU–2B–36 Modified by STC SA2413SW and any other MU–2 Series aircraft which have the referenced propeller models installed. These operators must, however, comply with AD 95–01–02.

(b) This AD requires no action for operators with Hartzell propeller models HC–B4TN–3/T10173F(N)(B,K)–12.5 and HC–B4TN–3A/T10173F(N)(B,K)–12.5 installed on Beech A100 and A100A aircraft. These operators must, however, comply with AD 95–03–03.

(c) Disassemble the propeller in accordance with Hartzell Propeller Inc. Service Manual 118F, Revision 2, dated May 1992, pages 15 to 19, for 3- and 4-bladed hub models, and Service Manual 132A, Revision 2, dated June 1992, pages IV–5 to IV–11, for 5-bladed hub models, remove the hub from service, and replace the hub with a serviceable hub in accordance with the compliance schedule in Table 1 of this AD.

(1) Utilize Table 1 of this AD in accordance with the following example: Model HC–B3TN–3( ) series propellers, starting with serial numbers (S/N's) BU1 through BU377, require replacement before the end of December of calendar year 1996. Serial numbers BU378 through BU754 require hub replacement before the end of June of calendar year 1997, and so forth.

(2) The affected hubs can only be replaced with serviceable hubs having a S/N not listed in Table 1 of this AD for that propeller model, or serviceable hubs having a S/N for which replacement is not yet required in accordance with Table 1 of this AD.

(3) Some existing propeller hub S/N's include a suffix letter, such as an ''A.'' The presence or absence of this letter has no significance in determining compliance.

(4) Since a hub may be used in various propeller models, the S/N and the model number shown in Table 1 of this AD may not coincide. Precedence is given to the hub S/N in determining compliance requirements. The hub model is only given as a reference.

(5) Hub replacement must be accomplished by the end of the calendar month indicated at the top of the appropriate column in Table 1 of this AD. The S/N ranges in this table identify the propeller hubs that require replacement by the end of that month.

BILLING CODE 4190–13–P

Table 1

HUB REPLACEMENT COMPLIANCE SCHEDULE

	Replacement is due by end of:	Dec. 1996	Jun 1997	Dec. 1997	Jun 1998	Dec. 1998	Jun 1999	Dec. 1999	Jun 2000	Dec. 2000
Hub Model Number	S/N Series									
HC-B3TN-3	BU	1-377	378-754	755-1881	1882-3008	3009-3840	3841-4673	4674-5707	5708-6742	6743-7864
HC-B3MN-3	GB									
HC-B3MN-5	FZ									
HC-B3TN-5	BV	1-86	87-172	173-529	530-885	886-1622	1623-2359	2360-2689	2690-3020	3021-3410
HC-B3TN-4	FK									1
HC-B3TN-2	AG	1-59	60-118	119-174			175-226	227-229	230-231	232-238
HC-B3TF-7	EX					1-3	4-7	8-47	48-87	88-112
HC-A3VF-7	DS				1	2-20	21-39	40-109	110-179	180-230
HC-B4TN-5	CD	1-94	95-187	188-663	664-1139	1140-1399	1400-1660	1661-1848	1849-2036	2037-2133
HC-B4TN-3	EA	1-169	170-338	339-437	438-537	538-758	759-979	980-1003	1004-1028	1029-1035
HC-B4MN-5	FL			1-35	36-70	71-238	239-406	407-411	412-416	417-423
HC-B4MP-3	FW					1-15	16-31	32-371	372-711	712-1024
HC-B4MP-4	FU					1-3	4-7		8	
HC-B5MP-5	EZ		1					2	3-4	
HC-B5MA-3	HB							1	2-3	4-28
HC-B5MN-3	ES		1					2-7	8-13	
HC-B5MP-3	EV	1-51	52-101	102-223	224-345	346-478	479-612	613-720	721-826	827-894
HC-B5MP-3	FT			1-3	4-6			7		

	Replacement is due by end of:	Jun 2001	Dec. 2001	Jun 2002	Dec. 2002	Jun 2003	Dec. 2003	Jun 2004	Dec. 2004	Jun 2006
Hub Model Number	S/N Series									
HC-B3TN-3	BU	7865-8987	8988-10409	10410-11832	11833-13487	13488-15141	15142-16299	16300-17457	17458-18308	18309-19160
HC-B3MN-3	GB						1-162	163-324	325-381	382-438
HC-B3MN-5	FZ						1-23	24-45	46	
HC-B3TN-5	BV	3411-3800	3801-4035	4036-4270	4271-4523	4524-4776	4777-4809	4810-4843	4844-4945	4946-6022
HC-B3TN-4	FK	2-3								4
HC-B3TN-2	AG	239-244	245-298	299-351	352-447	448-543	544-682	683-821	822-886	887-950
HC-B3TF-7	EX	113-136	137-138	139-140	141-208	209-275	276-330	331-386	387-472	473-558
HC-A3VF-7	DS	231-280	281-313	314-345	346-396	397-446	447-464	465-482	483-496	497-511
HC-B4TN-5	CD	2134-2230	2231-3134	3135-3342						
HC-B4TN-3	EA	1036-1043	1044-1092	1093-1142						
HC-B4MN-5	FL	424-429	430-436	437-1002						
HC-B4MP-3	FW	1025-1338	1339-1393	1394-3033						
HC-B4MP-4	FU									
HC-B5MP-5	EZ		5-6	7-8						
HC-B5MA-3	HB	29-52	53-78	79-1018						
HC-B5MN-3	ES									
HC-B5MP-3	EV	895-961	962-1002	1003-2030						
HC-B5MP-3	FT	8								

BILLING CODE 4910–13–C

(d) Perform a fluorescent penetrant inspection of blades for cracks in accordance with Hartzell Propeller Inc. Service Bulletin 136H, dated March 12, 1993, prior to installing a serviceable hub.

(e) Perform magnetic particle inspection of blade clamps for cracks in accordance with Hartzell Service Manual 202A, Revision 3, dated June 1995, pages 201 to 215, prior to installing a serviceable hub.

(f) If cracks are found in either the blade or the blade clamps, prior to further flight replace with serviceable blade or blade clamps.

(g) Reassemble the propeller in accordance with Hartzell Propeller Inc. Service Manual 118F, Revision 2, dated May 1992, pages 57 through 96, for 3- and 4-bladed hub models, and Service Manual 132A, Revision 2, dated June 1992, pages VII–1 to –46, for 5-blade hub models.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Chicago Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

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

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

Issued in Burlington, Massachusetts, on April 16, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–10060 Filed 4–25–96; 8:45 am]

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14 CFR Part 39

[Docket No. 94–CE–22–AD]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft SA26, SA226, and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 93–19–06. That AD currently requires repetitively inspecting acrylic cabin and cockpit side windows for cracks on certain Fairchild Aircraft SA26, SA226, and SA227 series airplanes, and, if cracks are found that exceed certain limitations, replacing that window. The previous document included the following: the proposed requirement of modifying certain cockpit side windows; more fully-defined crack limitations; and more clear repetitive inspection intervals for the affected airplanes over those included in AD 93–19–06. Comments received regarding the NPRM have prompted the Federal Aviation Administration to change the proposal and allow the public a further opportunity to participate in the rulemaking process. The actions specified by the proposed AD are intended to prevent acrylic cabin or cockpit side window failures, which, if not detected and corrected, could result in airframe damage and decompression injuries.

DATES: Comments must be received on or before June 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–22–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; telephone (210) 824–9421. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Hung Viet Nguyen, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5155; facsimile (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 94–CE–22–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–CE–22–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Fairchild Aircraft SA26, SA226, and SA227 series airplanes was published in the Federal Register on February 21, 1995 (60 FR 9649). The action proposed to supersede AD 93–19–06 with a new AD that would maintain the requirement of repetitively inspecting acrylic cabin and cockpit side windows for cracks, and replacing any window where cracks are found that exceed certain limitations. That NPRM proposed to require modifying windows that do not have inner window panes installed. Accomplishment of the modification proposed in the NPRM would be in accordance with the following service bulletins (SB), as applicable:

Page No.	Date
Fairchild SB 26–56–10–045, which incorporates the following pages and revision levels:	
3, 4, 5, and 9	Revised: December 1, 1994.

Page No.	Date
1, 2, 6, 7, 8, and 10 through 14	Issued: August 11, 1994.
Fairchild SB 226–56–005, which incorporates the following pages and revision levels:	
3 through 7, and 9	Revised: December 1, 1994.
1, 2, and 8	Revised: August 11, 1994.
10 through 16	Issued: July 31, 1991.
and Fairchild SB 227–56–005, which incorporates the following pages and revision levels:	
3 through 7, and 9	Revised: December 1, 1994.
1, 2, and 8	Revised: August 11, 1994.
10 through 16	Issued: July 31, 1991.

Accomplishment of the repetitive inspections proposed in the NPRM would be in accordance with the following SB's, as applicable:

Fairchild SB 26–56–20–042, Issued: November 28, 1988; Revised: February 7, 1991.

Fairchild SB 226–56–001, Issued: February 2, 1983; Revised: November 26, 1991.

Fairchild SB 227–56–001, Issued: February 2, 1983; Revised: November 26, 1991.

Fairchild SB 226–56–002, Issued: March 3, 1983; Revised: May 29, 1992.

Fairchild SB 227–56–002, Issued: January 5, 1984; Revised: May 29, 1992, and April 1, 1993.

Fairchild SB 226–56–003, Issued: September 13, 1984; Revised: November 2, 1989.

Fairchild SB 227–56–003, Issued: September 13, 1984; Revised: November 2, 1989.

Fairchild SB 26–56–10–038, Issued: October 8, 1984; Revised: February 7, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. After reviewing all the comments received on the NPRM, the FAA is revising the proposal to eliminate the proposed dual-pane cockpit side window modification, and is proposing repetitive single-pane cockpit side window replacements (every 5,000 hours time-in-service). The repetitive inspections would remain as originally proposed. Due consideration has been given to the comments that follow.

Fifteen comments were received in reference to the dual-pane cockpit side window modification. These comments present the view that the compliance times for the modification are unrealistic, that there is no justification for the FAA to mandate the dual-pane modification, and that a new improved cockpit side window defogging system should be developed instead of the modification. Since the FAA has revised the NPRM to include repetitive single-pane cockpit side window replacements instead of the dual-pane cockpit side window modification, these comments no longer apply to the rule as now proposed.

Seven commenters state that the FAA miscalculated the economic impact of the AD upon the operators, specifically that the 14 hours proposed to accomplish the modification is closer to 50 workhours for each side or 100 workhours per airplane. The FAA concurs that it miscalculated the economic impact and agrees that the proposed modification would take approximately 100 workhours per airplane (50 workhours each side). However, since the proposal is being revised to incorporate a life limit on the single-pane windows and since mandatory dual-pane modification is no longer proposed, the economic portion to the preamble of this proposal has been adjusted to reflect the single-pane installation costs instead of the double pane modification costs.

After examining the circumstances and reviewing all available information related to the subject described above including the comments received, the FAA has determined that the NPRM should be revised and that AD action should still be taken to prevent acrylic cabin or cockpit side window failures, which, if not detected and corrected, could result in airframe damage and decompression injuries.

Since this revision of the NPRM to add a life limit for the single-pane cockpit side windows proposes actions that go beyond the scope of what was already proposed, the FAA is reopening the comment period to allow the public additional time to comment on this proposed action.

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Aircraft SA26, SA226, and SA227 series airplanes of the same type design, the proposed AD would supersede AD 93–19–06 with a new AD that would maintain the requirement of repetitively inspecting the cabin and cockpit side windows, and would add a life limit for the single-pane cockpit side windows. Accomplishment of the single-pane window installation would be in accordance with the applicable maintenance manual. The proposed inspections would continue to be accomplished in accordance with the service bulletins previously referenced.

The compliance time for the proposed AD is presented in both hours time-in-service (TIS) and calendar time. The referenced acrylic cabin and cockpit side windows are affected whether the airplane is in flight or on the ground. In addition, the utilization rates of the affected airplanes vary among operators. For example, operators in unscheduled service utilize their airplanes an average of approximately 200 to 300 hours TIS annually, while those in commuter service (scheduled) utilize their airplanes an average of approximately 2,000 hours TIS annually. Based on this wide utilization rate variance and the fact that these windows are affected when the airplane is in flight and on the ground, the FAA has determined that the compliance time for the proposed rule should be in hours TIS and calendar time.

The FAA estimates that 633 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 28 workhours per airplane (14 workhours per window) to accomplish the proposed life limit installation and that the average labor rate is approximately $60 an hour. Parts cost approximately $2,200 per airplane ($1,100 per window). Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,456,040. AD 93–19–06 currently requires the same inspections as the proposed AD for all of the affected airplanes. Therefore, the cost impact of the proposed inspections (3 workhours × $60 × 633 airplanes = $113,940) for operators of all affected airplanes is the same as AD 93–19–06. The figure does not take into account the cost of repetitive inspections. The FAA has no way of determining how many repetitive inspections each owner/operator may incur over the life of the airplane.

In addition, Fairchild Aircraft has informed the FAA that approximately 250 of the 633 affected airplanes are equipped with cockpit side windows with inner window panes, and therefore are not subject to the single-pane window replacements (dual-pane windows would still be subject to repetitive inspections). With this in mind, the proposed cost impact upon U.S. operators would be reduced approximately $970,000 from $2,456,040 to $1,486,040.

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

For the reasons discussed above, I certify that this 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 93–19–06, Amendment 39–8705 (58 FR 51771, October 5, 1993), and by adding a new AD to read as follows:

Fairchild Aircraft: Docket No. 94–CE–22–AD. Supersedes AD 93–19–06, Amendment 39–8705.

Applicability: Models SA26–T, SA26–AT, SA226–T, SA226–T(B), SA226–AT, SA226–TC, SA227–AT, SA227–AC, SA227–BC, and SA227–TT airplanes (all serial numbers for all models), certificated in any category.

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

Note 2: The applicability of this AD takes precedence over that specified in the service information.

Compliance: Required as indicated in the body of the AD, unless already accomplished.

To prevent acrylic cabin or cockpit side window failures, which, if not detected and corrected, could result in airframe damage and decompression injuries, accomplish the following:

Note 3: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.
Level 4: (A), (B), (C), etc.

Level 2, Level 3, and Level 4 structures are designations of the Level 1 paragraph they immediately follow.

(a) Upon the accumulation of 5,000 hours time-in-service (TIS) or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 5,000 hours TIS, replace each single-pane cockpit side window with a new window of like design in accordance with the applicable maintenance manual.

(1) Accomplish the inspection specified in paragraph (b) of this AD between 10 to 20 hours TIS after replacing each window to ensure that no damage has occurred after installation; and

(2) If cracks are found, utilize the chart in paragraph (b) of this AD to determine the applicable action necessary.

(b) Visually inspect all acrylic single-pane cockpit side windows for cracks in accordance with the service information presented in paragraph (d)(2) of this AD, as applicable. Accomplish the initial inspection, and applicable reinspection or replacement as specified in the following chart:

Condition	Initial action	Repetitive action
Upon the effectiveness of this AD	Inspect at 150 hours TIS after the effective date of the AD.	Reinspect at intervals not to exceed 1,000 hours TIS or 12 calender months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.
If cracks are found where the sum total of all cracks is less than 4.3 inches in combined length, but where a crack meets or exceeds .30 inches as specified in the Crack Limitations section of the service information referenced in paragraph (d)(2) of this AD.	Accomplish one of the following: ...	Accomplish the corresponding repetitive action:
	1. Prior to further flight, replace the window with a new window of like design in accordance with the applicable maintenance manual or.	1. Reinspect initially between 10 and 20 hours TIS after replacing the window to ensure that no damage has occurred after installation, and thereafter at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found or

Condition	Initial action	Repetitive action
	2. Prior to further flight, fabricate a placard with the following words in letters at least 0.10-inch in height and install this placard within the pilot's clear view close to the pressurization controls: ''AIRPLANE MUST BE OPERATED UNPRESSURIZED'', and prior to further flight, insert a copy of this AD into Limitations Section of the FAA-approved Airplane Flight Manual (AFM).	2. Repeat the inspection specified in paragraph (b) of this AD at intervals not to exceed 25 hours TIS or 30 calendar days, and whichever occurs first, provided the sum total of all cracks does the not exceed 4.3 inches in combined length. Replace the window and continue the actions necessary under the ''With cracks found where the sum total of all cracks meets or exceeds 4.3 inches in combined length'' condition column.
If cracks are ound where the sum total of all cracks meets or exceeds 4.3 inches in combined length.	Prior to further flight, replace the window with a new window of like design in accordance with applicable maintenance manual.	Reinspect initially between 10 and 20 hours TIS after replacing the window to ensure that no damage has occurred after installation, and thereafter at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.
With cracks found that are less than .30 inches (as specified in the applicable service information referenced in paragraph (d)(2) of this AD) provided the sum total of all cracks does not exceed 4.3 inches in combined length.	Reinspect within 25 hours TIS or 30 calendar days, whichever occurs first.	Continue this reinspection at intervals not to exceed 25 hours TIS or 30 calendar days, whichever occurs first, provided no crack is found that is .30 inches or greater or the combined length of all cracks exceeds 4.3 inches in combined length. Use applicable condition column entry to determine compliance times if any of these crack limits are met.
With no cracks found after one of the inspections required by this AD.	Reinspect within 1,000 hours TIS and 12 calendar months after the last inspection, whichever occurs first.	Reinspect at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.

(c) Visually inspect all acrylic cabin and dual-pane cockpit side windows for cracks in accordance with the service information specified in paragraphs (d)(1) and (d)(2) of this AD. Accomplish the initial inspection and applicable reinspection or replacement as specified in the following chart:

Condition	Initial action	Repetitive action
Upon the effectiveness of this AD	Inspect at 150 hours TIS after the effective date of the AD, unless already accomplished within the last 1,000 hours TIS or 12 calendar months, which would put airplane in compliance with superseded AD 93–19–06. Use the results of the previous inspection under AD 93–19–06 to determine repetitive interval.	Reinspect at intervals not to exceed 1,000 hours TIS or 12 calender months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.
		For airplanes taking ''unless already accomplished'' credit for the initial inspection, use the results of the previous inspection under AD 93–19–06 to determine the repetitive action.
If cracks are found where the sum total of all cracks is less than 4.3 inches in combined length, but where a crack meets or exceeds .30 inches as specified in the Crack Limitations section of the service information referenced in paragraph (d)(2) of this AD.	Accomplish one of the following: ...	Accomplish the corresponding repetitive action:
	1. Prior to further flight, replace the window with a new window of like design in accordance with the applicable maintenance manual or.	1. Reinspect initially between 10 and 20 hours TIS after replacing the window to ensure that no damage has occurred after installation, and thereafter at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found or

Condition	Initial action	Repetitive action
	2. Prior to further flight, fabricate a placard with the following words in letters at least 0.10-inch in height and install this placard within the pilot's clear view close to the pressurization controls: ''AIRPLANE MUST BE OPERATED UNPRESSURIZED'', and prior to further flight, insert a copy of this AD into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM).	2. Repeat the inspection specified in paragraph (b) of this AD at intervals not to exceed 25 hours TIS or 30 calendar days, whichever occurs first, provided the sum total of all cracks does not exceed 4.3 inches in combined length. Replace the window and continue the actions necessary under the ''With cracks found where the sum total of all cracks meets or exceeds 4.3 inches in combined length'' condition column.
If cracks are found where the sum total of all cracks meets or exceeds 4.3 inches in combined length.	Prior to further flight, replace the window with a new window of like design in accordance with the applicable maintenance manual.	Reinspect initially between 10 and 20 hours TIS after replacing the window to ensure that no damage has occurred after installation, and thereafter at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.
With cracks found that are less than .30 inches (as specified in the applicable service information referenced in paragraph (d)(2) of this AD) provided the sum total of all cracks does not exceed 4.3 inches in combined length.	Reinspect within 25 hours TIS or 30 calendar days, whichever occurs first.	Continue this reinspection at intervals not to exceed 25 hours TIS or 30 calendar days, whichever occurs first, provided no crack is found that is .30 inches or greater or the combined length of all cracks exceeds 4.3 inches in combined length. Use applicable condition column entry to determine compliance times if any of these crack limits are met.
With no cracks found after one of the inspections required by this AD.	Reinspect within 1,000 hours TIS and 12 calendar months after the last inspection, whichever occurs first.	Reinspect at intervals not to exceed 1,000 hours TIS or 12 calendar months, whichever occurs first, provided no cracks are found. Use applicable condition column entry to determine compliance times if cracks are found.

(d) The following specifies the service bulletins that contain the procedures to accomplish the required inspections:

Models	Service bulletins
(1) For acrylic cabin windows:	
SA26–T and SA26–AT	26–56–20–042, Issued: November 28, 1988, Revised: February 7, 1991.
SA226–T and SA226–T(B)	226–56–001, Issued: February 2, 1983, Revised: November 26, 1991.
SA226–AT and SA226–TC	226–56–002, Issued: March 3, 1983, Revised: May 29, 1992.
SA227–AT, SA227–AC, and SA227–BC	227–56–002, Issued: January 5, 1984, Revised: May 29, 1992, and April 1, 1993.
SA227–TT	227–56–001, Issued: February 2, 1983, Revised: November 26, 1991.
(2) For acrylic cockpit side windows:	
SA26–T and SA26–AT	26–56–10–038, Issued: October 8, 1984, Revised: February 7, 1991.
SA226–T, SA226–T(B), SA226–AT, and SA226–TC.	226–56–003, Issued: September 13, 1984, Revised: November 2, 1989.
SA227–AT, SA227–AC, SA227–BC, and SA227–TT.	227–56–003, Issued: September 13, 1984, Revised: November 2, 1989.

Note 4: The repetitive inspections required by this AD are also referenced in the FAA-approved Fairchild Airframe Airworthiness Limitations Manual, ST–UN–M001.

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

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

Note 6: Alternative methods of compliance approved in accordance with AD 93–19–06 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 93–19–06, Amendment 39–8705.

Issued in Kansas City, Missouri, on April 19, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–10308 Filed 4–25–96; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AD75

Supplemental Security Income for the Aged, Blind, and Disabled; Charging Administration Fees for Making State Supplementary Payments; Interest Charging on State Supplementary Payment Funds

AGENCY: Social Security Administration, (SSA).

ACTION: Proposed rules.

SUMMARY: We propose to revise our rules to bring them into accord with statutory changes which require the Social Security Administration (SSA) to charge the States an administration fee for making supplementary payments on behalf of States and authorize SSA to charge the States an additional services fee for performing services at the request of States not customarily provided. We also propose to conform our regulations to reflect the requirements of the law regarding the transfer of funds from States to SSA for use in making supplementary payments.

DATES: To be sure that your comments are considered, we must receive them no later than June 25, 1996.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–2830, sent by E-mail to ''regulations@ssa.gov'', or delivered to the Division of Regulations and Rulings, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 A.M. on the date of publication in the Federal Register. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect format and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–1762 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations reflect the provisions of section 13731 of Public Law 103–66 (the Omnibus Budget Reconciliation Act (OBRA) of 1993) and Public Law 101–453 (the Cash Management Improvement Act (CMIA) of 1990) as amended by Public Law 102–589 (the Cash Management Improvement Act Amendments of 1992). From the inception of the supplemental security income (SSI) program in January 1974 through September 1993, SSA did not have the authority to charge States for the costs it incurred in administering mandatory and optional State supplementary payment programs. During that same period of time, SSA did not have specific authority to charge States for the costs it incurred in performing, at the request of the States, services not customarily provided in the administration of State supplementary payment programs.

Section 13731 of Public Law 103–66, effective for supplementary payments made for any month beginning on or after October 1, 1993, requires SSA to charge the States an administration fee for making supplementary payments on behalf of States and authorizes SSA to charge the States an additional services fee for performing services at the request of States not customarily provided.

The CMIA requires that transfers of funds from the States to SSA for the payment of supplementary payments be timed to coincide as closely as possible with disbursements of those funds to eligible individuals. In the case of certain States, transfers which do not occur on due dates and/or which are not in appropriate amounts will cause the imposition of an interest liability on either the States or on the Federal Government in accordance with the regulations of the United States Department of the Treasury implementing the CMIA. The provisions of the CMIA were effective on the later of July 1, 1993, or the first day of the State's fiscal year beginning in 1993. Prior to the effective date of the CMIA, no interest liability was incurred by either the States or the Federal Government on the transfer of funds to SSA for use in making State supplementary payments.

Present Policy

At the outset of the SSI program, States were encouraged to supplement the Federal benefit. As an incentive to provide a supplement, States that agreed to make optional supplementary payments and signed an agreement to have those payments administered by the Federal Government would not be charged a fee for Federal administration. States required to pay mandatory supplementary payments could also enter into agreements providing for Federal administration of those payments at no cost to the States. States electing Federal administration were required to periodically transfer to SSA only amounts equal to the expenditures made by SSA for supplementary payments. This former requirement is still reflected in the current regulations at §§ 416.2010(c) and 416.2090(a).

On October 1, 1993, pursuant to amendments made to the Social Security Act (the Act) and to section 212(b)(3) of Public Law 93–66 by section 13731 of Public Law 103–66, SSA began charging States that had elected Federal administration of optional and/or mandatory State supplementary payments a fee for administering those payments. The administration fee is charged monthly and is derived by multiplying the number of State supplementary payments made by SSA on behalf of a State for a month by the applicable dollar rate for the fiscal year (FY), as prescribed in section 13731 of Public Law 103–66. The dollar rates are as follows: for FY 1994, $1.67; for FY 95, $3.33; for FY 96, $5.00; and, for FY 1997 and each succeeding FY, $5.00 or such different rate as determined by SSA to be appropriate for any particular State, taking into account the complexity of administering the State's supplementary payment program. The number of supplementary payments made by SSA in a month is the total number of checks issued, and direct deposits made, to recipients in that month, that are composed in whole or in part of State supplementary funds. The number of supplementary payments include, for example, recurring monthly payments (ongoing monthly payments to individuals who maintain eligibility from the previous month); supplemental payments (payments certified after the date established for the regular transfer of payment data to the United States Department of the Treasury); daily payments (non-recurring initial claims or post-entitlement payments including one-time payments such as those made to correct underpayments); erroneous payments (overpayments and payments to ineligibles); split payments (multiple check payments resulting from the systems safeguard limiting single checks to an amount not greater than

$49,999.99); unnegotiated check payments (payments by check not presented for payment by the recipient within 180 days of issuance); replacement checks (duplicate checks issued when recipients allege nonreceipt of original check issuances); and, installment payments (payments made over a period of months, the sum of which is equal to amounts due recipients).

Section 13731 of Public Law 103–66 also authorizes SSA to charge a State an additional services fee if, at the request of the State, SSA agrees to provide the State with additional services beyond the level customarily provided in the administration of State supplementary payments. SSA is not required to perform any additional services requested by a State and may, at its sole discretion, refuse to perform those additional services. An additional services fee charged a State may be a one-time charge or, if the furnished services result in ongoing costs to the Federal Government, a monthly or less frequent charge to the State for providing such services. Section 13731 of Public Law 103–66 requires that the additional services fee be in an amount that SSA determines is necessary to cover all costs (including indirect costs) incurred by the Federal Government in furnishing the additional services. Prior to the effective date of section 13731 of Public Law 103–66, SSA had no specific authority to impose additional services fees.

The CMIA was enacted to ensure greater efficiency, effectiveness and equity in the exchange of funds between the Federal Government and the States. For purposes of Federal administration of State supplementary payments, the CMIA requires that the transfer of funds from the States to SSA for use in making supplementary payments be timed to coincide as closely as possible with the actual payment of those funds to recipients. While all States are required to comply with the funding techniques of the CMIA, pursuant to the implementing regulations of the United States Department of the Treasury at 31 CFR Part 205, only those States whose State supplementary payment programs meet the requirements of a major Federal assistance program in their respective States are subject to the interest liability provisions of the CMIA. For those States, transfers of supplementary payment funds to SSA which are not made on due dates and/or are not made in appropriate amounts will cause the imposition of an interest liability on either the State, or the Federal Government. Currently, SSA administers the supplementary payment programs of 26 States and the District of Columbia. The supplementary payment programs of 12 of those States and the District of Columbia meet the requirements of a major Federal assistance program and, thus, are subject to the interest liability provisions of the CMIA.

Each month, States are notified of the amount of funds they must transfer to SSA to be used in the succeeding month to make supplementary payments and to pay administration fees. Notification is made, generally, 7 work days before the end of the month. For purposes of complying with the funding technique requirements of the CMIA and its implementing regulations, all State funds must be received by SSA by the fifth Federal business day following the day the regularly recurring monthly supplementary payments are issued. This date is the State supplementary payment transfer date and represents the dollar-weighted average day of clearance of all SSI/State supplementary payment checks and direct deposits made to individuals in a month. Section 1616(d) of the Act and section 212(b)(3) of Public Law 93–66, as amended by section 13731 of Public Law 103–66, require that the States pay administration fees on the same day they transfer to SSA the amounts necessary to make State supplementary payments. However, the provisions of the CMIA apply only to the amounts transferred to SSA for use in making supplementary payments. Therefore, the interest provisions of the CMIA are inapplicable to the payment of administration fees not made on transfer dates and/or not made in appropriate amounts. However, administration fee payment delinquencies by States are subject to the provisions of the claims collection regulations at 45 CFR part 30, which include the imposition of interest on amounts due SSA. These Department of Health and Human Services regulations remain applicable after March 30, 1995, to the assessment of interest on delinquent administration fees by SSA pursuant to section 106(b) of Public Law 103–296, the Social Security Independence and Program Improvements Act of 1994.

It is not possible for SSA to forecast the precise amount of State expenditures that will be made in the subsequent month. Therefore, the amounts transferred on the State supplementary payment transfer date are based on estimates made by SSA. After the close of the month for which the amounts are transferred, when final expenditure figures become available, those amounts will be revealed to be either more or less than actually expended, therefore triggering an interest liability on either the State or the Federal Government. Current regulations do not reflect the CMIA requirement that supplementary payment funds be transferred to SSA on the date of average clearance of SSI/supplementary payments, nor do they authorize the charging or payment of interest by either SSA or the States with regard to the transfer of State supplementary payment funds.

Proposed Policy

We propose to amend the regulations at §§ 416.2010(b) and 416.2090 to reflect the provisions section 13731 of Public Law 103–66 that require SSA to charge States an administrative fee for administering their State supplementary payments and authorize SSA to charge States an additional services fee for services not customarily performed. Examples of services not customarily provided States and thus, for which an additional fee will be charged if SSA agrees to perform them, are presented below. The list is not intended to be inclusive. Any and all additional services performed by SSA at the request of a State will be subject to the services fee, including:

- The collection and/or verification of additional information in the claims or redetermination process which SSA does not now typically or usually collect and/or verify;
- The modification of a supplementary payment level variation or replacement of a supplementary payment level variation, resulting in a variation more labor intensive or otherwise more costly to administer than variations normally administered by SSA;
- The modification or expansion of the existing SSI Quality Assurance sample that would increase the level of reporting usually performed by SSA;
- The development and issuance of notices to SSI/State supplementary payment recipients in the State beyond those normally provided;
- The revision of State supplementary payment amounts which requires software changes in the SSI payment system not otherwise necessary. Such revisions would be other than the customary revisions associated with annual cost-of-living adjustments to the Federal benefit rate;
- The provision of more detailed or frequent accounting data or reports; and
- A service that would require SSA to engage in software development or modification and/or reprogramming efforts not normally undertaken.

We also propose to amend the regulations at § 416.2090(a)(2) to

provide, consistent with our present procedure, that all State funds to be used by SSA to make monthly supplementary payments and to pay administration fees for that month, as estimated by SSA, must be on deposit with SSA by the fifth Federal business day following the day the regularly recurring monthly supplementary payments are issued. This paragraph would also provide that any additional services fees are to be on deposit with SSA on the date specified by SSA. In addition, we propose to amend § 416.2090(b) to clarify that administration and additional services fees are included in SSA's accounting of State funds and to reflect the fact that SSA and the States may now incur interest charges with respect to the adjustment and accounting of State supplementary payment funds in accordance with the CMIA and implementing regulations of the United States Department of the Treasury.

We also propose to make technical revisions to the regulations in Subpart T that are unrelated to the provisions of OBRA of 1993 and the CMIA. Section 184 of Public Law 97–248, enacted September 3, 1982, phased out the hold-harmless provisions of the Social Security Act. In order to reflect the fact that these provisions are now obsolete, we propose to delete the hold-harmless regulations at §§ 416.2010(b) (except for the last sentence which is unrelated to the hold-harmless protection and which will be inserted at the end of §§ 416.2005(d)), 416.2080, 416.2082, and 416.2085 per SSA's June 1, 1995, report to President Clinton on Eliminating and Improving Regulations, and to amend the regulations at §§ 416.2050(b)(1) and 416.2090 (a)(2) and (d). Section 416.2010(d) will be redesignated as § 416.2010(c) and will be revised to indicate that agreements will renew automatically one year after the date they are signed for a period of one year unless the State or SSA gives written notice not to renew at least 90 days before the beginning of the new period. The regulations now provide that the agreements will run until June 30, the Federal government's former end of a fiscal year. This proposed change takes into consideration the fact that States have not signed their agreements on one uniform date. Finally, these proposed rules would, in the sections being amended, replace all references to the Secretary of Health and Human Services with references to SSA to reflect Public Law 103–296 which, effective March 31, 1995, established SSA as an independent agency separate from the Department of Health and Human Services.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these proposed rules will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These proposed rules impose no reporting/recordkeeping requirements subject to OMB clearance.

(Catalog of Federal Domestic Assistance Program No. 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental security income.

Dated: April 16, 1996.

Shirley Chater,

Commissioner of Social Security.

Subpart T of part 416 of chapter III of title 20 of the Code of Federal Regulations is proposed to be amended as follows:

PART 416 —[AMENDED]

Subpart T—[Amended]

1. The authority citation for subpart T of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1616, 1618, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382e, 1382g, and 1383); sec. 212, Pub. L. 93–66, 87 Stat. 155 (42 U.S.C. 1382 note); sec. 8(a), (b)(1)–(b)(3), Pub. L. 93–233, 87 Stat. 956 (7 U.S.C. 612c note and 1431 note and 42 U.S.C. 1382e note); secs. 1(a)–(c) and 2(a), 2(b)(1), 2(b)(2), Pub. L. 93–335, 88 Stat. 291 (42 U.S.C. 1382 note, 1382e note).

2. Section 416.2005 is amended by revising paragraph (a), removing ''the Secretary'' and adding ''SSA'' in the heading and each time it appears in paragraphs (b)–(d) and adding a sentence to the end of paragraph (d) to read as follows:

§ 416.2005 Administration agreements with SSA.

(a) *Agreement-mandatory only.* Subject to the provisions of paragraph (d) of this section, any State having an agreement with the Social Security Administration (SSA) under § 416.2001(c) may enter into an administration agreement with SSA under which SSA will make the mandatory minimum supplementary payments on behalf of such State. An agreement under § 416.2001(c) and an administration agreement under this paragraph may be consolidated into one agreement.

* * * * *

(d) * * * If the State elects options available under this subpart (specified in §§ 416.2015 through 416.2035), such options must be specified in the administration agreement.

3. Section 416.2010 is amended by removing paragraph (b), redesignating paragraphs (c) through (f) as paragraphs (b) through (e), removing ''the Secretary'' and adding ''SSA'' each time it appears in paragraphs (a), (d) and (e), and by revising redesignated paragraphs (b) and (c) to read as follows:

§ 416.2010 Essentials of the administration agreements.

* * * * *

(b) *Administrative costs.* (1) SSA shall assess each State that had elected Federal administration of optional and/or mandatory State supplementary payments an administration fee for administering those payments. The administration fee is assessed and paid monthly and is derived by multiplying the number of State supplementary payments made by SSA on behalf of a State for any month in a fiscal year by the applicable dollar rate for the fiscal year. The number of supplementary payments made by SSA in a month is the total number of checks issued and direct deposits made to recipients in that month, that are composed in whole or in part of State supplementary funds. The dollar rates are as follows:

(i) For fiscal year 1994, $1.67;

(ii) For fiscal year 1995, $3.33;

(iii) For fiscal year 1996, $5.00; and

(iv) For fiscal year 1997 and each succeeding fiscal year, $5.00, or such different rate as determined by SSA to be appropriate for any particular State, taking into account the complexity of administering the State's supplementary payment program.

(2) SSA shall charge a State an additional services fee if, at the request of the State, SSA agrees to provide the State with additional services beyond the level customarily provided in the administration of State supplementary

payments. The additional services fee shall be in an amount that SSA determines is necessary to cover all costs, including indirect costs, incurred by the Federal government in furnishing the additional services. SSA is not required to perform any additional services requested by a State and may, at its sole discretion, refuse to perform those additional services. An additional services fee charged a State may be a one-time charge or, if the furnished services result in ongoing costs to the Federal Government, a monthly or less frequent charge to the State for providing such services.

(c) *Agreement period*. The agreement period for a State which has elected Federal administration of its supplementary payments will extend for one year from the date the agreement was signed unless otherwise designated. The agreement will be automatically renewed for a period of one year unless either the State or SSA gives written notice not to renew, at least 90 days before the beginning of the new period. For a State to elect Federal administration, it must notify SSA of its intent to enter into an agreement, furnishing the necessary payment specifications, at least 120 days before the first day of the month for which it wishes Federal administration to begin, and have executed such agreement at least 30 days before such day.

* * * * *

4. Paragraph (b)(1) of section 416.2050 is amended by removing the phrase ''(as defined in § 416.2085(e))'' and removing ''the Secretary'' and adding ''SSA'' each time it appears.

§ 416.2080 [Removed]

5. Section 416.2080 is removed.

§ 416.2082 [Removed]

6. Section 416.2082 is removed.

§ 416.2085 [Removed]

7. Section 416.2085 is removed.

8. Section 416.2090 is amended removing ''the Secretary'' and adding ''SSA'' each time it appears in paragraph (c), by removing the phrase ''for purposes of § 416.2080'' at the end of paragraph (d), and by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 416.2090 State funds transferred for supplementary payments.

(a) *Payment transfer and adjustment*. (1) Any State which has entered into an agreement with SSA which provides for Federal administration of such State's supplementary payments shall transfer to SSA:

(i) An amount of funds equal to SSA's estimate of State supplementary payments for any month which shall be made by SSA on behalf of such State;

(ii) An amount of funds equal to SSA's estimate of administration fees for any such month determined in the manner described in § 416.2010(b)(1); and

(iii) If applicable, an amount of funds equal to SSA's determination of the costs incurred by the Federal government in furnishing additional services for the State as described in § 416.2010(b)(2).

(2) In order for SSA to make State supplementary payments on behalf of a State for any month as provided by the agreement, the estimated amount of State funds referred to in paragraph (a)(1)(i) of this section, necessary to make those payments for the month, together with the estimated amount of administration fees referred to in paragraph (a)(1)(ii) of this section, for that month, must be on deposit with SSA on the State supplementary payment transfer date, which is the fifth Federal business day following the day in the month that the regularly recurring monthly supplemental security income payments are issued. The additional services fee referred to in paragraph (a)(1)(iii) of this section, shall be on deposit with SSA on the date specified by SSA. The amount of State funds paid to SSA for State supplementary payments and the amount paid for administration fees will be adjusted as necessary to maintain the balance with State supplementary payments paid out by SSA on behalf of the State, and administration fees owed to SSA, respectively.

(b) *Accounting of State funds*. (1) As soon as feasible, after the end of each calendar month, SSA will provide the State with a statement showing, cumulatively, the total amounts paid by SSA on behalf of the State during the current Federal fiscal year; the fees charged by SSA to administer such supplementary payments; any additional services fees charged the State; the State's total liability therefore; and the end-of-month balance of the State's cash on deposit with SSA.

(2) SSA shall provide an accounting of State funds received as State supplementary payments, administration fees, and additional services fees, within three calendar months following the termination of an agreement under § 416.2005.

(3) Adjustments will be made because of State funds due and payable or amounts of State funds recovered for calendar months for which the agreement was in effect. Interest will be incurred by SSA and the States with respect to the adjustment and accounting of State supplementary payments funds in accordance with applicable laws and regulations of the United States Department of the Treasury.

* * * * *

[FR Doc. 96–10058 Filed 4–25–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–96–003]

RIN 2115–AE47

Drawbridge Operation Regulation; Lower Grand River, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Iberville Parish School Board, the Coast Guard is considering a change to the regulation governing the operation of the pontoon drawbridge on LA State Road 77 across the Lower Grand River (Intracoastal Waterway, Morgan City to Port Allen, Alternate Route), mile 47.0 at Grosse Tete, Iberville Parish, Louisiana:

The proposed regulation would require that the bridge open on signal; except that from 6 a.m. to 8 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday, other than Federal holidays, and only during the months when local schools are in session, the bridge would be permitted to remain closed to navigation for the uninterrupted crossing of school bus and other vehicular traffic.

Presently, the draw of the bridge is required to open on signal, except that from 6 a.m. to 7:30 a.m. and from 2:30 p.m. to 4 p.m., Monday through Friday, other than Federal holidays, and only during the months when local schools are in session, the bridge need not open for navigation.

This action would extend the closure time in the morning and afternoon by one-half hour to accommodate school buses which must adhere to schedules based on new staggered starting times for the Iberville Parish Schools. This action would benefit school children in their timely arrival at school, while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before June 25, 1996.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or

may be delivered to Room 1313 at the same address between 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

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

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Background and Purpose

The Iberville Parish School Board has requested the regulation because a new, staggered starting time has been implemented for the schools in the Parish. The extension of the morning and afternoon closure for the LA 77 bridge will assist school buses in transporting the students to and from their classes in a timely manner. The new proposed regulation would allow for the free flow of vehicular traffic, while still serving the reasonable needs of navigational interests.

Discussion of Proposed Rules

The LA 77 bridge is a pontoon bridge. Navigational clearances provided by the bridge are 2.0 feet vertical above mean high water in the closed to navigation position and unlimited vertical clearance in the open to navigation position. Horizontal clearance is 125.0 feet. Navigation on the waterway consists of tugs with tows, commercial fishing vessels, occasional small oil field work boats and recreational craft. Data obtained from the Louisiana Department of Transportation and Development show that, during a six month period ending late in August 1995, the number of vessels that passed the bridge during the proposed extended half-hour closure (7:30 a.m. to 8:00 a.m., Monday through Friday) totaled 242. This breaks down to about 1.3 vessels per day during this half-hour period. Since this count includes vessels that were waiting because of the already in effect one and one-half hour closure, 1.3 vessels are a very minimal amount of traffic being detained. The Coast Guard feels that this request for a one-half hour extension is reasonable.

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 cost 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.

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) governmental jurisdictions with populations of less than 50,000.

Since the proposed rule also considers the needs of local commercial fishing vessels, the economic impact is expected to be minimal. 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 rule 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 rule will economically effect it.

Collection of Information

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

Federalism Implications

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under paragraph 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

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).

2. In section 117.478, paragraph (b) is revised to read as follows:

§ 117.478 Lower Grand River.

* * * * *

(b) The draw of the LA 77 bridge, mile 47.0 (Alternate Route) at Grosse Tete, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 8 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday except Federal holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

* * * * *

Dated: February 14, 1996.

R.C. North,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 96–10083 Filed 4–25–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5E4434/P–651; FRL–5363–3]

RIN 2070–AB18

Aluminum Tris (O-ethylphosphonate); Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a time-limited tolerance for residues of the fungicide aluminum tris (*O*-ethylphosphonate) (also referred to in this document as fosetyl-Al) in or on the raw agricultural commodity blueberry. The proposed regulation to establish a maximum permissible level for residues of the fungicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4). The time-limited tolerance for blueberry would expire on December 31, 1998.

DATES: Comments, identified by the document control number [PP 5E4434/P–651], must be received on or before May 28, 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 5E4434/P–651]. 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 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: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) 5E4434 to EPA on behalf of the Agricultural Experiment Stations of Maine, Michigan, New Jersey, North Carolina, and Oregon. 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 180.415 by establishing a time-limited tolerance for residues of the fungicide fosetyl-Al [aluminum tris (*O*-ethylphosphonate)], in or on the raw agricultural commodity blueberry at 40 parts per million (ppm). The petitioner requested that the tolerance expire on December 31, 1998, to allow IR-4 sufficient time to develop additional magnitude of residue data in support of a permanent tolerance for blueberries.

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, 10,000, 20,000, or 40,000 ppm with a no-observed-effect level (NOEL) of 10,000 ppm (250 milligrams (mg)/kilogram (kg)/day). The lowest-observed-effect level (LOEL) was 20,000 ppm (500 mg/kg/day) based on a slight degeneration of the testes.

(2) A 2–year feeding/carcinogenicity study in rat fed diets containing 0, 2,000, 8,000, or 40,000/30,000 ppm with a systemic NOEL of 8,000 ppm (400 mg/kg/day). The 40,000 ppm dose was reduced to 30,000 ppm after the first two weeks of the study due to the occurrence of red urine and staining of the abdominal fur in male and female rats dosed at 40,000 ppm. Systemic effects (urinary tract stone formation and epithelial irritation) were observed at the high dose level. The study also demonstrated a significantly elevated incidence of urinary bladder tumors (adenomas and carcinomas combined) at the highest dose tested. The tumors were mainly seen in surviving males at the time of terminal sacrifice.

The registrant submitted additional information regarding the relationship between the induction of urinary bladder tumors and the presence of urinary bladder stones in rats, which indicates that the extremely high dose level (40,0000/30,000 ppm) fed to rats produces urinary tract toxicity that precedes and seems to lead to the carcinogenic response in rats.

(3) A 2–year feeding/carcinogenicity study in mice fed diets containing 0, 2,500, 10,000, or 20,000/30,000 ppm. The 20,000 ppm dose was increased to 30,000 ppm during week 19 of the study. The NOEL for systemic effects is established at 20,000/30,000 ppm (3,000/4,500 mg/kg/day) based on hematological effects. There were no carcinogenic effects observed under the conditions of this study.

(4) A three-generation reproduction study in rats fed diets containing 0, 6,000, 12,000 or 24,000 ppm with a NOEL for reproductive effects of 6,000 ppm (300 mg/kg/day). The LOEL is established at 12,000 ppm (600 mg/kg/day) based on decreased pup litter and pup weight.

(5) A developmental toxicity study in rats fed doses of 500, 1,000 or 4,000 mg/kg/day with a NOEL for developmental toxicity of 1,000 mg/kg/day based on a significant reduction in litter and fetal weight, a slight increase in malformations, and increased skeletal variations at the 4,000 mg/kg/day dose level.

(6) A developmental toxicity study in rabbits fed doses of 125, 250, or 500 mg/kg/day with no developmental toxicity observed under the conditions of the study.

(7) Fosetyl-Al was tested and found be negative for mutagenic effects in a battery of studies designed to detect gene mutation, chromosomal aberrations, and other genotoxic effects.

(8) A metabolism study in rats indicates that fosetyl-Al is hydrolyzed to ethanol, which is excreted in expired air as carbon dioxide, and to phosphite, which is excreted in the urine. In addition, some of the compound is also excreted unchanged in the urine.

The Office of Pesticide Programs', Health Effects Division, Carcinogenicity Peer Review Committee (CPRC)

determined that fosetyl-Al was not amenable to classification using current Agency cancer guidelines. Additionally it was concluded that based on a mechanistic evaluation of the only tumor which occurred at exceptionally high doses (40,000/30,0000 ppm) in the bladder of male rats and possibly in the bladder and renal pelvis of female rats, it appears that humans are not likely to be exposed to doses of fosetyl-Al that produce urinary tract toxicity which precedes and leads to the carcinogenic response observed in rats. Based on the available information, the CPRC concludes that the pesticidal use of fosetyl-al is unlikely to pose a carcinogenic hazard to humans. EPA has, therefore, chosen to use the Reference Dose (RfD) to quantify dietary risk to humans.

The Reference Dose (RfD) is calculated at 3.0 mg/kg of body weight/day. The RfD is based on a NOEL of 250 mg/kg/day from the 2-year dog feeding study and an uncertainty factor of 100. The theoretical maximum residue contribution (TMRC) from existing tolerances and the proposed tolerance for blueberry utilizes 2.3 percent of the RfD for the U.S. population, while the TMRC for non-nursing infants utilizes 4.6 percent of the RfD. EPA generally has no concern for exposures below 100 percent of the RfD.

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry since there are no livestock feed items associated with this action. The nature of the residue in plants is adequately understood. An adequate analytical method, is available for enforcement purposes. Prior to its publication in the *Pesticide Analytical Manual*, Volume II (PAM II), the enforcement method is being made available in the interim to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm 1128, 1921 Jefferson Davis Hwy., Arlington, VA 22202, telephone: 703–305–5805.

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 5E4434/P–651] (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 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.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

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 11, 1996.

Stephen L. Johnson,

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 § 180.415, by adding a new paragraph (c), to read as follows:

§ 180.415 Aluminum tris (O-ethylphosphonate); tolerances for residues.

* * * * *

(c) Time-limited tolerances are established for residues of the fungicide aluminum tris (*O*-ethylphosphonate) in or on the following raw agricultural commodities:

Commodity	Parts per million	Expiration date
Blueberry	40	Dec. 31, 1998

[FR Doc. 96–10251 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 5E4590/P652; FRL–5363–5]

RIN 2070–AB18

Quizalofop Ethyl; Proposed Tolerance for Residues on Pineapple

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA proposes to establish a tolerance for the residues of the herbicide quizalofop-*p* ethyl ester and its acid metabolite quizalofop-*p* and the *S* enantiomers of both the ester and the acid, all expressed as quizalofop-*p*-ethyl ester, in or on the raw agricultural commodity pineapple. 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 docket number [PP 5E4590/P652], must be received on or before May 28, 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 5E4590/P652]. 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: 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) 5E4590 to EPA on behalf of the Agricultural Experiment Station of Hawaii. 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 180.441 by establishing a tolerance for combined residues of the herbicide quizalofop-*p* ethyl ester [ethyl (*R*)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxyl])-propanoate], and its acid metabolite quizalofop-*p* [*R*-(2-[4-((6-chloroquinoxalin-2yl)oxy)phenoxy]) propanoic acid], and the *S* enantiomers of both the ester and the acid, all expressed as quizalofop-*p*-ethyl ester, in or on the raw agricultural commodity pineapple at 0.1 part per million (ppm). IR-4 proposed that use of quizalofop ethyl on pineapple be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

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. Several acute toxicology studies placing technical-grade quizalofop ethyl in Toxicity Category III.

2. An 18–month carcinogenicity study with CD-1 mice fed diets containing 0, 2, 10, 80 and 320 ppm (equivalent to 0, 0.2, 1.5, 12, and 48 mg/kg/day) with no carcinogenic effects observed under the conditions of the study at levels up to and including 80 ppm. There was an elevated incidence of hepatocellular adenomas and carcinomas combined in CD-1 male mice at the 320 ppm dose level, which exceeded the maximum tolerated dose (MTD).

3. A 2–year chronic toxicity/carcinogenicity study in rats fed diets containing 0, 25, 100 and 400 ppm (equivalent to 0, 0.9, 3.7, and 15.5 mg/kg/day for males and 0, 1.1, 4.6, and 18.6 mg/kg/day for females) with no carcinogenic effects observed under the conditions of the study. The no-observed-effect-level (NOEL) for systemic toxicity is established at 25 ppm (0.9 mg/kg/day) based on red blood cell destruction in males, and slight/minimal centrilobular enlargement of the liver in females at the 100 ppm dose level.

4. A 1–year feeding study in dogs fed diets containing 0, 0.625, 2.5, and 10 mg/kg/day with a NOEL of 10 mg/kg/day, the highest dose tested (HDT).

5. A developmental toxicity study in rats fed dosage levels of 0, 30, 100, and 300 mg/kg/day, with no developmental effects observed under the conditions of the study. The NOEL for maternal toxicity is established at 30 mg/kg/day.

6. A developmental toxicity study in rabbits fed dosage levels of 0, 7, 20, and 60 mg/kg/day with no developmental effects observed under the conditions of the study. The NOEL for maternal toxicity is established at 20 mg/kg/day based on decreases in food consumption and body weight gain at 60 mg/kg/day (HDT).

7. A two-generation reproduction study in rats fed diets containing 0, 25, 100 and 400 ppm (equivalent to 0, 1.25, 5, and 20 mg/kg/day with a NOEL for developmental toxicity at 25 ppm based on an increase in liver weight and increase in the incidence of eosinophillic changes in the liver at 100 ppm. The NOEL for parental toxicity is established at 100 ppm based on

decreased body weight and premating weight gain in males at the 400 ppm dose level.

8. Mutagenicity data included gene mutation assays with *E. coli* and *S. typhimurium* (negative); DNA damage assays with *B. subtilis* (negative); and a chromosomal aberration test in Chinese hamster cells (negative). OPP's Health Effects Division, Carcinogenicity Peer Review Committee (CPRC) has evaluated the rat and mouse cancer studies for quizalofop ethyl along with other relevant short-term toxicity studies, mutagenicity studies, and structure-activity relationships. The CPRC has classified quizalofop ethyl as a Group D carcinogen (not classifiable as to human cancer potential). The Group D classification is based on an approximate doubling in the incidence of male mice liver tumors between controls and the high dose. This finding was not considered strong enough to warrant the classification of a Category C (possible human carcinogen); the increase was of marginal statistical significance, occurred at a high dose which exceeded the predicted MTD, and occurred in a study in which the concurrent control for liver tumors was somewhat low as compared to the historical controls, while the high dose control group was at the upper end of previous historical control groups. No new cancer studies are required for quizalofop ethyl at this time.

The Reference Dose (RfD) for quizalofop ethyl is calculated at 0.009 mg/kg of body weight/day. The RfD is based on the NOEL of 0.9 mg/kg/day from the 2–year rat feeding study, and a uncertainty factor of 100. The theoretical maximum residue contribution (TMRC) from existing tolerances and the proposed tolerance for pineapple utilizes 2.5 percent of the RfD for the overall U.S. population and 10.6 percent of the RfD for non-nursing infants (the population most highly exposed). EPA generally has no concern for dietary exposures below 100 percent of the RfD.

The nature of the residues in livestock is adequately understood. A bovine feeding study using quizalofop ethyl ester shows that finite residues will occur from the feeding of treated commodities or their processed feed items. The established tolerances in milk, and in fat, meat, and meat byproducts of cattle, goats, and hogs, horses and sheep are adequate to cover secondary residues resulting from this use on pineapple. Food and feed tolerances are not required in association with this action. EPA concludes that the results of a pineapple processing study show that residues of quizalofop-*p* ethyl ester do not concentrate in the processed commodities juice or wet pulp (pineapple process residue) .

The nature of the residue in pineapple is adequately understood for the purposes of this tolerance. An adequate analytical method (HPLC-UV) is available for enforcement purposes. Prior to its publication in the *Pesticide Analytical Manual*, Volume II (PAM II), the enforcement method is being made available in the interim to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm 1128, 1921 Jefferson Davis Hwy., Arlington, VA 22202, telephone: 703–305–5805.

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 5E4590/P652] (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.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

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 16, 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. In § 180.441, by adding a new paragraph (d), to read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

* * * * *

(d) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide quizalofop-*p* ethyl ester [ethyl (*R*)-(2-[4-((6- chloroquinoxalin-2-yl)oxy)phenoxy)-propanoate], and its acid metabolite quizalofop-*p* [*R*-(2-(4((6-chloroquinoxalin-2-yl)oxy)phenoxy])propanoic acid], and the *S* enantiomers of both the ester and the acid, all expressed as quizalofop-*p*-ethyl ester, in or on the following raw agricultural commodities:

Commodity	Parts per million
* * * * *	
Pineapple	0.1

[FR Doc. 96–10385 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7164]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Modified Determinations of base (1% annual chance) flood elevations previously published at 61 FR 6601 on February 21, 1996. This correction document provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Owego, Tioga County, New York.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW., Washington, DC 20472, (202) 646–2756.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Modified Determinations of base (1% annual chance) flood elevations for selected locations in the Town of Owego, previously published at 61 FR 6601 on February 21, 1996, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

On page 6605, in the February 21, 1996 issue of Federal Register, in the fourth, fifth, and sixth column, the first entry under ''Owego (Town), Tioga County'', is corrected to read as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
New York.	Owego (Town) Tioga County.	Susquehanna River.	Approximately 1.4 miles downstream of Apalachin Creek	*823	*822

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 17, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–10374 Filed 4–25–96; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WT Docket No. 96–86; DA 96–604]

Wireless Services; National Communications Services System Petition

AGENCY: Federal Communications Commission.

ACTION: Petition for rulemaking.

SUMMARY: The Commission seeks comment on a petition for rulemaking filed by the National Communications System requesting that the Commission adopt rules to provide ''priority access'' to cellular spectrum for National Security/Emergency Preparedness responsiveness. The action is taken to establish a record upon which to base a decision on this issue.

DATES: Comments are due on or before June 3, 1996, and reply comments are due on or before July 2, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert McNamara, Wireless Telecommunications Bureau, Private Wireless Division, (202) 418–0680.

SUPPLEMENTARY INFORMATION:

Petition for Rulemaking Filed; Commission Seeks Comment on Petition for Rulemaking Filed by National Communications System

Comments Due: June 3, 1996; Replies Due: July 2, 1996

On October 19, 1995, the National Communications System (''NCS''), through the Secretary of Defense as an Executive Agent of the NCS, filed a Petition for Rulemaking requesting the Commission to adopt rules to provide ''priority access'' to cellular spectrum for National Security/Emergency Preparedness (NS/EP) responsiveness. Specifically, NCS requests that the Commission establish the Cellular Priority Access Service (CPAS).

Summary of NCS Petition

The NCS contends in its petition for rulemaking that cellular usage by the general public in emergency situations leads to congestion in the cellular network, causing usage by those with NS/EP responsibilities to be severely curtailed or made impossible. Without ''priority access'' to cellular spectrum, the NCS argues, rescue workers are impaired by recurring surges in cellular usage associated with emergency situations. The NCS cites the bombing of a Federal office building in Oklahoma City, Oklahoma, as a recent example. The NCS argues that ''priority access'' to cellular spectrum is essential in conducting response and recovery efforts. The NCS also maintains that action at the national level is necessary to ensure there is one uniform, nationwide cellular priority access scheme.

The term ''priority access,'' as used by the NCS, means that in emergencies, when cellular spectrum is congested, authorized priority users would gain access to the cellular radio spectrum before cellular telephone users not engaged in NS/EP functions. Approval of the proposed rules would (1) authorize cellular service providers to provide priority access; (2) ensure that such service providers, when doing so, are not in violation of Communications Act provisions barring unlawful discrimination or undue preference; and (3) override any existing contractual provisions inconsistent with the rules adopted.

The NCS requests that the Commission establish the Cellular Priority Access Service (CPAS) by amending Part 64 of the Commission's Rules. Under the proposed CPAS rules, authorized NS/EP users would be permitted to obtain access to cellular radio channels ahead of non-NS/EP users when cellular network congestion is blocking NS/EP call attempts. In order to obtain priority access, the authorized user would dial a feature code such as ''*XX.'' The service would require no special activation; CPAS calls would not preempt calls in progress.

Public Safety Rulemaking

In a rulemaking proceeding recently initiated by the Commission, comment has been sought regarding present deficiencies in public safety wireless communications, and spectrum needs for public safety purposes. See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96–86, Notice of Proposed Rulemaking, FCC 96–115, released April 10, 1996. The Commission stated that the goal of the proceeding is:

> To develop the data necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability).

Id. at para. 3.

In addition to commenting on the merits of the NCS petition, interested parties are asked to address whether and to what extent the issues raised in the NCS petition are related to the pending public safety rulemaking proceeding, WT Docket No. 96–86. Interested parties may file comments no later than June 3, 1996. Reply comments must be filed by July 2, 1996. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Room 222, Washington, DC 20554, referencing WT Docket No. 96–86 and the petition for rulemaking filed by the NCS. The full text of the petition, the comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, NW., Room 239, Washington, DC 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 64

Civil defense.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–10344 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–P

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47 CFR Part 73

[MM Docket No. 96–88; RM–8760]

Radio Broadcasting Services; Manitowoc and Two Rivers, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Lyle Robert Evans d/b/a High Mark Radio Company, proposing the allotment of Channel 255A to Two Rivers, Wisconsin, as that community's first local FM service. Channel 255A can be allotted to Two Rivers with a site restriction 12.1 kilometers (7.5 miles) southwest of the community. The coordinates for Channel 255A are 44–03–57 and 87–39–44. We shall also make an editorial correction to the FM Table of Allotments showing the actual allotment of Channel 272A at Manitowoc, Wisconsin, rather than Two Rivers, Wisconsin.

DATES: Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Lyle Robert Evans d/b/a High Mark Radio Company, 1296 Marian Lane, Green Bay, Wisconsin 54304.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–88, adopted April 3, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10295 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–87; RM–8782]

Radio Broadcasting Services; Macomb, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WMS1, Inc., proposing the allotment of Channel 240A at Macomb, Illinois, as the community's third local commercial FM transmission service. Channel 240A can be allotted to Macomb in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.5 kilometers (0.3 miles) south to a void a short-spacing to the licensed site of Station KMXG(FM), Channel 241C1, Clinton, Iowa. The coordinates for Channel 240A at Macomb are North Latitude 40–27–09 and West Longitude 90–40–12.

DATES: Comments must be filed on or before June 10, 1996 and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Larry Williams, WMS1, Inc., 2901 S. Holmes Ave., Springfield, Illinois 62704 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–87, adopted April 3, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10294 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–80; RM–8758]

Radio Broadcasting Services; Deerfield, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Dale Hendrix proposing the allotment of Channel 261C3 to Deerfield, Missouri, as that community's first local service. The coordinates for Channel 261C3 are 37–49–41 and 94–29–32. There is a site restriction 1.8 kilometers (1.1 mile) southeast of Deerfield.

DATES: Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Dale Hendrix, 872 Allen Road, Murfreesboro, Tennessee 37129.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–80, adopted March 27, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10292 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–75; RM–8781]

Radio Broadcasting Services; Reynoldsville, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Priority Communications, Inc. seeking the substitution of Channel 293A for Channel 258A at Reynoldsville, PA, and the modification of Station WDSN(FM)'s license to specify the alternate Class A channel. The modification of Station WDSN(FM)'s license to Channel 293A could enable the station to increase its power from 3 kW to 6 kW. Channel 293A can be allotted to Reynoldsville in compliance with the Commission's minimum distance separation requirements and can be used at Station WDSN(FM)'s present transmitter site, at coordinates 41–08–41 NL and 78–52–41 WL. Competing expressions of interest in use of Channel 293A at Reynoldsville will not be accepted since the provisions of Section 1.420(g) do not apply in cases where no change in the class of the channel is proposed. Canadian concurrence in the allotment is required since Reynoldsville is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–75, adopted March 25, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10291 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–77; RM–8780]

Radio Broadcasting Services; Hobbs, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Great Plains Broadcasting Co., Inc., seeking the allotment of Channel 279A to Hobbs, NM, as the community's fifth local FM and seventh local aural service. Channel 279A can be allotted to Hobbs in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 32–42–00 NL; 103–07–54 WL. Mexican concurrence is required since Hobbs is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

DATES: Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Johnny P. Garcia, President, Great Plains Broadcasting Co., Inc., P.O. Box 5131, Hobbs, NM 88240 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–77, adopted March 22, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10290 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–76; RM–8770]

Radio Broadcasting Services; Nekoosa, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Lyle R. Evans d/b/a The Radio Company, proposing the allotment of Channel 288A to Nekoosa, Wisconsin, as that community's second FM broadcast service. There is a site restriction 11.9 kilometers (7.4 miles) west of the community at coordinates 44–18–33 and 90–03–10.

DATES: Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Lyle R. Evans d/b/a The Radio Company, 1296 Marian Lane, Green Bay, Wisconsin 54304.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–76, adopted March 11, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–10289 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

Notices

Federal Register
Vol. 61, No. 82
Friday, April 26, 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.

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting; Sunshine Act Meeting

TIME: 12:00 noon—3:00 p.m.

PLACE: ADF Headquarters.

DATE: Wednesday, May 1, 1996.

STATUS: Open.

Agenda

12:00 noon—Lunch
12:30—Chairman's Report
12:45 p.m.—President's Report
1:30 p.m.—Other

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

William R. Ford,

President.

[FR Doc. 96–10530 Filed 4–24–96; 12:57 pm]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Waterville Valley Ski Area Ltd. Snowmaking Ponds

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement for Waterville Valley Ski Area Ltd.'s proposal to construct snowmaking impoundments on the Pemigewasset Ranger District, White Mountain National Forest, Grafton County, New Hampshire. The New Hampshire Department of Environmental Services has been asked to participate as a cooperating agency. The U.S. Corps of Engineers the Fish and Wildlife Service, Department of the Interior and the Town of Waterville Valley have been asked to provide assistance. The agency invites written comments and suggestions on the scope of the analysis. In addition, the agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by June 10, 1996.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Donna Hepp, Forest Supervisor, White Mountain National Forest, 719 Main St., Laconia, New Hampshire 03246.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to Fred Kacprzynski, Waterville Valley Snowmaking Impoundments Coordinator, White Mountain National Forest, 719 Main Street, Laconia, New Hampshire 03246, phone: 603–528–8721.

SUPPLEMENTARY INFORMATION: Skiing is an important component of the recreational opportunities offered by the National Forests. The enabling authorities of the USDA-Forest Service are contained in many laws enacted by Congress and the regulations and administrative directives that implement these laws. The major laws include, the Organic Administrative Act of 1897, the Weeks Act of 1911, the Multiple-Use Sustained Yield Act of 1960, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976 and the National Forest Ski Area Permit Act of 1986. Ski area operations are consistent with the recreation objectives of the National Forests.

It is the policy of the Forest Service to meet downhill skiing demand on National Forest Lands by partnering with the private sector. The National Recreation Strategy (USDA-Forest Service 1988a) details the Forest Service role in increasing outdoor recreation on National Forests through partnerships such as those with the ski industry.

The intent of ski areas as noted in the White Mountain National Forest plan is to, ''Broaden the range of recreation opportunities by recognizing the potential for year-round recreation facilities at alpine ski areas managed by the private sector.'' In addition, the Forest Plan states that, ''The Forest will not consider developing any completely new alpine ski areas.'' Indicating a direction to emphasize the continued operation of current ski areas. Skiing on the White Mountain National Forest accounted for about 17 percent of the total recreational use on the Forest, and uses about 3,500 acres or 0.4 percent of the Forest, and use about 3,500 acres or 0.4 percent of the Forest. Waterville Valley Ski Area is an integral part of the Forest partnership in providing these recreation opportunities.

Snowmaking is essential to a quality downhill skiing experience, and as such, important in maintaining the economic viability of the area and the partnership. Waterville Valley currently withdraws water directly from the Mad River, which has historically been an extremely unreliable source of water. The intent of Waterville Valley Ski Area is to provide enough water to fully cover the existing trail system three times during the winter,while increasing the minimum flow of the Mad River from the currently permitted minimum flow of 0.50 csm to the calculated February Median Flow (FMF) of 0.75 csm. Utilizing the current system (without snowmaking impoundments), with a direct withdrawal at 0.75 csm, Waterville Valley could only provide full coverage 9 percent of the time. The goal of the ski area is to provide coverage 95 percent the time.

As a result, Waterville Valley Ski Area Ltd, has proposed to construct water storage impoundments to augment water withdrawal from the Mad River in order to provide a reliable and sufficient source of water to meet this goal. Their proposal is a combination of four to five sites with a total capacity of 130 million gallons in concert with the 100 million gallons available directly from the Mad River. Impoundment locations are near the existing Ski Area permit, they are in Management Areas 2.1 and/or 3.1. Proposed locations have been reviewed by the proponent based on screening factors including, operating costs, land availability, pond volume and environmental impact.

Tentative issues which have been identified include, (1) changing water withdrawal limits from the current approved .50 csm to the FMF of .75 csm., (2) visual, (3) safety of the dams,

(4) continued implementation of the Forest Plan and (5) economics. In preparing the environmental impact statement, the Forest Service will consider the proposal against a range of reasonable alternatives to address issues identified through scoping. Alternatives may be other combinations of potential sites, on demand sources of supply, (direct withdrawal, wells) and the required No Action Alternative.

Permtis and licenses to implement the proposed action may include a Wetlands Permit, State of New Hampshire dam permits and Alteration of Terrain permit. The issuing authority will be a term special use permit under the Term Permit Act of March 4, 1915 as amended (16 U.S.C. 497).

Donna Hepp, Forest Supervisor, White Mountain National Forest, 719 Main Street, Laconia, New Hampshire, is the responsible official.

Public participation will be important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information and comments from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes;

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effect and connected actions).
6. Determining potential cooperating agencies and task assignments.

The State of New Hampshire Department of Environmental Services has been invited to participate as a cooperating agency. The Fish and Wildlife Service, Department of the Interior, the U.S. Corps of Engineers and the Town of Waterville Valley have been informed and will be assisting in the analysis.

Public scoping meetings will be held in the Spring of 1996. Meeting dates will be advertised in the media.

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

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register.

The Forest Service believes that, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact stage that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1022 (9th cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by responding to the DEIS by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated or discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the DEIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by the Fall of 1996. In the FEIS the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision on the Record of Decision. The decision will be subject to appeal under 36 CFR 217 and 36 CFR 251.

Dated: April 22, 1996.

[FR Doc. 96–10359 Filed 4–25–96; 8:45 am]

BILLING CODE 3410–11–M

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service (RHS) intention to request an extension for a currently approved information collection in support of the program for the Housing Preservation Grant Program.

DATES: Comments on this notice must be received by June 25, 1996 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Sue M. Harris-Green, Senior Loan Specialist, RHS, U.S. Department of Agriculture, AG BOX 0781, Washington, D.C. 20250, Telephone (202) 720–1606.

SUPPLEMENTARY INFORMATION:

Title: RHS/Housing Preservation Grant Program.

OMB Number: 0575–0115.

Expiration Date of Approval: July 31, 1996.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary purpose of the Housing Preservation Grant Program is to repair or rehabilitate individual housing, rental properties, or co-ops owned or occupied by very low- and low-income rural persons. Grantees will provide eligible homeowners, owners of rental properties, and owners of co-ops with financial assistance through loans, grants, interest reduction payments or other comparable financial assistance for necessary repairs and rehabilitation of dwellings to bring them up to code or minimum property standards.

These grants were established by Public Law 98–181, the Housing Urban-Rural Recovery Act of 1983, which amended the Housing Act of 1979 (Pub.

L. 93–383) by adding section 533, 42 U.S.C. § 2490(m), Housing Preservation Grants (HPG). In addition, the Secretary of Agriculture has authority to prescribe rules and regulations to implement HPG and other programs under 42 U.S.C. § 1480(j).

Section 533(d) is prescriptive about the information applicants are to submit to RHS as part of their application and in the assessments and criteria RHS is to use in selecting grantees. An applicant is to submit a ''statement of activity'' describing its proposed program, including the specific activities it will undertake, and its schedule. RHS is required in turn to evaluate proposals on a set of prescribed criteria, for which the applicant will also have to provide information, such as: (1) very low- and low-income persons proposed to be served by the repair and rehabilitation activities; (2) participation by other public and private organizations to leverage funds and lower the cost to the HPG program; (3) the area to be served in terms of population size and need; (4) cost data to assure greatest degree of assistance at lowest cost; (5) administrative costs projected; and (6) administrative capacity of the applicant to carry out the program. The information collected will be the minimum required by law and by the necessity for RHS to assure that it funds responsible grantees proposing feasible projects in areas of greatest need. Most data are taken from a localized area, although some are derived from census reports of city, county and Federal governments showing population and housing characteristics.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .96 hour per response.

Respondents: A public body or a public or private nonprofit corporation.

Estimated number of respondents: 1,850

Estimated number of responses per respondent: 6.5.

Estimated Total Annual Burden on Respondents: 11,614 hours.

Copies of this information collection can be obtained from the Director, Regulations and Paperwork Management Division at (202) 720–9725.

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 Director, Regulations and Paperwork Management Division, U.S. Department of Agriculture, RECD, Ag Box 0743, 14th and Independence Avenue, SW., Washington, DC 20250. 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.

Dated: April 17, 1996.

Maureen Kennedy,

Administrator, Rural Housing Service.

[FR Doc. 96–10321 Filed 4–25–96; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF COMMERCE

Bureau of the Census

Current Population Survey (CPS) Voting and Registration Supplement; Proposed Agency Information Collection Activity; Comment Request

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

DATES: Submit written comments on or before June 25, 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 instrument(s) and instructions should be directed to Julia Williams, Bureau of the Census, FOB 3, Room 3340, Washington, DC 20233- 8400, (301) 457–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau is requesting clearance for the collection of data concerning the Voting and Registration Supplement to be conducted in conjunction with the November 1996 Current Population Survey (CPS). Title 13, United States Code, Section 182; and Title 29, United States Code, Sections 1–9, authorize the collection of this information. The Census Bureau sponsors these questions, which have been collected biennially in the CPS since 1964.

This survey has provided statistical information for tracking historical trends of voter and nonvoter characteristics in each Presidential and/or Congressional election since 1964. The data collected from the November supplement relates demographic characteristics (age, sex, race, education, occupation, and income) to voting and nonvoting behavior. The November CPS supplement is the only source of data that provides a comprehensive set of voter and nonvoter characteristics distinct from independent surveys, media polls, or other outside agencies. Federal, state, and local election officials use these data to formulate policies relating to the voting and registration process. College institutions, political party committees, research groups, and other private organizations also use the voting and registration data.

II. Method of Collection

The voting and registration information will be collected by both personal visit and telephone interviews in conjunction with the regular November CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Number: 0607–0466.

Form Number: There are no forms. We conduct all interviewing on computers.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 48,000.

Estimated Time Per Response: 1.2 minutes.

Estimated Total Annual Burden Hours: 960.

Estimated Total Annual Cost: $250,000.

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; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: April 23, 1996.

Linda Engelmeier,

Acting Department Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–10408 Filed 4–25–96; 8:45 a.m.]

BILLING CODE 3510–07–P

Economic Development Administration

Notice of Petitioners by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 03/16/96–04/17/96

Firm name	Address	Date petition accepted	Product
Artistic Plastics, Inc	1435 South Vernon St., Anaheim, CA 92805	03/29/96	Custom Injection Molded Plastic Component Parts.
Aviat Aircraft, Inc	672 South Washington Street, Afton, WY 83110.	04/01/96	Light Aircraft.
Berwick Lighting Corporation	335 South Poplar Street, Berwick, PA 18603	04/03/96	Recessed Lighting Fixtures.
Burle Industries, Inc	1000 New Holland Avenue, Lancaster, PA 17601.	04/05/96	Electronic Conversion Tubes and Electronic Power Tubes.
C & N Packaging Inc	105 Wyandanch Avenue, Wyandanch, NY 11798.	03/26/96	Fragrance.
Cryo Industries of America, Inc	11 Industrial Way, Atkinson, NH 03810	04/05/96	Cryogenic Equipment and Ancillary Parts.
Empire Manufacturing Co	145 Georgia Avenue, P.O. Box 489 Winder, GA 30680.	04/12/96	Men's Trousers and Shorts
Ferrell Reed, Ltd	5571 Arapahoe Road, Boulder, CO 80303	03/26/96	Ties, Bow Ties and Cravats, of Silk.
Fox Manufacturing Co	32535 South River Road, Harrison Twp., MI 48045.	04/03/96	Screw Machine Products.
Future Equipment, Inc	6901 90th Avenue North, Pinellas, FL 34666	04/05/96	Exercise Equipment.
H.P. Nelson Tool Company, Inc	535 John Dietsch Blvd., Attleboro Falls, MA 02763.	04/05/96	Plastic Temple Tips for Eyeglasses, Parts and Molds.
Juno Enterprises, Inc	11490 Xeon Street, Coon Rapids, MN 55448	04/03/96	Coils of Wound Copper Wire, and Printer Heads for DOT Matrix Printers, of Wire, Chassis, Springs.
Kitayama Brothers, Inc	13239 Weld County Rd., #4, Brighton, CO 80601.	04/12/96	Roses.
L & K Assembly, Inc	9325 Pineneedle Drive, Mentor, OH 44060	03/29/96	Circuit Board Assemblies, Cable Assemblies and Wire Harnesses.
Lafayette Apparel Producers, Inc.	509 College Street, Lafayette, TN 37083	03/27/96	Men's Shirts of Cotton and Cotton Blends.
Midwest Grain Products, Inc	1300 Main Street, Atchison, KS 66002	04/08/96	Wheat Gluten.
Nu-Metal Creations, Inc	148–19 Liberty Avenue, Jamaica, NY 11435	03/29/96	Trophies, Souvenirs and Promotional Sculptures Made of Zinc.
Ozark Mountain Enterprises, Inc	HC73, Box 427, Mountain View, AR 72560	04/11/96	Lighting Fixtures.
Pawnee Tee's	635 Illinois, P.O. Box 363, Pawnee, OK 74058	03/29/96	Men's and Boy's Tee Shirts.
Rand Machine Products, Inc	P.O. Box 72, Falconer, NY 14733	04/15/96	Metal Parts of Bombs and Shock Absorbers for Railcars.
Rex Furniture Company, Inc	3738 Rex Road, Rex, GA 30273	04/05/96	Wood Dining Room and Kitchen Chairs and Tables.
Ribbon Marrow Fabric Company, Inc.	565 Winsor Drive, P.O. Box 2307, Secaucus, NJ 07094.	03/29/96	Fused-Edge Ribbons Made of Acetate, Vinyl Plastics and Polypropylene.
The Smith Truss Company	P.O. Box 19007, Topeka, KS 66619	04/05/96	Industrial Back Supports.
Thomas C. Wilson, Inc	21–11–44th Avenue, Long Island City, NY 11101–5088.	04/04/96	Tube Expanders for Boilers.
Webb Industries, Inc	402 E. Broadway, Webb City, MO 64870	04/05/96	Industrial Machines to Bend or Curve Metal.
Western States Industries, Inc	P.O. Box 855, Choteau, MT 59422–0855	04/12/96	Alfalfa Pellets, Sun-Cured, Cattle Feed and Swine Feed.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in

sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313. Trade Adjustment Assistance.

Dated: April 19, 1996.

Lewis R. Podolske,

Director, Trade Adjustment Assistance Division.

[FR Doc. 96–10402 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–24–M

Foreign-Trade Zones Board

[Order No. 816]

Grant of Authority for Subzone Status Sony Magnetic Products Inc. of America; (Magnetic Media and Battery Systems), Dothan, AL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment* * *of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the City of Mobile, Alabama, grantee of Foreign-Trade Zone 82, for authority to establish special-purpose subzone status at the manufacturing plant (unrecorded magnetic media and battery systems) of Sony Magnetic Products Inc. of America, located in Dothan, Alabama, was filed by the Board on November 21, 1995, and notice inviting public comment was given in the Federal Register (FTZ Docket 78–95, 60 FR 61527, 11/30/95); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 82D) at the Sony Magnetic Products Inc. of America plant in Dothan, Alabama, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 19th day of April 1996.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–10406 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–580–814, A–580–816]

Certain Corrosion-Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Review

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

ACTION: Final Results of Antidumping Duty Administrative Review.

SUMMARY: On August 24, 1995, the Department of Commerce (''the Department'') published the preliminary results of the administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products from Korea. This review covers two manufacturers/exporters of the subject merchandise to the United States and the period February 4, 1993, through July 31, 1994. We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Rast (Dongbu), Alain Letort (Union) or Linda Ludwig, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–3793 or fax (202) 482–1388.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1995, the Department published in the Federal Register (60 FR 44006) the preliminary results of the administrative review of the antidumping duty order on corrosion-resistant carbon steel flat products from Korea (58 FR 44159—August 19, 1993). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (''the Act'').

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

These products include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 20 times the thickness or if a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved

subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been bevelled or rounded at the edges. Excluded are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20–60–20 percent ratio. These HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

The POR is February 4, 1993 through July 31, 1994.

VAT Tax Methodology

In light of the Federal Circuit's decision in *Federal Mogul* v. *United States,* 63 F.3d 1572 (Fed. Cir. 1995), the Department has changed its treatment of home-market consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith* v. *United States,* 988 F.2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (''CIT'') overturned this methodology in *Federal Mogul* v. *United States,* 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign-market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the ''*Zenith* Footnote 4'' methodology to calculate tax-neutral dumping assessments (*i.e.,* assessments that are unaffected by the existence or amount of home-market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements to which the United States is a party, in particular the General Agreement on Tariffs and Trade (''GATT'') and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the ''*Zenith* Footnote 4'' methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code require that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the Uruguay Round Agreements Act (''URAA'') explicitly amended the antidumping law to remove consumption taxes from the home-market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax-neutral dumping margins.

While the ''*Zenith* Footnote 4'' methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from home-market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of calculating tax-neutral dumping margins, the GATT, and the post-URAA statute.

Dongbu has provided information indicating that under Korean law, VAT taxes associated with home-market sales are assessed based on the price of goods and services at the time of delivery, and that certain adjustments made to the price after the goods and services have already been delivered do not result in adjustments to VAT taxes already paid.

Verification

As provided in section 776(b) of the Act, we verified information provided by Dongbu and Union using standard verification procedures, including the examination of relevant sales and financial records, and selection of original source documentation containing relevant information.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments and rebuttal comments from Dongbu Steel Co., Ltd. (''Dongbu'') and Union Steel Manufacturing Co., Ltd. (''Union''), exports of the subject merchandise (''respondents''), and from Bethlehem Steel Corporation, U.S. Steel Group—a Unit of USX Corporation, Inland Steel Industries, Inc., Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, Geneva Steel, and Lukens Steel Company (''petitioners''). Union requested a public hearing, but subsequently withdrew its request in a timely manner.

Petitioners' Comments

Comment 1

Petitioners argue that the Department should use alternative information on the record to determine the market value of transaction handling fees that Dongbu paid to a related party for imported raw materials. Petitioners contend that Dongbu did not provide substantive evidence to support its claim that the transfer prices paid to the related party were at arm's-length or at least equal to the related party's actual costs for providing the services. Moreover, the petitioners argue that since the Department was unable to test the transfer price at verification, the possibility exists that Dongbu may have selectively structured these related-party transactions to maximize adjustments that would lower Dongbu's production costs of the subject merchandise. Thus, the petitioners state that the Department should make an adverse inference and increase the costs of raw materials based on the comparison of similar arm's-length transaction handling fees charged by unrelated parties that Dongbu's U.S. sales affiliate (''DBLA'') used to import subject merchandise into the United States.

Dongbu contends that there is no basis for adjusting its raw material costs to account for transaction fees paid to a related party as suggested by the petitioners. Dongbu states that the services this related party provides to the company are not of any tangible

economic value other than lending its internationally recognized name to the transaction. Dongbu additionally states that the arrangement between the related party and itself simply reflects an intra-company transfer that benefits the related party and its shareholders. Therefore, Dongbu believes that the Department should accept the submitted transaction fees that the related party charged the company.

Department's Position

For the final results, we accepted Dongbu's submitted transaction fees that were paid to a related party. The transaction fees that Dongbu paid to the related party were for assistance in handling and processing the related paperwork created by the importation of the material. See Dongbu's February 21, 1995 submission at page 12. The value of the service was based on a constant percentage of the acquisition price of the input. Dongbu was unable to substantiate that submitted transaction fees reflected the market value of the service provided. At verification, company officials stated they did not obtain similar services for the importation of inputs from any other party, nor did the related party provide this service to any other entity. See Cost Verification Report of Dongbu Steel Co., Ltd. (May 19, 1995) at page 12. However, after further review of information on the record, we have concluded that the transfer prices submitted by Dongbu did fairly represent the amount usually reflected in sales for such services. This determination was made by comparing Dongbu's submitted transaction fees (expressed as a percentage of the purchase price) to the weighted-average (also expressed as a percentage of the purchase price) of similar arm's-length transaction fees charged by unrelated parties that DBLA used to import subject merchandise into the United States. This comparison showed that the submitted transaction fees were above the weighted-average value charged by unrelated parties. Thus, we accepted the submitted transaction fees that were paid to a related party because they reasonably reflected a market value.

Comment 2

Petitioners contend that submitted costs for its research and development (R&D) department, raw material department, quality control department, and procurement department should be included in Dongbu's manufacturing costs rather than in its general expenses. The petitioners argue that Dongbu's submitted description of the functions performed by these departments sufficiently demonstrates that they were manufacturing costs. They add that neither the cost verification report nor the accompanying exhibits contained any indication that Dongbu attempted to provide additional explanations, documentation, or schedules to support its claim that the expenses were general in nature. Therefore, the petitioners believe that the Department should include all general expenses that are not attributable to Dongbu's sales department in the company's cost of manufacturing.

Dongbu believes that its submitted classification of these departmental costs as general expenses is appropriate. The company argues that these costs were classified as general expenses on its audited income statement because they benefit the entire company as a whole. This fact was confirmed by the Department at verification. Furthermore, the company argues that reclassifying these cost to manufacturing costs would have an inconsequential effect, if any, on its cost of production.

Department's Position

We agree with respondent that, in this case, it is reasonably to classify these costs as general expenses, consistent with the company's financial statements. For the final results, we accepted Dongbu's inclusion of costs from its R&D department, raw material department, quality control department and procurement department as general expenses. At verification, the Department reviewed Dongbu's associated source documentation and noted that these costs were reported as general expenses on the company's audited income statement and not as a part of its cost-of-sales. Nor were these costs included as part of the inventoried costs reported in Dongbu's finished product inventory ledgers. In this specific case, we are satisfied that the cost in question were properly classified as general expenses. Therefore, we are not reclassifying these general expenses to manufacturing costs. See Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Corrosion-resistant Carbon Steel Flat Products, and Certain Cut to Length Carbon Steel Plate from Korea, 58 FR 37176, 37191 (July 9, 1993).

Comment 3

Petitioners argue that the Department should include foreign exchange losses among Dongbu's manufacturing costs to ensure that the cost of production is calculated accurately and that the statutory minimum amounts for general expenses and profit are properly computed for constructed value. The petitioners state that it is the Department's normal practice to include foreign exchange gains and losses related to the production of subject merchandise in the cost of manufacturing and not as G&A expenses.

Dongbu believes that its net foreign exchange losses were appropriately submitted as general expenses and not as costs of manufacturing. Dongbu states that it recognizes that it is the Department's normal practice to include foreign exchange gains and losses related to material purchases in the cost of manufacturing. However, Dongbu states that its submitted methodology is consistent with the classification of those expenses on its audited income statement. Furthermore, Bongbu argues that an adjustment to reclassify the costs would only be trivial and needless.

Department's Position

We agree with both petitioners and respondent in part. Foreign exchange losses arising from the purchase of raw materials normally should be included in material cost because this is a component of the cost of manufacturing. However, in this particular instance we have not reclassified these losses from general expenses to cost of manufacturing as it would have no impact on the submitted cost of production. The slight increase in manufacturing costs the reclassification creates is simply offset by coinciding decreases in G&A and financing costs. See Final Determination of Sales at Less Than Fair Value: Dynamic Random Access Memory Semiconductors of One Megabit and Above from the Republic of Korea, 54 FR 15467, 15475 (March 23, 1993).

Comment 4

Petitioners contend that the Department should deny all of the claimed miscellaneous income offsets (*e.g.*, dividends, gains on investments) that were applied against Dongbu's submitted G&A costs. The petitioners argue that the Department does not grant offsets in excess of actual expenses incurred. Nor is it the Department's practice to allow a reduction of G&A costs unless it can be substantiated that the offsetting income can be tied to specific expenses related to production. The petitioners also contend that Dongbu failed to do both of these steps and, therefore, the Department should deny all of Dongbu's claimed offsetting adjustments to G&A costs.

Dongbu contends that it properly offset G&A costs with its various miscellaneous income items. Dongbu

states that it submitted a complete list of miscellaneous income items used to offset G&A costs that the Department reviewed each of these items during verification. Therefore, the company believes that the Department should ignore the petitioners' request and allow the miscellaneous income offsets to G&A costs.

Department's Position

For the final results, we continue to disallow certain non-production-related income offsets to Dongbu's G&A costs. At verification, we reviewed source documentation and obtained explanations from company officials on all the income items that were used to offset Dongbu's G&A costs. We found that certain revenue items (*e.g.,* dividends, gain on investments) were related to investments, and not to the production of subject merchandise. Therefore, we denied these unrelated income offsets in calculating G&A costs. See Final Determination of Sales at Not Less Than Fair Value: Saccharin from Korea, 59 FR 58826, 58828 (November 15, 1994).

Comment 5

Petitioners contend that the Department should exclude Dongbu's duty payments from the calculation of the company's G&A and interest expense factors. According to the petitioners, the addition of the duty to the cost-of-sales figure inappropriately overstates the figure. The petitioners argue that Dongbu's duty drawbacks represent a refund of import duties incurred in the production of finished merchandise that is subsequently exported. Therefore, the cost-of-sales figures in Dongbu's audited income statements, which is net of import duties refunded on certain export sales, accurately represented Dongbu's final cost of manufacturing.

Dongbu believes that it properly increased its cost-of-sales figure to include the duty in order to calculate G&A and interest expense factors. Dongbu contends that the increase to its cost-of-sales is necessary in order to ensure comparability. Dongbu notes that its audited income statement cost-of-sales figure is net of duty drawback, while its submitted costs of manufacturing figures include the duty because the Department requested that it be submitted in this manner. Therefore, the respondent states that any G&A or interest factor that is applied to its duty-inclusive cost of manufacturing must itself be determined on a duty-inclusive basis.

Department's position

For the final results, the Department allowed Dongbu to add an amount reflecting duties paid to its audited cost-of sales figure which was used as the denominator in calculating G&A and interest expense factors. The cost-of-sales figure obtained from Dongbu's audited income statements was net of duty drawbacks, while the company's submitted cost of manufacturing included duties paid on inputs. Therefore, it is appropriate for Dongbu to include duty payments in its denominator in order to properly allocate both the G&A and interest costs.

Comment 6

Petitioners assert that the Department's analysis must account for the difference between U.S. sales by Dongbu and its U.S. sales affiliate, DBLA. They argue that the Department is in error in its treatment of DBLA's and Dongbu's sales and request that DBLA's sales be treated as exporter's sales price (''ESP'') sales. Petitioners note that Dongbu makes sales to the United States through three separate and distinct channels: directly to customers in the United States; through related and unrelated trading companies in Korea; and through its affiliate in the United States, DBLA's, which purchases subject merchandise from Dongbu and resells it to unrelated customers in the United States. Petitioners assert that Dongbu is incorrect in claiming that sales made through each of these channels are purchase-price (''PP'') sales. They state that Dongbu's contention implies that if sales through each of these channels are treated as such, the U.S. prices calculated by the Department will represent prices at the same point in the chain of commerce in all cases, and thus implying that the charges by DBLA to the first unrelated customer in the United States represent the arm's-length prices that Dongbu would charge for the same merchandise if sold directly to an unrelated U.S. customer, without the involvement of DBLA. Petitioners claim that Dongbu's own sales data indicate that there is a systematic and significant difference between Dongbu's and DBLA's pricing structure which is the result of the fact that DBLA's involvement in the sale of subject merchandise results in significant costs which are included in the prices it charges its U.S. customers.

Petitioners also argue that because DBLA's selling prices are distinct from Dongbu's, the Department must analyze DBLA's sales differently from Dongbu's sales in order to ensure consistency with the fundamental purpose of the Tariff Act regarding the calculation of United States price. They argue that the Tariff Act identifies two types of U.S. sales, purchase price and ESP, and mandates different adjustments to each so that United States price is reconstructed at the same point in the chain of commerce regardless of whether a U.S. affiliate of the manufacturer or exporter is involved in the transaction. Citing 19 U.S.C. 1677a(b), petitioners contend that the Tariff Act defines purchase price as the price at which merchandise is purchased, or agreed to be purchased, prior to the date of importation, from either a reseller, manufacturer, or producer of the merchandise for exportation to the United States. Conversely, say petitioners, ESP is defined as the price at which merchandise is sold or agreed to be sold in the United States, prior to or after importation by or for the account of the exporter. See 19 U.S. 1677a(c). Thus, ESP is typically used when an affiliate of the manufacturer or exporter imports merchandise into the United States. Also, petitioners cite *Smith Corona Group* v. *United States,* 713 F. 2d 1568, 1571–72 (Fed. Cir. 1983), in arguing that when a U.S. affiliate of a foreign respondent imports merchandise in question, all costs and expenses incurred by the affiliate must be deducted from the affiliate's resale price in order to derive a United States price that reflects the price that the merchandise would command in an arm's-length transaction. They further state that this is the case whether the sales are from the importer to an independent retailer or directly to the public, as if the affiliate had no role in the transaction. Petitioners note that DBLA's role in selling subject merchandise results in selling prices that are distinct from Dongbu's prices for the same product, and that as a result, DBLA's role in selling subject merchandise creates the type of bias that is addressed by the provisions of the Tariff Act regarding United States price.

Petitioners also contend that Dongbu's sales through DBLA do not meet the statutory definition of purchase price. They argue that the Department utilizes a three-part test to determine whether ESP or purchase price should be used to determine USP when the sale is made prior to the date of importation; and the focus must be on the third factor in this test; that is, that if the related party in the United States only acts as a conduit between the first unrelated purchaser and the seller, the resulting sale is a sale for export to the United States. Petitioners contend, however, that

before the Department can accurately determine that the related party is just a process of documentation, there must be evidence on the record supporting that conclusion. They argue that in this case, there is no documentary evidence in the record in support of this claim by Dongbu. Citing to *Creswell Trading Co., et al.* v. *United States,* 15 F.3d 1054 (Fed. Cir. 1994) petitioners claim that Dongbu has the burden of producing information that proves that point, which it has not done; and in the absence of such information, the Department cannot conclude that the indirect purchase price sales at issue were made in Korea by Dongbu for exportation to the United States. Instead, petitions conclude that the Department must determine that the sales were made in the United States by DBLA, and that they must be treated as ESP sales.

Petitioners further argue that the price at which DBLA sells subject merchandise to the unrelated purchaser is different from the price at which DBLA purchases it from Dongbu. They contend that these prices reflect the fact that DBLA performs significant selling activities in the United States which require the Department to treat the sales in question as ESP sales. Petitioners note also that DBLA extends credit to certain customers by permitting them to delay payment for subject merchandise; that DBLA identifies customers, negotiates prices, and provides some warranty-related services; and that DBLA is engaged in marketing activities that include development of downstream applications for subject merchandise. Petitioners contend that another significant selling function performed by DBLA is the posting of cash deposits of antidumping and countervailing duties on behalf of its U.S. customers. They argue that in a typical purchase price transaction, the U.S. customer, as the importer of record, would be required to deposit cash deposits with the U.S. Customs Service upon importation of the merchandise, resulting in additional costs. In ESP transactions, however, the customer is relieved of this burden and of the risks of uncertain future liabilities. Petitioners contend that DBLA's selling activities can be demonstrated in several ways. First, the activities performed by DBLA are significant in the context of the totality of activities required to sell subject merchandise. In other words, DBLA performs all of the functions required to sell subject merchandise in the United States. Second, the significance of DBLA's selling activities, and the economic benefit these provide to DBLA's customers, is reflected in DBLA's prices. Finally, petitioners cite declarations made by DBLA on Customs Form 7501 which indicate that it was more that a processor of sales related documentation.

Respondent counters these arguments by stating that Dongbu's sales through DBLA meet the statutory definition of purchase price sales, and that Dongbu's sales thus adhere to the three-part test employed by the Department already detailed by petitioners. It argues that the purpose of this test is to determine, on the basis of the selling functions assumed by the U.S. affiliate, whether the transaction in question meets the statutory requirements for purchase price at dictated by 19 U.S.C. 1677a(b). Respondent argues that there is no dispute regarding the first two prongs of this test, as petitioners concede that Dongbu's sales through DBLA are shipped directly from Dongbu to the unrelated buyer without being introduced into DBLA's inventory and that such shipments are customary in the industry. Respondent contends that verification reports and associated documents confirm that sales through DBLA also meet the third requirement of the test, and that DBLA played only a limited role as a processor of sales related documentation and as a communications like to the customer.

Respondent describes DBLA's role in these sales transactions as straight forward. Dongbu states that its sales are made by its export department in Korea, with DBLA assisting by transmitting customer inquires to Korea and issuing sales contracts on Dongbu's behalf if orders are accepted. Respondent notes that DBLA facilitates the sales by processing the documents needed to ensure that the merchandise is delivered in accordance with the negotiated sales terms: that is, delivery to the customer after clearance through U.S. Customs and payment of brokerage and related charges. In detailing these functions, respondent argues that all of the selling activities carried out by DBLA in connection with these sales are within the range of activities determined by the Department to be consistent with purchase price classification in previous cases.

Regarding petitioners' argument that the Department should classify sales through DBLA based upon comparative pricing patterns, respondent counters that there is no legal or factual basis for reclassifying these sales as ESP. Respondent contends that selling functions, not selling prices, are the basis for the Department's classification of sales as purchase price or ESP. Specifically, the application of the Department's three-pronged test is to determine whether the selling functions undertaken by the related U.S. selling agent are of a kind that would normally be carried out by the exporter in connection with the sales, and that such an analysis must be made with reference to terms of the sale itself which establishes the parameters of the U.S. affiliate's selling function. Therefore, with regard to Dongbu's sales through DBLA, respondent argues that the Department must consider DBLA's selling functions in connection with the fact that these products are sold to the unrelated U.S. customer on an ex-dock duty-paid basis and must thus be delivered to the possession of the customer after clearance through U.S. Customs. Respondent notes that in this case, Dongbu has simply transferred these routine selling functions to a related selling agent in the United States, and that the substance of the transaction is not changed, which is that they are purchase price rather than ESP.

Department's Position

We agree with respondent and have determined that purchase price is the appropriate basis for calculating USP. Typically, whenever sales are made prior to the date of importation through a related sales agent in the United States, we conclude that purchase price is the most appropriate determinant of the USP based upon the following factors: (1) The merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of the related shipping agent; (2) direct shipment from the manufacturer to the unrelated buyers was the customary commercial channel for sales of this merchandise between the parties involved; and (3) the related selling agent in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyers. See, *e.g.,* Certain Stainless Steel Wire Rods from France: Final Determination of Sales at Less that Fair Value, 58 FR 68865, 68868–9 (December 29, 1993); Granular Polytetrafluoroethylene Resin from Japan: Final Results of Antidumping Duty Administrative Review, 58 FR 50343–4 (September 27, 1993). This test was first developed in response to the Court of International Trade's decision in *PQ Corporation* v. *United States,* 652 F. Supp. 724, 733–35 (CIT 1987). It has also been used to uphold indirect purchase-price transactions involving exporters and their U.S. affiliates. See *e.g., Zenith Electronics Corp.* v. *United States,*

Consol. Ct. No. 88–07–00488, Slip Op. 94–146 (CIT 1994).

We disagree with petitioners' argument in citing to *Creswell Trading Co., et al.* v. *United States,* 15 F.3d 1054 (Fed. Cir. 1994) that Dongbu has not met the burden of producing information that demonstrates that the related party in the United States functions only as a processor of documentation. Dongbu has placed information on the record which we have verified describing the functions of its related party. Furthermore, the Department has recognized and classified as indirect purchase price sales transactions involving selling activities similar to those of DBLA's in other antidumping proceedings involving Korean manufacturers and their related U.S. affiliates. See, *e.g.,* Final Determination of Sales at Less Than Fair Value; Circular Welded Non-Alloy Steel Pipe from the Republic of Korea, 57 FR 42942, 42950–1 (September 17, 1992). In the present review, we found that: (1) Dongbu's sales though DBLA, its related sales agent in the United States, are shipped directly from Dongbu to the unrelated buyer without being introduced into DBLA's inventory; (2) such shipments are the customary channel of distribution for the parties involved; (3) DBLA performed limited liaison functions in the processing of sales-related documentation and a limited role as a communication link in connection with these sales.

We agree with respondent that we regard selling functions, rather than selling prices, as the basis for classifying sales as purchase price or ESP. When all three of the criteria described above are met, we consider that the exporter's selling functions have been relocated geographically from the country of exportation to the United States, where the sales agent performs them. We determine that DBLA's selling functions are of a kind that would normally be undertaken by the exporter in connection with these sales. DBLA's role in the payment of cash deposits of antidumping and countervailing duties, extension of credit to U.S. customers, the processing of certain warranty claims, and project development are consistent with purchase price classification and are a relocation of routine selling functions from Korea to the United States.

Comment 7

According to petitioners, the Department is required by law to deduct the cost of ''actual'' antidumping and countervailing duties from USP when the record demonstrates that those costs are included in the prices paid by the first unrelated purchaser. Petitioners contend that these duties are costs to Dongbu and must be deducted from the price paid by the first unrelated purchaser in order to obtain a fair comparison between USP and foreign market value.

Petitioners assert that the statute provides authority for deducting the cost of actual antidumping and countervailing duties incorporated in the price used to establish USP. Citing section 1677a(d)(2)(A), they argue that USP shall be reduced by ''the amount, if any, included in such price which is attributable to additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise into the United States.'' The costs of antidumping and countervailing duties thus fall within the scope of this provision as costs, charges, and expenses or as U.S. import duties. The former, petitioners note, is a subset of the latter, and as a matter of law they must be deducted from the price to the first unrelated purchaser. They also argue that the statute provides that USP shall be increased by the amount of any countervailing duty imposed to offset an export subsidy.

According to petitioners, the Department must deduct the full amount of the countervailing duties paid by Dongbu for those entries covered by the first and second annual reviews of the countervailing duty order. They claim that none of the arguments for not deducting the estimated antidumping duties applies in the case of the countervailing duty payments. First, petitioners argue that Dongbu has presented evidence that DBLA paid those duties and that they have an impact on the price. Second, they contend, there is no danger of double-counting since the countervailing duties are not paid to offset past price discrimination. In this case, the countervailing duties are paid to offset domestic subsidies and have nothing to do with Dongbu's price discrimination practices. Thus, petitioners assert that the countervailing duties are a cost separate from the payment of antidumping duties and should be treated as normal customs duties. Also, petitioners claim that since no party requested a review of the countervailing duty order at the time of the first or second anniversary, those duties have become final duties. They also assert that the Department must deduct the cost of antidumping duties equal to the amount of the calculated margin.

Petitioners note that the court acknowledged in *Zenith Elec. Corp.* v. *United States,* 18 CIT ____, Slip Op 94–146 (September 19, 1994) that the deduction from USP of actual antidumping duties remains an open issue. Accordingly, contend petitioners, the court expects that the Department will approach the payment of actual antidumping duties differently than it does the payment of estimated antidumping duties. Petitioners cite Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom, 60 FR 44009 (August 24, 1995), in which they argued that the Department should treat actual antidumping duties as a cost. Petitioners claim that although the Department rejected their argument, the authority cited by the Department in the determination does not support its position. Petitioners also note that there has been no court decision that the deduction of estimated antidumping duties is unlawful, and that all of the cases having to do with this issue have upheld the Department's decision not to do so based on the facts of the individual case.

Respondent argues that in the absence of reimbursement, it is unlawful and contrary to Department practice to deduct antidumping and countervailing duties from USP. Respondent contends that petitioners' reading of the statute is contradicted by both long-standing administrative and judicial precedent; (*e.g.,* Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom, 60 FR 44009 (August 24, 1995), Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Administrative Reviews, 60 FR 10900, 10907 (February 28, 1995), *PQ Corp.* v. *United States,* 652 Supp. 724, 735–37 (CIT 1987), *Federal-Mogul Corp.* v. *United States,* 813 F. Supp. 856, 872 (1993), and *Torrington Co.* v. *United States,* Consol. Ct. No. 92–07–00483 (CIT 1995). Respondent further argues that the Department and the courts have long since recognized that such deductions are not authorized under the antidumping laws because they are, *inter alia,* not ''selling expenses'' within the meaning of the statute and are inherently contingent in nature. Respondent notes that making the required adjustment would unlawfully result in the double-counting of dumping duties, and would perpetuate dumping orders thereby violating both the letter and remedial purposes of the statute. They also state that Congress has refused to yield to lobbying by the

U.S. steel industry for the enactment of legislation that would for the first time authorize such a deduction, clearly evincing Congressional disapproval of petitioners' position.

Respondent asserts that petitioners are incorrect in their argument that the issue of deducting antidumping and countervailing duties should be considered differently in this case because the Department is determining ''actual'' rather than ''estimated'' antidumping duties. Respondent also states that petitioners are wrong in their extension of this argument to Dongbu's countervailing duty deposits on the theory that such deposits represent ''actual'' duties because the amounts deposited are ''conclusive'' since no party requested an administrative review. Respondent notes that the countervailing duty order is currently on appeal to the Court of International Trade and liquidation of these entries has been suspended pending the outcome of that appeal.

By assessing duties beyond the actual margins of dumping, according to respondent, petitioners' recommended deduction would also violate international law as embodied in the WTO antidumping agreement. See Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, April 15, 1994, and Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, article 2 ¶ 4.

Respondent claims that petitioners are incorrect in arguing that their proposal will not result in a double-counting of antidumping duties. Rather, respondent asserts it is a ''mathematical certainty'' that this will be the result. Respondent argues that the remedial purposes of the antidumping laws are presumably fulfilled when a foreign respondent is induced to raise its prices to unrelated customers in the United States in response to the antidumping order, since it is at that level that the foreign producer competes directly with U.S. producers. Respondent notes that the concern that has traditionally been raised is that the relief intended by the order would be ''blunted or denied'' if the related importer ''absorbs'' the antidumping duties by being ''reimbursed'' by the foreign producer and, as a result, fails to pass the additional expense on the unrelated U.S. customer in the form of higher prices. Respondent claims that petitioners in this case are claiming that the Department should penalize Dongbu for raising its prices to unrelated purchasers. The effect of this, according to respondent, would be to create additional margins.

Department's Position

We disagree with petitioners. In Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom (''UK Lead and Bismuth''), 60 FR 44009, 44010 (August 24, 1995), petitioners made arguments similar to those presented here—that ''actual'' antidumping duties are a ''selling expense'' and that the Department has not previously considered whether to deduct ''actual'' expenses under section 772(d)(2)(A). In UK Lead and Bismuth, we responded that ''[a]ntidumping duties are intended to offset the effect of discriminatory pricing between the two markets. In this context, making an additional deduction from USP for the same antidumping duties that correct this price discrimination would result in double-counting. Therefore, we have not treated cash deposits of estimated antidumping duties as direct selling expenses.'' *Id.* at 44010. See also color Television Receivers from the Republic of Korea, Final Results of Administrative Review, 58 FR 50333, 50337 (September 27, 1993); and Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Administrative Reviews, 60 FR 10900, 10906 (February 28, 1995).

We also disagree with petitioners' extension of their argument to Dongbu's countervailing duty deposits on the basis that the amounts deposited are ''conclusive'' since no party has requested an administrative review. In fact, the countervailing duty order is currently on appeal to the Court of International Trade and liquidation of these entries has been suspended pending the outcome of that appeal. These entries will be liquidated only in accordance with a final and conclusive court decision in that proceeding, as in accordance with 19 U.S.C. 1516a(e). In other words, the amount that will be collected, if any, is uncertain at this time.

As our verification report indicates, there is no evidence that Dongbu's related importer in the U.S. is being reimbursed by Dongbu.

Comment 8

Petitioners argue that Dongbu improperly calculated credit expenses for home-market sales using gross unit prices. They argue that Dongbu's reported credit expenses are overstated because Dongbu failed to account for rebates when calculating the credit expenses. Petitioners contend that Dongbu calculates per-unit credit expenses for home-market sales differently than is done by the Department, which calculates credit expenses based on selling prices that are net of discounts and rebates. See Final Determination of Sales at Less Than Fair Value; Fresh Cut Roses from Colombia, 60 FR 6980 (February 6, 1995). Therefore, according to petitioners, Dongbu's use of an adjusted gross unit price is not in accordance with Department practice, and results in an artificially inflated credit expense. Petitioners continue this point by stating that the Department should reduce Dongbu's claimed home-market credit expenses to account for rebates paid to certain home-market customers in order to be consistent with its established practice of calculating credit expenses using prices net of discounts and rebates. To accomplish this, they explain, the Department should reduce the reported credit expense by the amount of the rebate, expressed as a percentage of gross unit price.

Respondent argues that petitioners are in error, and that home-market credit expenses are not overstated. According to respondent, petitioners' allegation relies upon the Department's final determination in Fresh Cut Roses from Colombia, and while it is true that the Department in that case adjusted one respondent's credit figures downward to account for certain discounts discovered late in the proceeding, there is no mention in the case of similar treatment being required in the case of rebates. Respondent further notes that this distinction between discounts and rebates, with respect to credit calculations, is not inconsequential. Also, the fact that rebates are paid after the sale, has no bearing on the final price paid by the customer. In these cases, the final price paid is one that is net of the rebate itself. But, when it comes to calculating credit expenses, the emphasis on the rebate being paid ''after'' rather than at the time of the sale is dispositive of this issue, according to Dongbu.

Respondent also argues that the imputation of credit cost is based on the principal of the ''time value of money.'' See *LMI–La Metalli Industriale S.p.A.* v. *United States*, 912 F.2d 455 (Fed. Cir. 1990). Respondent asserts that the value to the seller is a function of the amount of the account being financed, the period of time that the account is being financed, and the relevant cost of borrowing that could be used to finance the account. Respondent argues in the case of a discount, the amount financed over this period is the purchase price less the discount, and it is appropriate

to deduct this amount from the gross unit price in determining the imputed cost of credit. In the case of rebates, Dongbu states the amount is not likely to have accrued at the time of sale but instead, over a longer period of time.

Respondent claims it would thus be improper to deduct rebate amounts from gross unit price in determining imputed credit expenses because the amount being financed over the credit period is the gross unit price rather that the gross unit price less an undertermined rebate.

Department's Position

We agree with respondent. Dongbu's rebates are often accrued after payment has been made. More often than not, rebate amounts are not determinable until after payment of the account has been made. Accordingly, it would be improper in these cases to deduct rebate amounts from gross unit price in determining imputed credit costs because the amount being financed over the credit period (*i.e.*, from shipment to payment) is the gross unit price, and not the gross unit price less an undertermined rebate. We agree with respondent that it is appropriate in the case of a discount to calculate imputed credit costs on gross unit price net of discounts (since that amount is determined at the time of sale and shipment). However, particularly in the case of rebates that are not precisely known at the time of sale, it would be inappropriate to deduct this undetermined amount from gross unit price in calculating credit expenses.

Comment 9

Petitioners argue that Dongbu's freight charges for home-market sales should be reduced by the amount of the intra-company transfer of funds between Dongbu and Dongbu Express. They assert that transportation services for Dongbu's home-market sales are provided by unrelated trucking companies pursuant to contracts with Dongbu's wholly-owned subsidiary, Dongbu Express; and that as such, Dongbu's payment to Dongbu Express for those services is nothing more than ''an internal price constructed for bookkeeping purposes.'' Petitioners contend that the Department should revise these expenses to exclude markups charged by Dongbu Express on the grounds that such markups represent intra company transfers of funds. They cite Final Determination, Rescission of Investigation, and Partial Dismissal of Petition High Information Content Flat Panel Displays and Display Glass Therefor from Japan, 56 FR 32376 (July 16, 1991), and Final Results of Antidumping Duty Administrative Review: Color Picture Tubes from Japan, 55 FR 37915 (September 14, 1990), in arguing that the Department has previously disregarded the same type of mark-up paid to Dongbu Express when calculating adjustments to foreign market value, and that the Department attempts to value sales-related services at actual market rates, rather than at the rates established between related parties.

Respondent counters that there is no basis for reducing the reported home-market inland freight charges, and that petitioners' position ignores the circumstances under which these services are provided. Respondent argues that Dongbu contracts for freight services through a freight forwarder that has the expertise and volume of business to obtain regular service and competitive rates, an arrangement made by many other businesses that also do not own their own trucking fleet. These services provided by Dongbu Express have value, and as such the payment of a mark-up is expected and consistent with similar commercial transactions. According to respondent, the additional administrative costs incurred by Dongbu Express in arranging for shipment, as well as a reasonable return to Dongbu Express, are simply part of the value of the trucking service. Thus, respondent states, if the Department is to obtain a reasonable measure of the ''actual market rates'' for the freight services, as petitioners contend, there must be reflected in the reported charge some amount for the valuable freight forwarding services provided by Dongbu Express. Dongbu asserts it has demonstrated that the mark-up charged by Dongbu Express reflects a reasonable amount for profit, and that this mark-up is equivalent to that included by Dongbu Express in its charges to unrelated parties.

Department's Position

We disagree with petitioners. We find that the mark-ups charged by Dongbu Express to Dongbu were commercially reasonable charges for the services provided by Dongbu Express. Although the Department does not have a standard policy requiring it to deduct related-party mark-ups in all cases, in Final Determination, Rescission of Investigation, and Partial Dismissal of Petition: High Information Content Flat Panel Displays and Display Glass Therefor from Japan, 56 FR 32376, 32393 (July 16, 1991), the Department rejected the price between related parties not only because there was a mark-up, but because it was determined that the reported amount reflected a price constructed for ''internal bookkeeping purposes'' rather than a market value. Also, in Final Results of Antidumping Administrative Review: Color Picture Tubes from Japan, 55 FR 37915, 32922–23 (September 14, 1990), the Department acknowledged and accepted the respondent's argument that an administrative fee paid by the respondent to its related shipper reflected additional services that would have been sustained by either another trucking company or the respondent directly. In the present review, we verified the arm's-length nature of Dongbu's freight charges by reviewing invoices from the trucking company to Dongbu Express; the unit prices on those invoices were lower than those charged by Dongbu Express to Dongbu. Therefore, we find no basis for reducing home-market inland freight charges.

Comment 10

Petitioners argue that Dongbu's Korean inland freight charges for certain U.S. sales appear to be below arms's-length rates, and that the Department must revise the reported charges for the final results of this review. According to petitioners, Dongbu informed the Department prior to verification that certain sales were shipped to the United States from either Pusan or P'ohang, and not from Inch'on, as originally reported. Petitioners state that Dongbu revised the reported charges for these sales, many of which represent payments by Dongbu to Dongbu Express at amounts less than those made by Dongbu Express to unrelated trucking companies for the same transactions. They assert that the discrepancy between the amount charged by unrelated parties for transporting the subject merchandise between Inch'on and P'ohang (or Pusan), and the revised amounts reported by Dongbu, indicates that not all of Dongbu's reported inland freight charges for U.S. sales were at arm's-length rates. Therefore, the Department must adjust for these amounts accordingly.

Respondent counters these arguments by reporting that the example cited by petitioners involves freight charges imposed by an unrelated trucking company, and not Dongbu Express as asserted. It says this ''discrepancy'' claimed by petitioners also explains why the freight amount charged with respect to this sale, and the other shipments identified by petitioners is lower than would have been expected given the schedule of freight charges paid by Dongbu Express. According to respondent, the commercial invoices and bill of lading show in this instance that ocean freight companies sometimes request at the last minute that a

manufacturer agree to change the port of exportation to another port that may be located farther from the factory than originally agreed to with the understanding that the ocean freight company will absorb any additional freight cost. Such was the case with the sale cited by petitioners, according to respondent. Dongbu argues that it paid no more than it originally contemplated.

Department's Position

We agree with respondent. The discrepancy identified by petitioners involves freight charges imposed by an unrelated trucking company and, as we determined at verification, the Department has not found any transactions for which there is an indication that the rates charged for freight were not at arm's-length. As our verification report indicates, we reviewed invoices from the unrelated trucking company to Dongbu Express that included unit prices, which, from the evidence observed, reflected prices below which Dongbu pays to Dongbu Express. On this basis, we accept the foreign freight charges as reported for purposes of the final results.

Comment 11

According to petitioners, the amounts reported by Dongbu and used by the Department to determine the market rates for Dongbu's foreign brokerage and handling charges are incorrect. They reject the amounts used for the following reasons: that the evidence presented by Dongbu that freight charges are provided at arm's-lengh rates is irrelevant to whether the same company also provides unloading charges at arm's-length rates; and, that Dongbu has not demonstrated that Dongbu Express provides freight services at arm's-length rates. On this basis, argue petitioners, the Department must determine the value of unloading charges incurred in Korea using alternative information, specifically, the highest reported brokerage and handling charge for any U.S. sales.

Respondent argues that there is no substance or merit to the allegation that Dongbu Express provided freight services on anything other than an arm's-length basis. It asserts that petitioners are equally wrong in claiming that it is inappropriate or unreasonable for the Department to accept the reported freight charges based upon the overwhelming evidence that Dongbu Express provides other more valuable services at arm's-length rates. Respondent cites Final Determination of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Corrosion-Resistant Carbon Steel Flat Products from Japan, 58 FR 37154 (1993) (Comment 15) in asserting that the Department, when the arm's-length methodology is unavailable, very often will assess the circumstances generally to determine whether the rates charged are likely to be commercial. In that case, Dongbu notes, the Department had only time and resources available to it to conduct a verification of two of the four companies to which the respondent paid freight charges. As a result, respondent states, the Department decided to accept the reported charges because there was no ''indication that their freight expenses were inaccurate.'' Also cited by respondent is Final Determinations of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Korea, 58 FR 37176 (1993) in arguing that the Department also showed a reasonable flexibility in accepting alternative means of verifying the arm's-length nature of services for which there were no ready unrelated comparisons.

Department's Position

We disagree with petitioners. Although the Department generally prefers to demonstrate that a related-party service was provided at arm's-length by contrasting those rates with charges for comparable services provided by unrelated companies, the Department does not automatically resort to best information available when that methodology is unavailable. Verification is the Department's means of testing information; it is not intended, nor is it possible, that every single item be examined during verification. See *Monsanto Co.* v. *U.S.*, 698 F. Supp. 275, 281 (CIT 1988). As our verification report indicates, we performed an arm's-length test on Dongbu's related party, Dongbu Express, and found that inland freight charges charged by an unrelated party were less than those charged by Dongbu Express. Thus, we believe Dongbu's brokerage and handling expenses to be at arm's-length.

Comment 12

While supporting the Department's decision to apply partial BIA to Union because of the respondent's inability, at verification, to properly document home-market product characteristics, petitioners contend the Department should have resorted to total BIA. Petitioners argue, failure to verify Union's product characteristics taints not only union's product comparisons, but also Union's cost-of-production (''COP'') and constructed-value (''CV'') data, since those data are reported on the basis of specific control numbers, and each control number (''CONNUM'') is defined by a unique set of unverified product characteristics. To derive the per-ton cost of each CONNUM reported in its response, petitioners state that Union allocated costs on the basis of the total quantity produced of that CONNUM. If the home-market product characteristics used as a basis for defining CONNUMs are suspect, then the production quantities and cost allocations based on those CONNUMs are unreliable according to petitioners. They claim that, in a number of cases where the use of unverified data would have rendered meaningless any calculation employing that data, or where the Department was unable to verify a respondent's home-market product characteristics, the Department has resorted to total, rather than partial, BIA. In addition, petitioners note that the Department has routinely resorted to total BIA where a respondent has destroyed, or has been unable to produce, documents supporting critical aspects of its submitted data. Petitioners point out that the Court of International Trade (''CIT'') has recognized that parties who initiate unfair trade proceedings—as did Union by requesting this review—bear the burden of maintaining and retaining records relevant to the proceeding. See *e.g.*, *Krupp Stahl AG* v. *United States*, 822 F. Supp. 789 (CIT 1993) (''*Krupp Stahl*''). Petitioners contend that Union's data deficiency, which was caused by its failure to retain relevant production records and customer correspondence in a review that it requested, is every bit as pervasive and significant as in prior cases where the Department has resorted to BIA. According to petitioners, when this data deficiency is combined with the Department's inability to verify the accuracy of Union's home-market date of sale and Union's failure to report accurate dates of sale for a significant percentage of its U.S. sales, the Department has no alternative but to resort to total BIA in its final results in petitioners' view.

Petitioners cite *Krupp Stahl* in support of their contention that the choice of which information to use as BIA must not reward a respondent. Petitioners take issue with the Department's partial BIA approach, and the Department's presumption that the largest possible adjustment to the prices of comparable products is no more than 20 percent of the cost of manufacturing

(''COM'') of that product. Petitioners claim that the Department can have no idea of the extent to which improper matches may understate FMV because some or all home-market products may be improperly matched. Therefore, petitioners state, any sales of any product in Union's home-market database could theoretically be compared to U.S. price, and the record shows that price differences between U.S. and Korean sales are in fact far greater than the adjustment preliminarily used by the Department. According to petitioners, the Department has therefore rewarded, rather than penalized, Union for its improper record-keeping procedures. Should the Department fail to use total BIA in its final results, the Department will invite manipulation and circumvention of the antidumping process by respondents, petitioners say. under the partial BIA methodology employed by the Department, petitioners claim a respondent could request a review and then destroy critical supporting documentation associated with any sale under the guise that such destruction is its normal business practice and assign to such sales the product characteristics it desires to ensure the most favorable price-to-price comparisons, secure in the knowledge that the Department will cap any BIA adjustment at a mere 20 percent of the product's COM. Similarly, petitioners argue, knowing that COP/CV data will not be adjusted despite the Department's inability to verify home-market product characteristics, respondents could simply assign costs to specific CONNUMs as they desire to ensure the most favorable outcome. For all of the above reasons, petitioners urge the Department to apply total BIA to Union for the final review results.

Respondent rejects petitioners' claim that there are pervasive and significant data deficiencies. It states that the Department verified home-market date of sale and that the Department has already adjusted the data with regard to U.S. date of sale. Union states that there is no evidence on the record indicating that the home-market codes are wrong. It notes that product code questions for home-market sales have no implications for any of the cost data.

Respondent states that petitioners' reliance on *Cold-Rolled Stainless Steel Sheet from Germany* and *Krupp Stahl* is misplaced. In that case, Union states, all records had been destroyed, preventing it from preparing a response to the Department's questionnaire and preventing the Department from conducting a verification. In this case, Union claims only two types of documents are at issue: mill certificates and customer correspondence. In Union's view, respondent had no reason to suspect that these documents, which it does not normally retain, would be deemed necessary at verification. Union concludes that the precedents ''underscore that the use of total BIA is appropriate only for a noncooperative respondent or a respondent whose submission is so fundamentally flawed that it cannot be used even with partial BIA.'' See, *e.g., Antifriction Bearings, (Other Than Tapered Roller Bearings) and Parts Thereof from France,* 60 FR 10900. Thus, respondent states that the Department must reject petitioners' request to use total BIA.

Respondent notes that the statement in the verification report that the Department was ''unable to verify the accuracy of the product code system for [Union's] home-market sales, or determine the basis behind Union's coding of certain model-match characteristics,'' upon which petitioners rest their claim for application of total BIA, is contradicted by factual evidence on the record. Union asserts that, as part of the verification, the Department: (1) Repeatedly tied the product codes reported on Union's tape to the product codes used on commercial invoices maintained in the normal course of business; (2) traced the reported invoice data, including the product code, from the commercial invoice to Union's sales ledgers, and thus into the audited financial accounting system; (3) compared the product codes with Union's product manual, and found no discrepancies; and (4) repeatedly checked product codes for U.S. sales (which are the same product codes used in the home-market) against mill certificates. Union also asserts that the decision memorandum forwarded to the Assistant Secretary failed to mention the first three of these facts. Rather, Union avers, the Department's memorandum gives central status to two types of documents—mill certificates and customer notifications—on no basis other than the fact that these documents were not retained. Union also claims that, by not notifying the company during verification of its concerns with regard to product characteristics, the Department deprived Union of an opportunity to address those concerns.

Union, citing recent cases (see *e.g., Brass Sheet and Strip from Canada,* and *Oil Country Tubular Goods from Korea*), argues that the Department routinely relies on commercial documentation, such as invoices and sales ledgers, to verify internal product codes, and does not normally tract product codes to production records.

Union maintains that there exists on the record production information, viewed by the Department at verification, supporting its internal product characteristics. The Department, according to Union, examined post-POR mill certificates. In addition, Union claims that the Department's cost verifiers ascertained that Union used a single product coding system, which enabled them to test the quality and specifications of input materials to the quality and specifications of the finished product. It is Union's view that the Department's verifiers could have tied Union's product codes to its inventory withdrawal records and to entries into the finished goods inventory, which in turn could have been tied to production records such as inspection cards and daily production reports, but they did not do so. Alternatively, Union suspects the Department could have reconciled total sales to total inventory entries or withdrawals, thereby confirming that the amount sold of a given product matched the total amount produced and entered into finished goods inventory, but it did not.

Respondent reiterates that there is only one internal product coding system used for home-market sales, U.S. sales and cost of manufacturing. Respondent claims it is beyond dispute that the Department verified both the U.S. sales data and cost data, which confirms the integrity of the entire internal product coding system, even if the Department was not fully satisfied that could tie home-market sales to mill certificates or customer correspondence.

Union also asserts that its recordkeeping practices do not differ significantly from Dongbu's, which, like Union, did not retain home-market mill certificates or customer correspondence. Even if Union had kept records in a significantly different manner from Dongbu's Union cites Coated Groundwood Paper from Finland; Final Determination of Sales at Less Than Fair Value (56 FR 56363—November 4, 1991) as an example where the Department relied on very different documentation to verify two respondents' respective product characteristics. In that case, Union claims the Department relied upon Metsa-Serla's product coding sheet to verify that respondent's product characteristics. It says Metsa-Serla was not penalized because it was unable to provide mill orders and the other respondent, UPM/Rupola, was.

Union states that the purported difficulty in verifying home-market product characteristics is limited to

those defined based on the internal product codes in Union's sales ledgers. Union claims that the majority of the reported product characteristics are not derived from the internal product code. The product code was used as a basis of only 5 product characteristics out of 11. Even when the product code was relevant, it was generally relevant for only some distinctions within a product characteristic (*e.g.*, the distinction between different types of paints).

Union states that the record of this review does not provide any explanation or reasoned basis for the Department's product hierarchy. Under those circumstances, it is Union's opinion that the Department may not lawfully use partial BIA even if Union fails to support its product distinctions sufficiently.

Even assuming certain product characteristics could not be verified, Union argues, the Department's conclusion that the maximum possible adjustment for differences in physical characteristics of the merchandise (''difmer'') is necessary to account for the worst case is unwarranted. The Department could have drawn an adverse inference with respect to the specific product characteristics at issue.

Petitions dispute Union's suggestion that only a minority of product characteristic variables were derived from the internal product code. Petitioners point out that the verification report specifically says the opposite in three different places, and that Union never attempted to clarify or rebut these statements. Union's claim that certain product characteristics were derived from the product's name, is a non sequitur in petitioners' view. They argue that while these physical characteristics may be associated with the product name, that alleged fact in no way demonstrates that the product actually produced and sold possesses the physical characteristics attributable to it by virtue of its product name. Petitioners add that such a demonstration could only have been effected by providing the Department with production records indicating the physical characteristics of the products produced and sold (*e.g.*, production orders or mill certificates), which Union failed to do. In any event, petitioners argue, even if a minority of Union's reported product characteristics were derived from its internal product code, it would be reasonable to limit application of partial BIA to specific product characteristics, because Union's home-market sales, cost, and constructed-value data would still be tainted. Petitioners suggest, the Department could use as partial BIA the highest VCOMH reported in Union's database for purposes of calculating the difmer adjustment as well as COP and CV.

Respondent denies that the Department's preliminary results reward Union and urges the Department to reject the notion that, absent any evidence of manipulation, a 20 percent difmer adjustment would provide future respondents with an incentive to manipulate the model-match process.

Union argues that even if the Department justifiably determined that Union's product characteristics had inadequately been verified, its decision to resort to partial BIA was wrong, since the statute affords the Department broad discretion to base FMV on CV. Because Union's CV data was verified and reflects the cost of the products sold in the United States, and the Department's stated policy is to use as much of a respondent's data as possible, the Department had a responsibility to use Union's own, verified data rather than using a flat, across-the-board difmer of 20 percent as BIA. Respondent notes, that a comparison of U.S. price to CV is totally unaffected by the perceived problems with the verification of product characteristics and suggests that in light of the Department's concerns, the use of CV is ''the obvious alternative.''

Petitioners counter that Union's CV database is just as tainted by the failure adequately to verify product characteristics as Union's sales database. Union, they claim, mistakenly believes that, because the product characteristics associated with the merchandise sold by Union in the U.S. market are not in the dispute, the costs associated with producing that merchandise are also not in dispute. Petitioners state that, due to the Department's inability to verify the accuracy of Union Steel's reported home-market product characteristics, the physical characteristics of the products whose production levels Union used in calculating the unit cost of each given product are either unknown or unreliable.

Petitioners also affirm that the statute does not give the Department discretion to use CV as FMV when home-market sales data is not verified. They note the statute provides that the Department may use CV when home-market sales are found to be below cost in significant numbers and when there are no matchable numbers in the home-market because they exceed the 20 percent difmer test. In those situations, petitioners observe, the Department has before it otherwise usable and properly verified data which cannot be used in margin calculations. In this case, however, the Department did not have home-market sales data that was otherwise usable according to petitioners. Petitioners argue that when the Department is unable to verify submitted data, as it was in this case, the statute requires the Department to resort to BIA, which is always an adverse inference. In this case, they claim using Union's CV data is not adverse to Union and would reward Union.

Petitioners counter that the record is unclear as to whether the Department ''repeatedly'' tied the product codes to sales and production documents, as claimed by Union. Even if the Department did repeatedly perform each of these tasks cited by Union, petitioners argue that none of these tasks (*i.e.*, tying product codes from sales invoice to sales tape, tracing invoice data to sales ledgers, checking product codes against a product code key, checking U.S. product characteristics against mill test certificates) in any way confirmed that products sold in the home-market possessed the physical characteristics reported by Union.

Petitioners claim that the statute requires the Department to verify the accuracy of the data submitted, not some proxy thereof. They note that Union has admitted on the record that its home-market customers are somewhat less concerned than U.S. customers with the accuracy of product specifications. Therefore, petitioners argue, verification of U.S. product characteristics cannot serve as proxy or surrogate for verification of home-market product characteristics. Petitioners allege that, to the extent that the internal product code was the basis for matching home-market products to U.S. products, Union had an incentive to ensure that the product code assigned to an individual home-market sale resulted in the most favorable match. Petitioners claim that Union does not seem to recognize that submitted data must be verified not to its own satisfaction, but to the Department's.

Petitioners also argue that the verification reports cited by Union as evidence that the Department normally applies a lower standard for verification of product characteristics than was the case here are all inapposite. In those cases, petitioners claim, the Department was not verifying the accuracy of product characteristics as reflected by product codes, but rather whether the merchandise was in-scope versus out-of-scope, or whether the respondent had completely reported all sales of the subject merchandise. In those cases,

according to petitioners, the Department was provided with other documentation, including documentation furnished by the customer, such as purchase orders and order confirmations. Further, as Union has conceded, the verification techniques employed in a given instance are dependent on the specific facts of each case. Petitioners state that the Department has considerable latitude in conducting verification and ''[t]he decision to select a particular method of verification rests solely within [the Department's] sound discretion.'' See *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993). Petitioners stress that Union, as the requester of the review, has only itself to blame for not preserving vital documentation months after the review had started. In addition, petitioners note that Union gave the Department reason to distrust the company's reported product characteristics by placing on the record a report, prepared by a private consulting firm in Union's employ, which stated that the respondent was incapable of tracing its production records to individual shipments.

Petitioners claim that Union's *post hoc* explanation of the production records it allegedly maintained does not demonstrate the accuracy of its reported home-market product codes. Petitioners allege that the explanation furnished by Union with regard to post-POR records allegedly examined by the Department's verifiers constitutes new factual information that should be stricken from Union's case brief. Petitioners argue that explanation does not exist anywhere on the record, nor is it clear that verification reports or exhibits support that purported explanation. Consequently, petitioners request that this explanation be stricken from the record and ignored on the grounds that it is untimely submitted. In any event, these materials were examined by petitioners for the limited purpose of ascertaining the accuracy of Union's reported date of sale in the home-market. Therefore, petitioners claim any assertion that these materials support home-market product characteristics is *post hoc* and unverified.

Petitioners also deny that the cost verification supports the validity of Union's internal product coding system. They claim that the cost verifiers did not ascertain whether the reported internal codes accurately reflected the characteristics of products produced and sold. Rather, petitioners say, the verifiers tested input costs on the basis of the specifications of Union's internal product code and physical dimensions. It is unclear, petitioners note, whether the products that Union reported as coming off its production line actually possessed the physical characteristics represented by the internal product code assigned to them in the accounting records maintained with respect to production. Finally, petitioners argue, the fact that the accuracy of the internal code may have verified with respect to one market (the United States) does not mean it verified with respect to the other (Korea). Even if the Department incorrectly concluded that the accuracy of Union's internal product code with respect to products produced for the home-market was verified, the accuracy of the codes appearing on self-generated commercial invoices for home-market sales remains unverified. Petitioners object to Union's suggestion that the Department could have employed alternative verification techniques, thereby trying to usurp the Department's role. They note that the verification outline clearly put the respondent on notice as to the goals of the verification and as to the type of supporting documentation Union would be required to produce. It was therefore ''unconscionable'' for Union to destroy records that would have allowed the Department to verify the accuracy of the most critical component of antidumping analysis—the product characteristics assigned to each control number, according to petitioners. It is incumbent upon a respondent to volunteer to the Department's verifiers information as to what sort of documentation is available to permit verification. It would appear that by inserting the consulting firm's report on the record of the verification, Union was fully aware of the problem posed by verifying home-market product characteristics. Yet it was not until the case brief that Union volunteered the existence of documents which it claims would have permitted such a verification. Union had repeatedly denied that production records could be tied to shipment records. Union also suggests *post hoc* that inventory records could have been used to verify product characteristics, yet the consulting firm's report states outright that these records are inaccurate. If the product code could not be verified for home-market sales, petitioners suggest, it is doubtful that the accuracy of the product codes in the inventory records could have been verified. Petitioners affirm that there is no requirement that the Department inform a respondent, during verification, of errors and deficiencies discovered during same.

Petitioners dispute Union's contention that the Department's preliminary decision to use BIA was arbitrary because it was based on a comparison of Union's recordkeeping practices with Dongbu. Petitioners find this ''strange,'' since in its case brief, Union itself compared its recordkeeping practices to those of other respondents in non-flat-rolled-steel cases in an attempt to demonstrate the validity of its records. As to Union's contention that, in fact, its recordkeeping practices differ little from Dongbu's, petitioners point out that Union officials or counsel were not present at Dongbu's verification, that Dongbu never asserted (as Union did) that it was incapable of tracing production to shipment, that it was able to show certain production records to the Department, and that Dongbu had not destroyed all of its home-market production records relating to the POR.

Department's Position

We disagree with petitioners that the Department should have restored to total BIA. The Department applies total BIA when a respondent refuses to provide the information requested in a timely manner or in the form required, or otherwise significantly impedes a proceeding. See *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts from France, et al.; Final Results of Antidumping Administrative Reviews,* 60 FR 10900, 10908 (February 28, 1995), *Allied-Signal Aerospace Co.* v. *United States,* 996 F.2d 1185 (Fed. Cir. 1993); *NTN Bearing Corp. of America* v. *United States,* Slip Op. 93–129 (CIT July 13, 1993). The Department considers the errors and inconsistencies in Union's submission to be of such a nature that they do not warrant the use of BIA, as discussed below. With respect to U.S. date of sale discrepancies, we agree with respondent that this has already been addressed in the preliminary results by using date of shipment as date of sale.

We agree with respondent that the case cited by petitioners regarding the destruction of records are not applicable to this instance. In *Krupp Stahl AG* v. *United States,* 822 F. Supp. 789 (CIT 1993), for instance, respondent purposefully destroyed *all* records for the POR, making it impossible for them to respond to our questionnaire or enable us to verify any submitted information. That is not the case with Union. Following its normal procedures, Union did not retain mill certificates or other documents needed to verify home-market product characteristics. However, all other documentation was maintained and

there is no evidence that respondent's failure to retain certain records was intended to impede our ability to conduct this proceeding.

Union's claim that the difficulty in verifying home-market product characteristics was limited to those defined by the internal product code is partially correct. The internal product code did serve as the basis for categorizing many of the corrosion-resistant model-match variables; however, it was the basis for a majority of the variables, rather than just the five referenced by respondent. In fact, five of the six most important variables in the model-match hierarchy were derived from the internal product code, and Union's methodology for categorizing an additional variable (Yield strength) on specific sales was not explained to the Department. Since Union did not maintain records of any correspondence with its home-market customers prior to shipment indicating the product being sought, and the description of products sold in the home market and appearing on the commercial invoices was only the internal product code, with the exception of thickness and width, the Department was required to verify that the product code represented an accurate reflection of the product sold and shipped. The fact that Union did not preserve production records for its home-market sales, such as mill certificates, which would provide this detailed information on products produced and which would like these products to specific sales, prevented the Department from determining the accuracy of this system.

With respect to Union's claims that the Department relies on commercial documentation, such as invoices and sales ledgers, to verify internal product codes, we note that Union's invoices—unlike those for many companies do not contain a detailed product description of the product sold. Neither did Union maintain any customer correspondence or any documentation which contained such a detailed product description. With respect to the cases cited by Union, we note that the reference in *Brass Sheet and Strip from Canada* was not relevant to verifying product characteristics as it involved a volume and value trace. The reference to *Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil and Germany* was also not relevant to the present case, as Mannesmann used universal product codes. No such claim was made by Union; indeed Union consistently referred to its codes as ''internal'' codes.

Union's allegation that the internal product code was the same as that used for U.S. sales and the Department was able to verify its accuracy is irrelevant. Products sold in the U.S. had commercial invoices with detailed descriptions of the product sold, and the necessary mill certificates that could be used to confirm these product descriptions. In addition, products sold in the two markets possess different physical and mechanical characteristics, are made to different specifications, and are coded differently in the internal product code.

We note that Union, in its case brief of October 2, 1995 (at 15 *et seq.*), almost seven months after the verification and five months after the sales verification report (''SVR'') was issued, suggests that the Department could have used alternative verification techniques to verify Union's home-market product characteristics. If that were true, respondent could have suggested these techniques during the verification itself, but did not do so. Only the respondent is in a position to know what documentary evidence there exists in its possession; it is the respondent's responsibility to determine, prior to the verification, what documentary evidence exists in its records supporting the information previously supplied to the Department, and to provide such documentary evidence to the Department's verifiers. It is not the responsibility of the Department's verifiers to guess what records might be in the respondent's possession and to suggest to the respondent how it might best document the information provided in the questionnaire responses. We note further that, at verification, Union entered as a verification exhibit a consulting report stating that Union's production and inventory records are inaccurate. See Union's SVR of May 16, 1995, at 10. This calls into question the possibility of successfully employing the alternative techniques Union is now advocating. Finally, contrary to Union's claim, it is not true that at verification the Department examined post-POR mill certificates as well as ''factory inspection cards'' for certain home-market sales within the POR.

Union's assertion that its recordkeeping practices do not differ significantly from Dongbu's is also incorrect. Dongbu, like most other parties in these flat-rolled steel proceedings, did maintain mill certificates on at least some of its home-market sales during the POR. Dongbu also retained various customer correspondence containing product descriptions. While it is not the Department's practice to mandate that respondents keep their records in a particular manner, in this case all of this information, as well an any alternative documentation which could have served to verify reported product characteristics, was lacking for Union, or not brought to the Department's attention.

As a result of our analysis of all comments received following our preliminary results and a re-evaluation of the information on the record for this proceeding, we are changing the methodology from that used in the preliminary results. Because Union's reported home-market product characteristics were not verifiable, it was not possible for the Department to make reliable price-to-price comparisons. Under such circumstances, the use of total BIA normally would be warranted in calculating FMV. In this particular case, however, the Department has concluded that it would be inappropriate to use total BIA for the following reasons:

—Union's normal business practice at the time was not to retain certain production records, such as mill certificates;
—there is no evidence on the record that Union deliberately refrained from retaining those records with the purpose of impeding the Department's ability to conduct this proceeding;
—we were able to verify product characteristics of the merchandise sold in the U.S. market and to link specific U.S. sales to control numbers; and
—CV was associated with specific control numbers.

Accordingly, we have used CV to determine FMV, in accordance with section 773(a)(2) of the Act. In any future review of this order, however, the Department expects Union to retain any and all records, including production records, necessary to permit the Department to verify Union's home-market product characteristics.

We disagree in part with petitioners' assertion that the CV cost data are not viable because production quantities were used to allocate costs. While it is true that the quantities of each control number sold were used to reconcile total costs to respondent's financial statements, these quantities were not used to build up individual costs by control number. Instead, Union used average material costs based on withdrawals from inventory. The weighted-average costs were then applied to a specific control number, and therefore, the final production quantity of that control number was not relevant. For fabrication costs, Union used the pass-through quantities for each process to accumulate and allocate

costs to a specific control number. Again, the final production quantity was not used to allocate costs, and therefore, is irrelevant. Thus, we are satisfied that Union's method of assigning a cost to a specific control number is reasonable and that total costs (*i.e.*, materials, labor, overhead) were allocated to either home-market, third-country, or U.S. merchandise.

In calculating FMV on the basis of CV, we did not use the statutory minimum eight-percent profit. Section 773(e)(1)(B)(ii) of the Act requires that, as a component of CV, an amount for profit shall be used that is equal to that usually reflected in the sales of the merchandise made by producers in the country of exportation, except that the amount of profit shall not be less than 8 percent of the sum of such general expenses and cost. In this instance we were unable to determine the actual amount of Union's profit because the profit component of Union's reported CV data is derived from Union's home-market COP database, which, as we explained above, is not usable because we could not verify Union's home-market sales product characteristics. Because these product characteristics could not be verified, we were unable to match specific sales to specific costs; thus, it was not possible to determine the actual profit for specific products based on a transaction-by-transaction build up. Consequently, because of this failure of verification, the Department, pursuant to section 776(c) of the Act, resorted to the use of BIA in order to determine the profit component to be used in calculating CV. As partial BIA, we have used the weighted-average profit for all above-cost home-market sales.

In order to determine which sales were made at prices above the COP, we calculated a simple average COP based on all home-market sales. We were unable to calculate a weighted-average COP because we could not link Union's COP database to individual home-market sales as Union's home-market sales product characteristics could not be verified. After calculating the simple average COP, we compared that cost to each individual home-market sale to determine which sales were made at prices above the COP.

Once we had determined which home-market transactions were made at prices above the simple average COP, we calculated the transaction-specific profit for those sales. This was done by first calculating the sales value of each individual home-market transaction (*i.e.*, net price times sales quantity). From each sales value we subtracted the value of the COP for that particular transaction to determine the transaction-specific profit (*i.e.*, sales value minus simple average COP times sales quantity). Finally, we weight-averaged the transaction-specific profits for purposes of deriving an overall profit percentage for use in the CV calculation. We were able to weight-average profit because we verified the quantities and prices of Union's individual home-market sales transactions.

Given Union's home-market data deficiencies, we determined that this approach was a reasonable means to calculate the profit component of CV. We used as much of Union's verified data as possible. However, where verified data were not available, we resorted to partial BIA, still using Union's data but in a more adverse manner than if the data in question had not failed to verify. We concluded that adopting this partial BIA approach, rather than using the statutory minimum profit, comported with the statute, the Department's practice, and with Court precedent. As the Department has previously noted, ''the noncomplying respondent cannot find itself in a better position as a result of failing to comply with the Department's information request than had the respondent provided the Department with complete, accurate and timely data.'' Replacement Parts for Self-Propelled Bituminous Paving Equipment From Canada; Final Results of Antidumping Duty Administrative Review, 56 FR 47451, 47453 (September 19, 1991). *See also National Steel Corp., et al.* v. *United States*, 870 F. Supp. 1130, 1135 (CIT 1994) (approving use of adverse partial BIA when only part of the submitted information is deficient).

Finally, we agree with petitioners that certain statement made by Union its in its case brief and rebuttal brief constitute new factual information within the meaning of section 353.31(a)(3) of the Department's regulations, and have stricken this information from the record. We have also stricken from the record references made by Union to the DKI verification report in the concurrent proceeding involving certain cold-rolled carbon steel flat products from Korea. That is a separate proceeding, and the information in question is not on the record of this case.

As we are not using total BIA, comments regarding the choice of a total BIA margin are moot.

Comment 13

Petitioners contend that Union Steel's submitted COP and CV data must be revised to reflect product-specific costs. According to petitioners, Union improperly assigned the same cost of manufacturing to multiple products in its COP and CV databases when these products' physical characteristics differed in yield strength and, or, width. The petitioners argue that these products with the same COM figures are not identical products and, therefore, should have distinct production costs. Thus, to avoid any manipulation of cost, the petitioners request that the Department adjust Union's cost data to eliminate the distortion caused by inappropriate cost allocations.

Union contends that its cost data was reported to an appropriate degree of specificity. Union states that the petitioners claim is made without any substantial support because the Department's hierarchy is not based on physical characteristics alone, and that there are no reasons to expect any given company to track possible small differences in costs that may be associated with different classifications in the hierarchy. Additionally, the Department's hierarchy classification chose to conform to commercial practices rather than production characteristics which cause some products to have similar costs of manufacturing. Furthermore, Union states the Department thoroughly verified product costs by control number and found no discrepancies.

Department's Position

For the final results, we accepted Union's control-number-specific costs. We found that Union's cost data was allocated to a sufficient level of product detail following the Department's section D questionnaire instructions. Following these instructions, it is possible for some of Union's control numbers to have similar cost of manufacturing for products that varied only in yield strength and width. Specifically, the determination of a product's manufacturing costs that are associated with yield strength is based mainly on the carbon content and possibly any micro alloying elements of the raw-material input. A raw material input with a higher carbon level will produce a product with a higher yield strength. However, even though raw-material inputs may vary in carbon content, their acquisition cost can be identical. Additionally, Union weight-averaged its raw materials based on other industry characteristics of the raw material input than the carbon content (*i.e.*, commercial quality, drawing quality and ASTM grade). Hence, it is possible for some of Union's products that are in different strength bands to have no cost differential. As for petitioners' concern that the cost of

manufacturing should differ for products with different width, we are satisfied that the respondent reasonably allocated costs associated with width differentials. For certain types of cost, Union used processing times to allocate fabrication costs by deriving an average cost. This average cost was then applied to specific control numbers. Therefore, due to this averaging it is possible for identical products, with the exception of width, to have the same cost of manufacturing.

Comment 14

Petitioners contend that the conversion factor used by Union to convert home-market sales of sheet reported in theoretical-weight terms to actual-weight terms was flawed, because Union was unable to document the basis for its formula at verification and because the formula, by Union's own admission, was based on incomplete data covering only a portion of the POR. Petitioners suggest instead that the Department apply a conversion factor derived from the lowest ratio experienced by Union on the basis of information on the record.

Respondent counters that the Department was able to verify the theoretical-to-actual weight conversion factor. Union states that the sales verification report was inaccurate on this point, and that it explained the nature of the discrepancy immediately following the issuance of the report.

Department's Position

Because we based FMV on CV, this comment is moot.

Comment 15

Petitioners argue the Department should deny Union's claimed circumstance-of-sale adjustment for inventory carrying costs, since during verification Union prevented the Department's staff from actually examining the area in the mill where the physical inventory is stored. Petitioners claim that allowing the claimed adjustment would only reward Union's obstructiveness.

Respondent retorts that these costs were fully verified. Union notes that it does not have a distinct warehouse for finished goods, and the verification team did examine inventory areas at the mill.

Department's Position

We disagree with petitioners. During the sales verification, the Department's verifiers mistakenly understood that there was a separate area in Union's mill dedicated to storing inventory. The cost verifies, however, understood differently, and ascertained that steel coils were being stored on the mill floor. The department also verified Union's calculation of inventory carrying costs and traced the figures to Union's accounting records. The Department, therefore, believes there is sufficient information on the record in support of this adjustment.

Comment 16

Petitioners claim that the Department should treat Union's U.S. sales through Union America (''UA'') as ESP transactions for purposes of the final results. Petitioners base this claim on three broad reasons: (1) Union's U.S. sales through UA do not meet the statutory definition of purchase-price transactions; (2) the limited factual information on the record only supports a conclusion that the subject sales are ESP transactions; and (3) declarations made on Customs form 7501 clearly indicate that UA is the purchaser of the imported merchandise.

In determining whether a U.S. sales transaction meets the statutory definition of purchase price, the Department looks at whether (a) the merchandise was shipped directly from the manufacturer to the first unrelated purchaser in the United States, without being introduced into the inventory of the related shipping agent; (b) direct shipment from the manufacturer to the unrelated parties was the customary commercial channel for sales of the merchandise between the parties involved; and (c) the related selling agent in the United States acted only as a processor of sales-related documentation and a communications link with the unrelated U.S. buyers. Petitioners claim that the first two factors may be indicia pointing to the conclusion that sales took place in a foreign country for exportation to the United States, but are not dispositive of the issue. In the steel industry, petitioners contend, these factors are not informative because most international shipments are shipped directly to the customer and not carried in inventory. Therefore, even if the merchandise is shipped directly to the customer and not placed in inventory in the United States, more evidence is needed to conclude that a sale is a purchase-price transaction, according to petitioners. Under the circumstance, they argue, the focus must be on the third factor of the Department's test.

Petitioners contend that the record evidence demonstrates that UA acts as more than a mere processor of sales-related documentation on behalf of Union's U.S. purchasers. They report that UA is involved in the following activities: the arrangement and payment for warehousing expenses on U.S. sales; the financing of U.S. sales; and the hiring of commission agents and entrance into commission arrangements with same. Petitioners state that UA reported substantial inventories of steel products in 1993, and that UA will, for certain warranties, independently authorize a compensatory cash discount without contacting Union. Petitioners further report the following: that UA has the authority to grant rebates; that UA is engaged in advertising on behalf of Union; that UA assumes the seller's risk pursuant to the terms of the invoices issued to U.S. customers; that UA is the carrier of Union's marine insurance policy and pays the premium for that insurance; that UA is the importer of record and pays U.S. duties, brokerage, and handling on U.S. sales; that UA pays Union the transfer price for the merchandise and in turn is paid by the U.S. customer, thereby bearing the risk of non-payment by U.S. customers; and that UA takes title to the merchandise at the time it is loaded in Korea.

Petitioners assert that UA repeatedly declared on Customs form 7501 (''Entry Summary'') that it purchased the merchandise. Therefore, the transaction between Union and UA is a purchase ''for export to the United States,'' so that the transactions between UA and its unrelated purchasers are necessarily sales ''in the United States'' meeting the definition of ESP transactions, in petitioners' view. They add that UA entered the merchandise in question for appraisement at its ''transaction value,'' which is defined as ''the price actually paid or payable for the merchandise when sold for exportation to the United States.'' If the importer of record (UA) has entered the merchandise at the price established between the related parties as the transaction value, then by definition the sale was for export to the United States and the sale between UA and the first unrelated U.S. purchaser cannot also be the sale for export to the United States. It follows, say petitioners, that the latter sale must be an ESP transaction.

Respondent answers that the Department properly treated the vast majority of Union's U.S. sales through Union America as purchase price sales. The terms of sales are set prior to importation. Union claims that petitioners concede that the merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into inventory of the related shipping agent, and direct shipment was the customary channel of distribution.

With regard to whether UA acted only as a processor of sales-related documentation and a communications link, Union cites the following: UA does not warehouse the imported merchandise; UA does not sell from inventory; UA does not finance U.S. sales; UA does not have the authority to authorize a cash discount for warranty claims; Union Steel sets guidelines for hiring of any commission agents; UA does not enter into rebate agreements; UA does not engage in any significant advertising on behalf of Union; Union Steel ultimately assumes the seller's risk pursuant to the terms of the invoices issued to U.S. customers; UA's procurement of marine insurance is a normal function of related selling agent; and that UA's role as the importer of record and payment of U.S. duties, brokerage, and handling on U.S. sales is a normal function of a related selling agent. Union further states that although UA issues commercial invoices as Union's proxy, it merely processes sales-related documentation, Union Steel bearing the final responsibility for the transaction. Union notes that whether or not UA takes title to the merchandise at the time of loading in Korea is irrelevant, since it must take title of the merchandise in order to resell it to an unrelated customer in the United States. Thus, in respondent's view, Union has strictly limited the role of UA to that of a conduit for Union's sales and processors of sales-related documentation and these sales should be treated as purchase price.

Department's Position

We agree with respondents. We determined that purchase price was the appropriate basis for calculating USP. Typically, whenever sales are made prior to the date of importation through a related sales agent in the United States, we conclude that purchase price is the most appropriate determinant of the USP based upon the following factors: (1) The merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of the related shipping agent; (2) direct shipment from the manufacturer to the unrelated buyers was the customary commercial channel for sales of this merchandise between the parties involved; and (3) the related selling agent in the United States acted only as a processor of sales-related documentation and a communication linked with the unrelated U.S. buyers. See, *e.g.,* Certain Stainless Steel Wire Rods from France; Final Determination of Sales at Less than Fair Value, 58 FR 68865, 68868–9 (December 29, 1993); Granular Polytetrafluoroethylene Resin from Japan: Final Results of Antidumping Duty Administrative Review, 58 FR 50343–4 (September 27, 1993). These criteria were first developed in response to the Court of International Trade's decision in *PQ Corporation* v. *United States,* 652 F. Supp. 724, 733–35 (CIT 1987). It has also been considered in cases with indirect purchase-price transactions involving exporters and their U.S. affiliates. See, *e.g., Zenith Electronics Corp.* v. *United States,* Consol. Ct. No. 88–07–00488, Slip Op. 94–146 (CIT 1994).

Furthermore, the Department has recognized and classified as indirect purchase price sales transactions involving selling activities similar to those of UA's in other antidumping proceedings involving Korean manufacturers and their related U.S. affiliates. See, *e.g.,* Final Determination of Sales at Less Than Fair Value; Circular Welded Non-Alloy Steel Pipe from the Republic of Korea, 57 FR 42942, 42950–1 (September 17, 1992). In the present review, for sales considered to be purchase price in the preliminary results we found that: (1) Union's sales through UA, its related sales agent in the United States, are most always shipped directly from Union to the unrelated buyer and only rarely are introduced into UA's inventory; (2) Union's customary channel of distribution is direct shipment, although certain limited sales are normally introduced into UA's inventory; (3) UA performed limited liaison functions in the processing of sales-related documentation and a limited role as a communication link in connection with these sales. UA's role, for example, in extending credit to U.S. customers, processing of certain warranty claims, limited advertising, processing of import documents, and payment of cash deposits on antidumping and countervailing duties, appears to be consistent with purchase-price classification. These selling services as an agent on behalf of the foreign producer are thus a relocation of routine selling functions from Korea to the United States. In other words, we determined that UA's selling functions are of a kind that would normally be undertaken by the exporter in conneciton with these sales. More specifically, we regard selling functions, rather than selling prices, as the basis for classifying sales as purchase price or ESP. While in some cases certain merchandise sold by Union was entered into UA's inventory, this merchandise was sold prior to the importation of the merchandise, but not from UA's inventory. When all three of the factors already described for sales made prior to the date of importation through a related sales agent in the United States are met, we regard those selling functions of the exporter as having been relocated geographically from the country of exportation to the United States, where the sales agent performs them. The substance of the transaction or the functions do not change whether these functions are performed in the United States or abroad. In this case, Union has transferred these routine selling functions to its related selling agent in the United States and the substance of the transaction is unchanged.

Comment 17

Petitioners contend the Department must deduct actual countervailing and antidumping duties from USP when they are paid by the respondent or related parties because (1) the plain language of the statute requires this conclusion; (2) court decisions are also consistent with this conclusion; and (3) the record evidence demonstrates that UA is paying for countervailing and antidumping duties on behalf of Union's U.S. sales and that those costs are included in the price to the first unrelated party.

With respect to the first point, petitioners cite section 772(d)(2) of the Act, which provides in relevant part that ''the purchase price and the exporter's sales price shall be * * * reduced by—except as provided in paragraph (1)(D), * * * United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States'' (19 U.S.C. 1677a(d)). Antidumping and countervailing duties are plainly import duties ''incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States.'' The language of the statute does not indicate that antidumping and countervailing duties are to be excluded from the phrase ''import duties.'' Moreover, petitioners say, when this provision is read in conjunction with section 772(d)(1)(D) of the Act, the conclusion that antidumping and countervailing duties constitute ''import duties'' under section 772(d)(2)(A) is inescapable. Section 772(d)(1)(D) provides that USP shall be increased by the amount of any countervailing duty imposed to offset an export subsidy. By including the phrase ''except as provided in paragraph (1)(D)'' in section 772(d)(2)(A), the drafters clearly understood the subsection's reference to

''import duties'' as including countervailing duties imposed to offset an export subsidy. This exception was necessary to ensure that the statute was consistent with Article VI¶ 5 of the General Agreements on Tariffs and Trade (''GATT''), which prohibits the assessment of both antidumping and countervailing duties to compensate for the same cause of unfairly low-priced imports, whether by dumping or as a result of an export subsidy. Had the exception not been inserted, an amount would be added to USP by section 772(d)(1)(D) and deducted by section 772(d)(2)(A). Therefore, petitioners believe, Congress contemplated that antidumping and countervailing duties were to be treated as ''import duties'' and deducted from USP.

With respect to the second point, petitioners argue that the Department must also deduct the cost of antidumping duties equal to the amount of the calculated margin. In *Federal-Mogul Corp.* v. *United States*, 813 F. Supp. 856, 872 (CIT 1993), according to petitioners, the court recognized that section 772(d)(2)(A) of the Act requires the Department to deduct any import duties that can accurately be determined at the time the Department is calculating the current dumping margins. In this case, once the final results are issues, Union's antidumping duties will actually be determined. Therefore, petitioners urge the Department, in its final results, to deduct the difference between FMV and USP (*i.e.*, the actual duty amount) from USP before the final margin is calculated.

With respect to the third point, petitioners cite the verification report as evidence that Union America is incurring the cost of antidumping and countervailing duties on behalf of Union, and that those costs are passed on to the first unrelated purchaser in the United States.

Petitioners state that the Department must deduct the full amount of the countervailing duties paid by UA for those entries covered by the first administrative review of the countervailing duty order on the subject merchandise. Since no party requested a review of this order, those duties have become final and they represent a calculable cost to Union apart from the payment of the estimated antidumping duty deposit. Therefore, petitioners claim, the payment of countervailing duties must be treated as actual import duties for purposes of calculating Union's dumping margin.

Union replies that the Department has repeatedly rejected the notion of treating AD/CVD duties as expenses to be deducted from U.S. price. Union adds that, in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders, 60 FR 10900 (February 28, 1995), the Department stated as follows:

> We agree with respondents that making an additional deduction from USP for the same antidumping duties that correct for price discrimination between comparable goods in the U.S. and foreign markets would result in double-counting. Thus, we have not deducted antidumping duties or antidumping duty-related expenses from ESP in this case.

Union states that the Department disagreed with petitioners' claim that antidumping duties constitute a selling expense, and notes that the Department's practice has been upheld by the courts. Finally, Union denies that the intent of Congress has been that AD/CVD duties be deducted from USP, citing the Statement of Administrative Action that accompanied the URAA that the law ''is not intended to provide for the treatment of antidumping duties as a cost.''

Department's Position

We agree with respondent. *See* DOC Position to Petitioners' Comment 7 *supra*.

Comment 18

Because on three separate occasions the Department requested information from Union regarding its early-payment discount policies for U.S. customers, and Union failed to provide the requested information, petitioners argue that the Department should adopt BIA with respect to those discounts. Petitioners suggest, as a reasonable adverse inference, that the Department assume that Union granted an early-payment discount on any transaction where payment was received before the due date.

Union claims that it was fully responsive to the Department with regard to information about this discount and that it was fully verified. Union states that its discount ''policy'' does not matter; all that matters is that it did extend early-payment discounts, that it did report them, and that they were verified.

Department's Position

We agree with respondent. Although the Department did ask Union, on more than one occasion, to state it policy with respect to early-payment discounts in the U.S. market and did not receive an answer, the Department was able to ascertain that Union in fact extended certain early-payment discounts, and to verify to its satisfaction the amount of such discounts. See Union's SVR of May 16, 1995, at 33.

Comment 19

Petitioners point out that, although Union provided revised COP/CV information to the Department at verification, Union did not submit this information in computer format after the verification and that, as a consequence, the Department inadvertently failed to include these revisions in its margin calculations for the preliminary results. Accordingly, the Department must incorporate Union's revised, verified COP/CV data in its final results.

Department's Position

We agree with petitioners. We requested that Union provide us with its revised, post-verification COP/CV data. Union provided us with the data consistent with the methodology we are employing in these final results.

Comment 20

Petitioners argue that the Department must revise Union's reported G&A expenses to account for expenses incurred by the Dongkuk Steel Mill (''DSM'') group as a whole. In prior cases, the Department has adjusted a respondent's submitted data to include an allocated portion of the parent company's expenses. The record in this case, petitioners assert, clearly indicates that expenses were incurred at the headquarters or DSM group level (*e.g.*, chairman's salary, group product brochures, group training center, and personnel welfare center, office costs, security expenses, entertainment expenses, *etc.*).

Since Union failed to furnish complete information regarding these expenses, petitioners argue that the Department should, as BIA, increase Union's calculated G&A expense by the ratio of all G&A expenses incurred at DSM over the consolidated DSM group's cost-of-sales.

Union contends that the Department should reject the petitioners proposed combination of DSM's and Union's G&A expenses. Union argues that there is no parent-subsidiary relationship between the two entities and that there are no DSM general expenses to attribute to Union's activities. Union also counters that Dongkuk Steel Mill was a respondent in the 1993 antidumping investigation of *Certain Cut-to-Length Carbon Steel Plate from the Republic of Korea*, and in that case the Department concluded that Dongkuk Steel Mill's G&A expenses were appropriately

allocated to Dongkuk Steel Mill's activities and not to a group. Additionally, Union contends that the petitioners' proposed adjustment is a specific question to the review of cold-rolled, which is a totally different proceeding. Therefore, since the Department failed to request this information for this review, it cannot use a BIA adjustment based on the failure to provide the information.

Department's Position

We disagree with petitioners. For the final results, we did not combine Dongkuk Steel Mill and Union's general and administrative costs. It is the Department's normal practice to include a portion of the G&A expense incurred by affiliated companies on the reporting entity's behalf in total G&A expenses for COP and CV purposes. However, in this specific case, we did not identify and allocable parent company costs after reviewing the information on the record. See *e.g.*, Final Determination of Sales at Less Than Fair Value: Small Diameter Circular Seamless Carbon and Alloy Steel, Standard, Line and Pressure Pipe from Italy, 60 FR 31981, 31992 (June 19, 1995); Final Determination of Sales at Less Than Fair Value: Welded Stainless Steel Pipe from Malaysia, 59 FR 4023, 4027 (January 28, 1994).

Respondents' Comments

Dongbu

Comment 1

According to respondent, the Department is required to make an additional upward adjustment to USP to account for export subsidies subject to countervailing duties. Citing Article VI¶5 of the General Agreement on Tariffs and Trade (Uruguay Round Agreements Act, Pub. L. 103–465, Th. section 101 (approving the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, Annex 1A 1(a)), respondent states that it provides that ''[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation for dumping or export subsidization.'' This provision was implemented into U.S. law by section 772(d)(1)(D) of the Tariff Act of 1930, amended, 19 U.S.C. 1677a(d)(1)(D). Thus, argues respondent, purchase price and exporter's sales price shall be increased by the amount of any countervailing duty imposed on the merchandise to offset the export subsidy. Respondent also asserts that, during the original less-than-fair value investigation of flat-rolled carbon steel products from Korea, the Department made upward adjustments to USP of this type. See Final Determinations of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Korea, 58 FR 37176 (1993). Dongbu states that such an adjustment is required both for assessment purposes and for purposes of determining the cash deposit rate applicable to future entries. As reported in the Final Determinations, the level of export subsidies determined in the final countervailing duty determination for corrosion-resident products was 0.10 percent *ad valorem*. Because Dongbu has made deposits reflecting these amounts in conjunction with the entries of corrosion-resident flat products under review in this proceeding, Dongbu claims it is therefore entitled to a further adjustment of USP in this amount.

Petitioners agree with respondent provided that the Department fully implements the statute, which they assert also requires under section 772(d)(2)(A) of the Act that USP also be reduced by ''(A) except as provided in paragraph (1)(D), the amount if any, included in such price, attributable to any additional costs, charges and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States'' (19 U.S.C. 1677a(d)). Thus, petitioners argue that if the Department adds the amount of the export subsidy to USP, it should also treat the remaining part of the countervailing duties paid on those shipments as costs, charges and expenses, and United States import duties in accordance with the statute.

Department's Position

We agree with petitioners and respondent in their arguments that Dongbu is entitled to a 0.10 percent *ad valorem* adjustment to the USP. However, we disagree with petitioners regarding their contention that if the amount of the export subsidy is added to USP, the remaining portion of the countervailing duties paid on those shipments must also be treated as costs, charges and expenses, and United States import duties. As noted earlier in our comments, we determined in Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Results of Antidumping Duty Administrative Review (60 FR 44009, 44010—August 24, 1995) that making an additional adjustment to USP for the same antidumping duties that correct the price discrimination between the U.S. and home markets would result in double-counting, and inconsistency with administrative and judicial precedent. The same principle applies with regard to countervailing duties. Deducting such duties as a cost would negate the purpose of their being added to USP in the first place.

Union

Comment 1

Union contends that the Department erroneously included a small number of U.S. sales as ESP transactions in its preliminary calculations. Because the merchandise in question was entered into the United States prior to the POR, Union requests that these transactions be removed from the final margin calculations.

Petitioners support the Department's finding that these transactions are subject to review. They note that these transactions occurred after importation, clearly making them ESP transactions. Petitioners quote from the Department's questionnaire, which states that for ESP transactions, respondents must report all sales to unrelated purchasers which occurred during the period of review. As this merchandise was resold in the United States during the POR it is covered, according to petitioners.

Department's Position

We have reviewed our position on this issue and now agree with respondent. In accordance with section 751 of the Act, the Department is required to determine the FMV and PP or ESP of each entry of subject merchandise during the relevant review period. Because there can be a significant lag between entry date and sale date for ESP sales, it has been the Department's practice to examine U.S. ESP sales during the review. See *e.g.*, Gray Portland Cement and Clinker from Japan; Final Results of Antidumping Duty Administrative Review (58 FR 48826—September 20, 1993), where the Department did not consider ESP entries which were sold after the POR. The CIT has upheld the Department's practice in this regard. See *The Ad Hoc Committee of Southern California Producers of Gray Portland Cement* v. *United States*, CIT Slip Op. 95–195, December 1, 1995 (''*Ad Hoc*''). Although the CIT, in *Ad Hoc*, accepted that ''consideration of all sales, rather than entries, made during the period of review *may* result in the consideration of entries made prior to the suspension of liquidation,'' *Ad Hoc* is not a case in which the respondent linked specific sales during the POR to specific entries

prior to the suspension of liquidation. *Ad Hoc* at 19 (emphasis added).

The Department has adopted an exception to its practice of examining all U.S. sales during the period of review. That exception applies when a respondent is able to demonstrate, to the satisfaction of the Department, that the merchandise covered by a particular sale entered prior to the suspension of liquidation pursuant to the Department's preliminary determination in the LTFV investigation. See *e.g.*, High Tenacity Rayon Filament Yarn from Germany: Preliminary Results of Antidumping Duty Administrative Review (59 FR 32181, 32182—June 22, 1994), where specific sales were excluded when linked to pre-suspension entries. Merchandise proven to have entered the U.S. prior to the suspension of liquidation (and in the absence of an affirmative critical circumstances finding) is not subject merchandise within the meaning of section 771(25) of the Act.

In this review, Union claimed that certain merchandise was not subject to review because it entered the United States prior to the period of review but was sold by Union's affiliated U.S. company to the first unrelated purchaser during the period of review. The Department verified that Union tied certain sales during the period to entries of merchandise prior to the suspension of liquidation. Because Union has demonstrated that certain merchandise entered the United States prior to the suspension of liquidation, we excluded sales of that merchandise from our analysis.

Comment 2

Union argues the Department improperly reclassified U.S. sales involving post-importation slitting and embossing as ESP transactions. Union believes this reclassification was improper because the terms of sale, including stateside slitting and embossing, were negotiated by Union in Korea before the exportation of the merchandise.

Petitioners reply that it is the Department's practice to consider U.S. sales through a related U.S. subsidiary prior to importation as purchase-price (''PP'') sales only if three criteria are satisfied: (1) The merchandise was shipped directly from the foreign producer to the unrelated U.S. purchaser without first being introduced into the inventory of the related U.S. selling agent; (2) the customary channel for such sales was direct shipment from the producer to the unrelated purchaser; and (3) the related U.S. selling entity acted only as a processor of sales-related documentation and a communication link to unrelated buyers. See, *e.g.*, Coated Groundwood Paper from Finland; Final Determination of Sales at Less Than Fair Value (56 FR 56363—November 4, 1991) and New Minivans from Japan; Final Determination of Sales at Less Than Fair Value (57 FR 21937—May 26, 1992). Petitioners argue that Union's post-importation sales of slit and embossed merchandise fail to satisfy these criteria, and that these sales should be treated as ESP transactions.

Department's Position

We agree with petitioners. We are continuing to treat these sales as ESP transactions, because record evidence shows that (1) The merchandise was not shipped directly to the first unrelated U.S. purchaser; (2) direct shipment from Union to the unrelated purchaser was not the normal channel for these sales; and (3) arranging and paying for slitting and embossing goes beyond the functions usually associated with processing sales-related documentation and serving as a communication link to unrelated buyers.

Comment 3

Union claims that the Department erred in (1) Concluding that Union had understated its U.S. credit expenses by not including bank charges therein, and (2) increasing Union's U.S. credit expenses by the amount of those charges. In fact, Union maintains, it included its U.S. bank charges in U.S. brokerage and handling expenses, so that they were double-counted by the Department. In addition, Union claims, the Department compounded its error by mistakenly dividing two years' worth of interest expenses by 18 months' worth of short-term borrowings.

Union urges the Department, for purposes of the final results, to follow its own practice and treat bank charges as selling expenses. Union claims to have reported its bank charges on a sale-by-sale basis, which is the most accurate form of reporting. Also, respondent asserts, including bank charges in an interest-rate calculation is illogical, since a bank charge need not be connected to the time value of money, but can simply consist of a flat fee for services rendered.

Petitioners reply that Union's claims regarding double-counting are unsubstantiated. Petitioners note that Union's claims that it included transaction-specific bank charges in its reported U.S. brokerage and handling expenses is not supported by any sample calculations or documents. Petitioners state that it is the Department's practice to include bank charges in credit expenses when they are not elsewhere reported. Because of the absence of specific data pertaining to bank charges alone, petitioners agree that the Department had no alternative but to use Union's combined interest and bank charge data for the two fiscal years.

Department's Position

We agree with petitioners and respondent in part. Because there is no evidence on the record supporting Union's claims that it included bank charges in its reported brokerage and handling expenses, we have increased Union's reported credit expenses to account for these bank charges. We acknowledge our error, however, in dividing two years' worth of interest expenses by 18 months' worth of short-term borrowings, and have corrected this error for purposes of these final results.

Comment 4

Union disagrees with the Department's treatment of its home-market warehousing expenses as indirect selling expenses, and contradicts the Department's statement that these expenses were evenly allocated across-the-board to all home-market sales. In fact, Union affirms that all warehousing expenses other than labor were traced to the particular areas devoted to subject and non-subject merchandise, because Union separately warehouses subject and non-subject merchandise, and thus can determine the proportion of warehousing expenses attributable to each. Union also maintains that a selling expense is not indirect simply because it occurs prior to sale. For these reasons, and because the warehousing expenses in question are attributable to a later sale of the subject merchandise, Union requests that the Department treat these warehousing expenses as direct for purposes of the final results.

Petitioners respond that Union stores three broad, distinct types of merchandise in the same warehouse—cold-rolled, corrosion-resistant, and pipe products. Petitioners state that Union did not link specific warehousing charges to specific sales, but rather allocated costs based on the square footage dedicated to each product type and on the total quantity of each product type warehoused. Petitioners believe that the Department's preliminary results correctly denied Union's claim that these expenses be classified as direct.

Department's Position

We agree with petitioners. Union did not tie warehousing expenses to specific sales, but merely allocated them. The amount reported by Union on its computer tape for this expense in Korean wŏn is identical for all sales transactions where a warehousing expense was claimed, regardless of the length of time the merchandise was actually warehoused. Therefore, we do not consider these expenses to be direct.

Comment 5

Union disagrees with the Department's treatment of pre-sale inland freight expenses in the home market as indirect. Union argues that the Department must examine the facts of each case to determine whether warehousing and pre-sale freight are so linked that they must necessarily be treated in the same fashion. In the final results of redetermination on remand (January 5, 1995) pursuant to *The Ad Hoc Committee on AZ–NM–TX–FL Producers of Gray Portland Cement* v. *United States,* Slip Op. 94–151 (1994), the Department noted that ''warehousing and movement expenses are, for analytical purposes, inextricably linked'' and ''if pre-sale warehousing is an indirect expense, then, in the absence of contrary evidence, pre-sale movement expenses should also be treated as an indirect expense.'' Earlier in the case, the Court had stated that ''if the pre-sale warehousing expense in this case is not shown to be a direct expense, then it follows that the cost of transporting the cement to the warehouse is also not shown to be a direct expense.''

Union argues that in this case, pre-sale freight and warehousing are not inextricably linked. Union claims that pre-sale freight was constant, since the merchandise was moved over the same route for all sales. Therefore, each ton sold from the warehouse led to an exactly identified increment to costs—the amount of the pre-sale freight—and the expense was incurred on a one-on-one basis with each unit of subject merchandise sold. Therefore, Union maintains the expense in question is clearly direct.

Petitioners respond that the Department correctly determined that Union's pre-sale freight expenses were indirect. Petitioners state that the Department's standard is clear: pre-sale warehousing and freight expenses are inextricably linked; thus, in the absence of contrary evidence, if pre-sale warehousing is an indirect expense, so too must be pre-sale freight. Petitioners note that it is always true that each ton shipped leads to an additional charge for freight, but this does not mean that pre-sale freight is always direct selling expense.

Department's Position

In the preliminary review results, the Department stated that it ''considers pre-sale movement expenses as direct selling expenses only if the movement expenses in question are directly related to the home-market sales under consideration. In order to determine whether pre-sale movement expenses are direct under the facts of a particular case, the Department examines the respondent's pre-sale warehousing expenses, since the pre-sale movement charges incurred in positioning the merchandise at the warehouse are, for analytical purposes, inextricably linked to pre-sale warehousing expenses. If the pre-sale warehousing constitutes an indirect expense, the expense involved in getting the merchandise to the warehouse must also be indirect. Conversely, a direct pre-sale warehousing expense necessarily implies a direct pre-sale movement expense. We note that, although pre-sale warehousing expenses in most cases have been found to be indirect selling expenses, these expenses may be deducted from FMV as a circumstance-of-sale adjustment in a particular case if the respondent is able to demonstrate that the expenses are directly related to the sales under consideration.'' The Department is continuing to treat Union's pre-sale home-market inland freight expenses as indirect, because Union did not distinguish between pre- and post-sale warehousing expenses or demonstrate that these expenses were directly related to the sales under consideration.

Comment 6

Union argues that the Department should differentiate Union's painted products according to specific paint types, because (1) there are significant cost, price, and commercial differences among Union's painted products; (2) these differences demonstrate that union's customers perceive significantly different applications for such products; and (3) if the Department compares different paint types, it must make an appropriate difmer adjustment.

Petitioners state the Department was correct not to revise the existing paint categories for the preliminary results of this review and should also reject this argument for the final results. Petitioners note that Union's arguments do not address the criteria used by the Department to establish categories of products and determine whether certain products may be compared and are not supported by the record evidence. Petitioners state that Union ignores that the primary basis for creating product categories is physical characteristics. Thus, according to petitioners, the Department can accept Union's proposed paint categories only if Union demonstrates that the physical characteristics of the various paint types are so dissimilar that the paint types cannot be compared—which Union has not done. Petitioners cite *Koyo Seiko Co.* v. *United States,* Slip Op. 94–1363 at 15 (Fed. Cir. Sept. 20, 1995) which states that in the presence of significant physical similarities, products do not have to be ''technically substitutable, purchased, by the same types of customers, or applied to the same end use'' in order to be compared. Petitioners add that the record does not support Union's contention that its different paint types exhibit significant differences in cost or price.

Petitioners reject the notion of making a difmer adjustment for difference in paint types. Petitioners state that it is the Department's position in these flat-rolled proceedings that it will not make adjustments to account for differences between physical characteristics of U.S. and home-market products when the products are identified by the same control number. If products have the same control number, according to petitioners, they are in effect identical for purposes of this review and no difmer adjustment should be granted.

Department's Position

We agree with petitioners. As stated in our internal memorandum of August 10, 1995, discussing our preliminary results of review, Union provided insufficient and non-compelling information to support the necessity for differentiating additional types of painted products. Union did not demonstrate how each of the proposed additional paint types possesses physical characteristics that are significantly different from those of the other proposed paint types, and how each paint type is intended for significantly different applications and uses. Therefore, we did not create additional paint categories for purposes of these final results. Union's request that we make a difmer adjustment for different paint types within the same control number is moot because we are using CV as the basis for FMV.

Comment 7

Union argues that the Department should not combine the financing expenses of Union Steel with those of other member companies of the

Dongkuk *chaebŏl* or group (*i.e.*, DSM and DKI) because this collapsing of interest expense is entirely at odds with the Department's practice. Union states that it is the Department's established policy to calculate interest expense from the costs of borrowing incurred by the respondent and its related parties only when the companies are consolidated in the normal course of business. Union states that there are two fundamental reasons for this. First, the accounting practicality of consolidating different companies, particularly with respect to cost of goods sold, demands that an audited consolidated statement be generated in the normal course of business. Second, the parent into which the subsidiary is consolidated is assumed to control the financing decisions of the subsidiary. See Final Determination of Sales at Less Than Fair Value; Small Diameter Circular Seamless Carbon Allow Steel, Standard, Line and Pressure Pipe from Italy (60 FR 31918, 31900—June 19, 1995). Furthermore, Union asserts that the Department has explicitly decided that the company should not be collapsed with respect to the instant review, which concerns corrosion-resistant merchandise. The collapsing decision in the review of cold-rolled products was made in the context of that review, which is a separate and distinct proceeding. Therefore, Union states that it should be treated as a ''stand-alone'' entity and the Department should follow the precedent set with respect to other Korean *chaebŏls.* See, *e.g.*, Final Determination of Sales at Less than Fair Value; Dynamic Random Access Memory Semiconductors of One Megabit and Above from the Republic of Korea (58 FR 15467, 15475—March 3, 1993); *Final Determination of Sales at Less than Fair Value; Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea* (56 FR 16305, 16313—April 22, 1991).

Additionally, Union states that the Department's calculation of its financing factor was incorrect because it failed to offset DKI and DMS's financing costs with short-term interest income. The respondent argues that the Department's calculation only offset Union's financing costs with short-term interest income. Therefore, the Department's calculation did not make an appropriate ''apples-to-apples'' comparison.

Petitioners contend that the Department properly combined Union's interest expense with the interest expense of other numbers of the Dongkuk *chaebŏl.* petitioners state that this decision is consistent with the Department's normal practice because the companies are under common control and produce similar subject merchandise. As for the respondent's concern that collapsing relates only to the parallel cold-rolled proceeding and not to the instant review, petitioners state that for this specific issue the collapsing of Union, DKI and DSM is necessary. Petitioners contend that capital acquisition costs are fungible and that any borrowing by Union, DKI, or DSM may be used for a variety of beneficial purposes for the group as a whole. Therefore, petitioners believe that the Department should continue to use the combined interest expenses of Union, DKI and DSM it its calculation for the final results of this instant review.

Petitioners also state that the Department deducted an appropriate short-term interest income figure in its net financing factor calculation. Furthermore, they state that the respondent's argument of requiring an apples to apples comparison is inappropriate in this circumstance because symmetrical results are not necessary in this step of the net financing calculation.

Department's Position

For the final results, we calculated a combined net interest factor using Union's, DSM, and DKI's audited financial figures obtained from verification exhibits, respondent's submissions and public records. This methodology of calculating a single net interest factor is consistent with our longstanding practice for computing interest expense in cases involving parent subsidiary corporate relationships. DSM's ownership interest in Union and DKI places the parent in a position to influence Union's financial borrowing and overall caption structure. We note that, contrary to Union's assertions that Union is an independent company and not controlled by DSM, the two companies share common directors and related stockholders. Based on this information, it is difficult to see how Union's operations are independent of its parent to such an extent that we should ignore our normal practice of computing interest. See Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings from Thailand (60 FR 10552, 10557—February 27, 1995). Additionally, we find it appropriate to collapse the financing costs of these three companies in this instant review because we consider that the financing costs of the parent and its subsidiaries to be fungible.

Additionally, we agree with the respondent in that it is the Department's practice to allow a respondent to offset financial expenses with interest earned from the general operations of the company. See *e.g., Timkin* v. *United States,* 582 F. Supp. 1040, 1048 (CIT 1994). The Department does not, however, offset interest expense with interest income earned on long-term investments. See Final Determination of Sales at Less Than Fair Value; Small Diameter Circular Seamless Carbon and Alloy Steel, Standard, line and Pressure Pipe from Italy (60 FR 31981, 31991—June 19, 1995). Therefore, for the final results we offset the combined financing costs by the respective short-term interest income of the three entities.

Comment 8

Union argues that the Department should not include the company's ''special depreciation'' that was reported as an extraordinary item on its audited financial statement in the cost of production of subject merchandise. Union contends that the Department's established policy with respect to this kind of expense is to exclude the cost because it relates solely to tax law and represents no real additional cost to the company. See Final Determination of Sales at less than Fair Value; Stainless Steel Angles from Japan (60 FR 16608, 16617—March 31, 1995) (''*Angles*''). Therefore, Union believes that the Department should follow the precedent established in that determination and remove the special depreciation from Union's production costs.

Petitioners argue that the Department should continue to include Union Steel's accelerated depreciation costs in its calculation of the company's COP and CV. Petitioners contend the Department does not have an established policy of excluding accelerated depreciation as a cost of production. To support their argument, petitioners state that in recent determination the Department rejected a similar contention made by the respondent and included the company's accelerated depreciation charges in the calculation of COP and CV. See Final Determination of Sales at Less Than Fair Value; Canned Pineapple Fruit from Thailand (60 FR 29553, 29560—June 5, 1995). Furthermore, petitioners contend that the cost should be included in COP and CV because it is reported on Union's financial statements that are in accordance with generally accepted accounting principles (''GAAP '') in Korea.

Department's Position

We disagree with the respondent and have included Union's entire special depreciation as a production cost for these final results. Unlike in *Angels*

where the respondent company used special financial accounting treatment to reflect only its regular depreciation (*i.e.*, non-tax depreciation) as a cost in its audited income statements for that year, Union recorded the full special depreciation charge as a cost in its audited income statement in accordance with Korean GAAP. We note that it is the Department's normal practice to use costs recorded in normal books and records of the respondent unless it can be shown that such costs do not reasonably reflect the amounts incurred to produce the subject merchandise. See, e.g., Final Determination of Sales at Less Than Fair Value; Oil Country Tubular Goods from Argentina (60 FR 33539, 33548—June 28, 1995); High-Tenacity Rayon Filament yarn from Germany; Final Results of Antidumping Duty Administrative Review (59 FR 15897, 15898—March 28, 1995).

Final Results of Review

As a result of this review, we have determined that the following margins exist for the period February 4, 1993, through July 31, 1994:

CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS

Producer/manufacturer/exporter	Weighted-average margin (percent)
Dongbu	1.50
Union	10.74

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements shall be effective upon publication of this notice of final results of review for all shipments of certain corrosion-resistant carbon steel flat products Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies named above which have separate rates will be the rates for those firms as stated above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (''LTFV'') investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 17.70 percent, which is the ''all others'' rate in the LTFV investigation.

Article VI¶5 of the General Agreement on Tariffs and Trade provides that ''(n)o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization.'' This provision is implemented by section 772(d)(1)(D) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsidies as determined in Final Affirmative Countervailing Duty Determinations and Final Negative Critical Circumstances Determinations; Certain Steel Products from Korea (58 FR 327328—July 9, 1993), which is 0.10 percent *ad valorem*, will be subtracted from the cash deposit rate for deposit or bonding purposes.

The deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: April 16, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–10404 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–820]

Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China: Notice of Initiation of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of initiation of new shipper antidumping duty administrative review, Certain Compact Ductile Iron Waterworks Fittings and Glands (CDIW), from the People's Republic of China (PRC), A–570–820.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of the antidumping duty order on CDIW from the PRC which has a September anniversary date. In accordance with Department regulations, we are initiating this administrative review.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Paul M. Stolz, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a timely request from Beijing M Star Pipe Corp., Ltd. (BMSP), in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and section 353.22(h) of the Department's Interim Regulations (60 FR 25130, 25134 (May 11, 1995)), for a new shipper review of the antidumping duty order on CDIW from the PRC which has a September anniversary date.

Initiation of Review

BMSP has certified that it did not export CDIW to the U.S. during the period of investigation (POI) (2/1/92–7/31/92), and that it is not affiliated with any exporter or producer which did export CDIW during the POI. This certification is in accordance with section 751(a)(2)(B) of the Act, and the

Department's Interim Regulations, 19 CFR 353.22(h). Therefore, we are initiating the new shipper review as requested. However, it is the Department's usual practice with non-market economies to require information regarding de jure and de facto government control over a company's export activities to establish its eligibility for an antidumping duty rate separate from the country-wide rate. Accordingly, we will issue a separate rates questionnaire to BMSP and seek additional information from the PRC government, as appropriate, allowing 30 days for response. If the responses from BMSP and the PRC government adequately demonstrate that BMSP is not subject to de jure and de facto government control with respect to its exports of CDIW, the review will proceed. If, on the other hand, BMSP does not demonstrate its eligibility for a separate rate, BMSP will be deemed to be affiliated with other companies that exported during the POI which did not establish their entitlement to a separate rate and the review will be terminated.

If this review proceeds normally, we will issue the final results of review not later than February 16, 1997. The period to be reviewed is the seven months immediately preceding the semi-anniversary month of March 1996, which includes August 1, 1995 through February 29, 1996.

Antidumping duty proceeding	Period to be reviewed
People's Republic of China:	
Certain Compact Ductile Iron Waterworks Fittings and Glands	08/01/95–02/29/96
A–570–820	
Beijing M Star Pipe Corp., Ltd.	

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion or termination of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise in accordance with section 751(a)(2)(B)(iii) and Interim Regulation 19 CFR 353.22(h)(4) (1995).

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

This initiation and this notice are in accordance with section 751(a)(2)(B) of the Act and Interim Regulation 19 CFR 353.22(h).

Dated: April 19, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–10405 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–DS–P

National Institute of Standards and Technology

Meeting of the Fastener Quality Act Advisory Committee

AGENCY: National Institute of Standards and Technology, DoC.

ACTION: Meeting notice.

SUMMARY: The National Institute of Standards and Technology (NIST) will hold a meeting of the Fastener Advisory Committee on May 15–16, 1996. The meeting will be for the purpose of reviewing implementing regulations for the Fastener Quality Act (P.L. 101–592, as amended by P.L. 104–113), and for discussing other subjects dealing with implementation of the Act (e.g. scheduling of workshops for industry, training of enforcement officials, etc.).

DATES: The meeting will be held on May 15, 1996, from 9:00 a.m. to 5:00 p.m., and on May 16, 1996, from 8:30 a.m. to 5:00 p.m. or earlier if so adjourned.

ADDRESSES: The meeting will be held on the Green Auditorium of the Administration Building (101), located on the grounds of NIST at the intersection of Quince Orchard and Clopper Roads, Gaithersburg, Maryland 20899.

AGENDA: The Committee will review draft implementing regulations for the amended Fastener Quality Act. The committee will also discuss a suggested format and content for regional workshops designed to familiarize fastener manufacturers, distributors, and importers with the requirements of the Fastener Quality Act and implementing regulations.

PUBLIC PARTICIPATION: The meeting is open to the public. Attendance shall be on a first-come, first-serve basis in so far as seating is concerned, up to the reasonable and safe capacity of the meeting room (298 persons). The public may file written statements with the Advisory Committee by forwarding them to David Edgerly at the address below. An effort shall be made to set aside a portion of the meeting for public participation. To the extent that the meeting time and agenda permits, interested persons will be allowed to present oral statements or to participate in the discussions.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Edgerly, Deputy Director, Technology Services, National Institute of Standards and Technology, Building 820, Rm. 306, Gaithersburg, Maryland, 20899, Telephone 301–975–4510.

Dated: April 22, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–10379 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Public Hearing on the Draft Environmental Impact Statement and Draft Management Plan for the Proposed Mullica River-Great Bay National Estuarine Research Reserve in New Jersey

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Public hearing notice.

SUMMARY: Notice is hereby given that the Sanctuaries and Reserves Division, of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement and Draft Management Plan (DEIS/DMP) prepared on the proposed designation of the Mullica River-Great Bay National Estuarine Research Reserve in New Jersey. The DEIS/DMP address research, monitoring, education and resource protection needs for the proposed reserve.

The Office of Ocean and Coastal Resource Management will hold public hearings at 3:00 p.m. and at 7:00 p.m. on Friday, May 31, 1996, at the Rutgers University Marine Field Station Dorm, 132 Great Bay Boulevard, Tuckerton, New Jersey 08087.

The views of interested persons and organizations on the adequacy of the DEIS/DMP are solicited, and may be expressed orally and/or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of five (5) minutes. The time allotment may be extended before the hearing when the number of speakers can be determined. All comments received at the hearing will be considered in the preparation of the Final Environmental Impact Statement (FEIS) and Draft Management Plan.

The comment period for the DEIS/DMP will end on Monday, June 10, 1996. All written comments received by this deadline will be considered in the preparation of the FEIS.

FOR FURTHER INFORMATION CONTACT: Ms. Dolores A. Washington (301) 713–3132, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East West Highway, SSMC4, 12th Floor, Silver Spring, MD 20910. Copies of the Draft Environmental Impact Statement/Draft Management Plan are available upon request to the Sanctuaries and Reserves Division.

Federal Domestic Assistance Catalog Number 11.420.

Coastal Zone Management Estuarine Sanctuaries.

Dated: April 19, 1996.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 96–10389 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–08–M

[I.D. 041796B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meetings will be held on May 13–16, 1996.

ADDRESSES: These meetings will be held at the Sheraton Grand Hotel, 2525 West Loop South, Houston, TX; telephone: 713–961–3000.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

May 15

8:30 a.m.—Convene to receive public testimony on Mackerel Total Allowable Catch (TAC)/Quotas/Bag Limits, Draft Mackerel Amendment 8 and Regulatory Amendment for Royal Red Shrimp. (NOTE: Testimony cards must be turned in to staff before the start of public testimony.)

1:30 p.m. - 3:00 p.m.—Set TACs for king and Spanish mackerels and cobia for 1996–1997.

3:00 p.m. - 5:30 p.m.—Final Council action on Mackerel Amendment 8.

May 16

8:30 a.m. - 9:30 a.m.—Reconvene to continue Final Council action on Mackerel Amendment 8.

9:30 a.m. - 10:30 a.m.—Receive a report of the Shrimp Management Committee.

10:30 a.m. - 11:00 a.m.—Receive a report of the Reef Fish Management Committee.

11:00 a.m. - 11:15 a.m.—Receive a report of the Habitat Protection Committee.

11:15 a.m. - 11:30 a.m.—Receive a report of the Budget Committee.

11:30 a.m. - 11:45 a.m.—Receive a report of the Ad Hoc Communications Committee.

11:45 a.m. - 12:00 noon—Receive a report of the Data Collection Committee.

1:30 p.m. - 1:45 p.m.—Reconvene to receive a report of the Meeting with Mexican Officials on Shrimp Management.

1:45 p.m. - 2:15 p.m.—Receive a report of Magnuson Act Amendments.

2:15 p.m. - 2:30 p.m.—Receive South Atlantic Fishery Management Council Liaison Report.

2:30 p.m. - 3:15 p.m.—Receive Enforcement and Director's reports.

3:15 pm. - 3:30 p.m.—Other Business to be discussed.

Committees

May 13

1:00 p.m. - 5:30 p.m.—Convene the Mackerel Management Committee.

May 14

8:00 a.m. - 12:00 noon—Convene the Shrimp Management Committee.

1:00 p.m. –2:30 p.m.—Convene the Reef Fish Management Committee.

2:30 p.m. - 3:30 p.m.—Convene the Budget Committee.

3:30 p.m. - 4:00 p.m.—Convene the Habitat Protection Committee.

4:00 p.m. - 5:00 p.m.—Convene the Ad Hoc Communications Committee.

5:00 p.m. - 5:30 p.m.—Convene the Data Collection Committee.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by May 6, 1996.

Dated: April 19, 1996.

Richard W. Surdi,

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

[FR Doc. 96–10314 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 28, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Commodities

Candle, Air Freshening
M.R. 531
NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Belt, Aircraft Safety
1680–00–163–1570
NPA: Arizona Industries for the Blind, Phoenix, Arizona

Bag, Paper, Grocer's
8105–00–NIB–1021
8105–00–NIB–1024
8105–00–NIB–1025
(Requirements for the Southern Region of DeCA only)
NPA: Lions Club Industries, Inc., Durham, North Carolina; Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina

Parka, Wet Weather
8405–01–053–9202
8405–00–001–1547
8405–00–001–1548
8405–00–001–1549
8405–00–001–1550
8405–00–001–1551
(Remaining 25% of the Government's requirement)
NPA: ORC Industries, Inc., La Crosse, Wisconsin

Trousers, Wet Weather
8405–01–053–9400
8405–00–001–8025
8405–00–001–8026
8405–00–001–8027
8405–00–001–8028
8405–00–001–8029
(Remaining 25% of the Government's requirement)
NPA: ORC Industries, Inc., La Crosse, Wisconsin

Towel, Paper
8540–00–291–0389
NPA: Signature Works, Inc., Hazlehurst, Mississippi

Services

Grounds Maintenance
Sierra Army Depot
Herlong, California
NPA: Tehama County Opportunity Center, Inc., Red Bluff, California

Grounds Maintenance
Naval Air Weapons Station
Tot Lot Parks-Housing Area
China Lake, California
NPA: Desert Areas Resources and Training, Ridgecrest, California

Janitorial/Custodial
Naval Surface Warfare Center
Buildings 11, 12 & 13
Bethesda, Maryland
NPA: CHI Centers, Inc., Silver Spring, Maryland

Laundry Service
Basewide
Barksdale Air Force Base, Louisiana
NPA: The Arc of Caddo-Bossier, Shreveport, Louisiana.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–10409 Filed 4–25–96; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Long-Term U.K. Gilt Futures and Option Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures option contract and amendments to the underlying futures contract.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has submitted a proposal to implement a trading and clearing link (link) with the London International Financial Futures and Options Exchange (LIFFE). That proposal currently is under review at the Commission.[1] Pursuant to the proposed link, CBT and LIFFE would trade their major financial futures and options contracts, including the subject U.K. gilt option and the underlying U.K. gilt futures contract, on each other's floors by open outcry. Effectively, the link would permit ''cross listing'' of the CBT and LIFFE U.K. gilt futures and option contracts.

All contracts traded through the link would be completely fungible. Accordingly, the CBT has proposed to amend the terms and conditions of its existing dormant U.K. gilt futures contract to be compatible with the terms and conditions of the corresponding LIFFE contract. In addition, the CBT has submitted an application for designation as a contract market in options on its existing U.K. gilt futures contract.

The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before May 28, 1996.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Street, 1155 21st Street, Washington, DC 20581. Reference should be made to the CBT option on the long-term U.K. Gilt futures contract and the amendments to the underlying futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone, 202–418–5277.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed option contract and those of the amended futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC, 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

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

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed option contract or the amended futures contract, or with respect to other materials submitted by the CBT in support of the proposals, should send such comments to Jean A. Webb,

[1] The Commission requested public comment on the CBT/LIFFE link proposal in a Federal Register notice dated April 18, 1996 (61 FR 16899).

Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC, 20581 by the specified date.

Issued in Washington, DC, on April 22, 1996.

Blake Imel,

Acting Director.

[FR Doc. 96–10353 Filed 4–25–96; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Available Surplus Real Property at the Seneca Army Depot, located in Romulus, NY

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This Notice identifies the surplus real property located at Seneca Army Depot, 5786 State Road Route 96, Romulus, New York.

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 Commander, Seneca Army Depot, ATTN: LRA/DeMuth, Building 101, Romulus, New York 14541–5001.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Mr. Randy Williams, Army Corps of Engineers, 26 Federal Plaza, Room 2007, New York, NY 10278–0090 (telephone 212–264–6122, fax 212–264–0230); or Mr. Steve Absolom, Base Environmental Coordinator, Seneca Army Depot, Building 123, Romulus, New York 14541–5001 (607–869–1309).

The Surplus real property at Seneca Army Depot totals 10,310 acres of land in fee, improved with nine hundred twenty seven structures (927) including thirty (35) maintenance shops and a machine shop, demilitarization facilities on post; a seven thousand (7000) foot runway on post, contiguous with ammunition and general storage; forty two (42) miles of railroad track; one hundred thirty nine (139) miles of road; one hundred eighty (180) sets of family quarters; and a four hundred fifty (450) person barracks complex; and various other tracts of land.

Jay B. Hecht,

Chief, Real Estate Division.

[FR Doc. 96–10336 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–06–M

Department of Engineers

Corps of Engineers

Available Surplus Real Property at the Military Ocean Terminal Bayonne (MOTBY), Located in Bayonne, Hudson County, New Jersey

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This Notice identifies the surplus real property located at MOTBY, located in Bayonne, New Jersey. MOTBY is located approximately two (2) miles from the New Jersey Turnpike (I–95) Exit 14A.

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 COL. Terry Teele (USA Ret.), Bldg. 91A, Military Ocean Terminal Bayonne, Bayonne, New Jersey 07002.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Mr. Randy Williams, Army Corps of Engineers, 26 Federal Plaza, Room 2007, New York, NY 10278–0090 (telephone 212–264–6122, fax 212–264–0230); or Ms. Patricia Gannon, Military Traffic Management Command, HQ, US Army Garrison Bayonne, Directorate of Public Works, Building 101/2, ATTN: MTEGB–PWR, Real Property Office, Bayonne, New Jersey 07002 (telephone 201–823–7025).

The Surplus real property at MOTBY totals 660.40 acres of land in fee, improved with seven (7) office buildings, twenty (21) storage buildings, four (4) family housing structures consisting of approximately 300 units, a theater, hotel, restaurant, bank, bowling alley, gas station and post exchange.

Jay B. Hecth,

Chief, Real Estate Division.

[FR Doc. 96–10339 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Lands Closure, Kittitas Co., WA

AGENCIES: Departments of the Army, Interior, and the Corps of Engineers and Bureau of Land Management.

ACTION: Notice of public lands closure/restrictions, Kittitas County, Washington.

SUMMARY: The Bureau of Land Management, Wenatchee Resource Area, Spokane District hereby gives notice of a closure and restriction order. Under the authority identified in 43 CFR 8364.1(a) the following described public lands are closed to public entry during periods of military operations, these periods will coincide with FAA airspace restrictions identified for Restricted Area R–6714–G, H, A, & E: Willamette Meridian, Surface and Mineral Estates: T. 17 N., R. 20 E., Sec. 22, S¼; Sec. 24, S½, SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way; Sec. 26, T. 16 N., R. 21 E., Sec. SW¼SW¼; Sec. 12, SE¼; Sec. 18, lots 1, 2, 3, and 4, E½, and E½W½. T. 17 N., R. 21E., Sec. 30, lots 3 and 4; Sec. 32, NE¼SE¼. T. 16 N., R. 22 E., Sec. 2, lots 1, 2, 3, and 4, S½S½, and S½; Sec. 4, lots 1, 2, 3, and 4, S½N½, and S½; Secs. 10 and 14; Sec. 20, SE¼SW¼; Sec. 22; Sec. 26, N½; Sec. 28, N½. T. 16 N., R. 23 E., Sec. 18, lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½S¼ lying westerly of the westerly right-of-way line of Huntzinger Road; Sec. 20, that portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad; Sec. 30, lots 1 and 2, NE¼, E½NW¼. Mineral Estate: T. 16 N., R. 20 E., Sec. 12; Sec. 18, lot 4 and SE¼; Sec. 20, S½. T. 16 N., R. 21 E., Sec. 4, lots, 1, 2, 3, and 4, and S½NE¼; Sec. 8. T. 17 N., R. 21 E., Sec. 32, S½, SE¼; Sec. 34, W½. T. 16 N., R. 22 E., Sec. 12. The areas described aggregate 9,730.82 acres.

This closure/restriction is effective immediately upon publication of this notice and will remain in effect year round or until rescinded. This order is necessary to protect persons and property due to military maneuvers above and adjoining the described lands. Authorized BLM personnel conducting land management activities, personnel operating fire fighting and/or emergency vehicles including search and rescue activities, and persons authorized to use Yakima Training Center pursuant to 32 CFR Part 552, Subpart M, are exempt from this order.

Any person who fails to comply with closure or restriction order issued under this subpart may be subject to the penalties provided in 43 CFR 8360.0–7. These penalties are as follows: Violations are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Questions about this notice can be answered by: Mr. James Fisher, Area Manager, Bureau of Land Management, Wenatchee Resource Area Office, 915 N Walla Walla Street, Wenatchee, Washington 98801–1521; (509) 665–2100.

James F. Fisher,

Wenatchee Resource Area Manager, Bureau of Land Management.

Joseph C. Duncan,

Seattle District, Real Estate Division, Corps of Engineers.

[FR Doc. 96–10338 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–ER–M

DEPARTMENT OF DEFENSE

Corps of Engineers

Proposed Authorization Under the U.S. Army Corps of Engineers Nationwide General Permit Program of the U.S. Department of Transportation, United States Coast Guard Categorical Exclusions for Certain Activities Requiring Department of the Army Authorization

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent and request for comments.

SUMMARY: The Corps of Engineers is proposing to authorize U.S. Coast Guard categorical exclusions (CEs) under nationwide general permit number 23. The Corps is requesting comment on the appropriateness of the CEs for nationwide general permit authorization and any conditions or restrictions to such authorization. The Coast Guard has previously adopted its CEs pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 *et seq.*).

DATES: Comments must be received by May 28, 1996.

ADDRESSES: Comments may be mailed to the U.S. Army Corps of Engineers, ATTN: CECW–OR, Nationwide General Permit Number 23 Docket, 20 Massachusetts Avenue, N.W., Washington, D.C. 20314–1000 or faxed to (202) 761–5096.

FOR FURTHER INFORMATION CONTACT: Mr. Victor Cole, Regulatory Branch, Office of the Chief of Engineers at (202) 761–0199.

SUPPLEMENTARY INFORMATION: The Coast Guard has requested Corps authorization in accordance with the Corps nationwide general permit number 23 of its CEs originally published in the Federal Register on July 29, 1994 (59 FR 38654), and subsequently modified on September 6, 1995 (60 FR 46327), June 20, 1995 (60 FR 32197), and March 27, 1996 (61 FR 13563). The Corps issued the nationwide general permit to reduce duplicative Federal processes when another Federal agency has completed the NEPA analysis for an activity, and to expedite Department of the Army authorization for projects having no more than minimal adverse environmental effects either individually or cumulatively.

In 1983, the Corps approved the original Coast Guard CEs (45 FR 32819) and have been authorizing the approved CEs since then. We are publishing the existing Coast Guard CEs in their entirety, incorporating the subsequent changes made by the Coast Guard as identified in the Federal Register citations listed above. Reviewers should note that several of the categorical exclusions do not require Department of the Army authorization but are listed to provide the complete listing and same numbering system as the Coast Guard CEs. For further information regarding the original establishment of the CEs by the Coast Guard, the Federal Register citations above should be reviewed. Upon review and consideration of comments received, the Corps will publish the final list of Coast Guard CEs approved by the Corps to qualify under nationwide general permit number 23, including any required notification procedures and/or certain conditions, in the Federal Register.

Dated: April 16, 1996.

Colonel Ronald L. Stewart,

Assistant Chief, Operations, Construction, and Readiness Division, Directorate of Civil Works.

U.S. Coast Guard Categorical Exclusion List

(1) Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which clearly do not have any environmental impacts, such as military and civilian personnel recruiting, processing, paying, and record keeping.

(2) Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.

(3) Maintenance dredging and debris disposal where no new depths as required, applicable permits are secured, and disposal will be at an existing approved disposal site. (Checklist required).

(4) Routine repair, renovation, and maintenance actions on aircraft and vessels.

(5) Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or settings.

(6) Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, a historically significant element, or historically significant setting. (Checklist required).

(7) Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables.

(8) Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits. (Checklist required).

(9) Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, State and local directives.

(10) Installation of devices to protect human or animal life, such as raptor electrocution prevention devices, fencing to restrict wildlife movement on to airfields, and fencing and grating to prevent accidental entry to hazardous areas. (Checklist required).

(11) New construction on heavily developed portions of Coast Guard property, when construction, use, and operation will comply with regulatory requirements and constraints. (Checklist required).

(12) Decisions to decommission equipment or temporarily discontinue use of facilities or equipment. This does not preclude the need to review decommissioning under section 106 of the National Historic Preservation Act. (Checklist required for vessels and aircraft).

(13) Demolition or disposal actions that involve buildings or structures when conducted in accordance with regulations applying to removal of asbestos, PCB's, and other hazardous materials, or disposal actions mandated by Congress. In addition, if the building or structure is listed, or eligible for listing, in the National Register of Historic Places, then compliance with section 106 of the National Historic Preservation Act is required. (Checklist required).

(14) Outleasing of historic lighthouse properties as outlined in the Programmatic Memorandum of Agreement between the Coast Guard, Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. (Checklist required).

(15) Transfer or real property from the Coast Guard to the General Services Administration, Department of the Interior, and other Federal departments and agencies, or as mandated by Congress; and the granting of leases, permits, and easements where there is no substantial change in use of the property. (Checklist required).

(16) Renewals and minor amendments of existing real estate licenses or grants for use of government-owned real property where prior environmental review has determined that no significant environmental effects would occur.

(17) New grants or renewal of existing grants of license, easements, or similar arrangements for the use of existing rights-of-way or incidental easement complementing the use of existing rights-of-way for use by vehicles; for such existing rights-of-way as electrical, telephone, and other transmission and communication lines; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and irrigation facilities; and for similar utility and transportation uses. (Checklist required).

(18) Defense preparedness training and exercises conducted on other than Coast Guard property, where the lead agency or department is not Coast Guard or Department of Transportation and the lead agency or department has completed its NEPA analysis and documentation requirements.

(19) Defense preparedness training and exercise conducted on Coast Guard property that do not involve undeveloped property or increase noise levels over adjacent property and that involve a limited number of personnel, such as exercises involving primarily electric simulation or command post personnel.

(20) Simulated exercises, including tactical and logistical exercises that involve small numbers of personnel.

(21) Training of an administrative or classroom nature.

(22) Operations to carry out our maritime safety, maritime law enforcement, search and rescue, domestic ice breaking, and oil or hazardous substance removal programs.

(23) Actions performed as a part of Coast Guard operations and the Aids to Navigation Program to carry out statutory authority in the area of establishment of floating and minor fixed aids to navigation, except electronic sound signals.

(24) Routine movement of personnel and equipment, and the routine movement, handling, and distribution of nonhazardous materials and wastes in accordance with applicable regulations.

(25) Coast Guard participation in disaster relief efforts under the guidance or leadership of another Federal agency that has taken responsibility for NEPA compliance.

(26) Data gathering, information gathering, and studies that involve no physical change to the environment. Examples include topographic surveys, bird counts, wetland mapping, and other inventories.

(27) Natural and cultural resource management and research activities that are in accordance with interagency agreements and which are designed to improve or upgrade the Coast Guard's ability to manage those resources.

(28) Contracts for activities conducted at established laboratories and facilities, to include contractor-operated laboratories and facilities, on Coast Guard-owned property where all airborne emissions, waterborne effluents, external radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, State, and local laws and regulations. (Checklist required).

(29) Approval of recreational activities (such as a Coast Guard unit picnic) which do not involve significant physical alteration of the environment, increase disturbance by humans of sensitive natural habitats, or disturbance of historic properties, and which do not occur in, or adjacent to, areas inhabited by threatened or endangered species. (Checklist required unless the activity will take place at a location developed or created for that type of activity).

(30) Review of documents, such as studies, reports, and analyses, prepared for legislative proposals that did not originate in DOT and that relate to matters that are not the primary responsibility of the Coast Guard.

(31) Planning and technical studies which do not contain recommendations for authorization or funding for future construction, but may recommend further study. This includes engineering efforts or environmental studies undertaken to define the elements of a proposal or alternatives sufficiently so that the environmental effects may be assessed and does not exclude consideration of environmental matters in the studies.

(32) Bridge Administration Program actions which can be described as one of the following:

(a) Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.

(b) Construction of pipeline bridges for transporting potable water.

(c) Construction of pedestrian, bicycle, or equestrian bridges and stream gauging cableways used to transport people.

(d) Temporary replacement of a bridge immediately after a natural disaster or a catastrophic failure for reasons of public safety, health, or welfare.

(e) Promulgation of operating regulations or procedures for drawbridges.

(f) Identification of advance approval waterways under 33 CFR 115.70.

(g) Any Bridge Program action which is classified as a CE by another Department of Transportation agency acting as lead agency for such action.

(33) Preparation of guidance documents that implement, without substantive change, the applicable Commandant Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents.

(34) Promulgation of the following regulations: (Note: When relying upon a CE in promulgating regulations, an environmental analysis checklist and an attached CED (Enclosure 6) must be filed in the rulemaking docket before publication of a Notice of Proposed Rulemaking (NPRM), or an Interim or Final Rule not preceded by an NPRM, unless specifically indicated below.)

(a) Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures.

(b) Regulations concerning internal agency functions or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or delegating authority.

(c) Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.

(d) Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.

(e) Regulations concerning equipment approval and carriage requirements.

(f) Regulations establishing, disestablishing, or changing the size of Special Anchorage Areas or anchorage grounds. (Checklist and CED not required for actions that disestablish or reduce the size of the Area or grounds).

(g) Regulations establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. (Checklist and CED not required for actions that disestablish or reduce the size of the area or zone. For temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration, the checklist and CED are not required. For temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration, the checklist and CED will be prepared and submitted after issuance or publication.)

(h) Special local regulations issued in conjunction with a regatta or marine parade; provided that, if a permit is required, the environmental analysis conducted for the permit included an analysis of the impact of the regulations. (Checklist and CED not required.)

(i) Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communication, vessel traffic services, and marking of navigation systems.

(35) Approvals of regatta and marine parade event permits for the following events:

(a) Events that are not located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, State, or local government. For example, environmentally sensitive areas may include such areas as critical habitats or migration routes for endangered or threatened species or important fish or shellfish nursery areas.

(b) Events that are located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, State, or local government and for which the Coast Guard determines, based on consultation with the Government agency, that the event will not significantly affect the environmentally sensitive area. (Checklist and CED required.)

[FR Doc. 96–10335 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–92–M

Department of the Army; Corps of Engineers

Proposed Regulatory Guidance Letter on Programmatic General Permits

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent and request for comments.

SUMMARY: The Corps of Engineers is proposing to issue a Regulatory Guidance Letter (RGL) which would establish National policy guidance for the development and implementation of Programmatic General Permits (PGP). PGPs are a type of general permit issued by the Corps, that authorizes, for the purposes of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), certain projects that are also regulated by another Federal, tribal, state, or local regulatory authority. This notice provides the proposed PGP RGL for review and opportunity to comment. RGLs are used by the Corps Headquarters as a means to transmit guidance on the regulatory program (33 CFR Parts 320–330), to its division and district engineers. While not required by law or regulation, the Corps is publishing this PGP RGL for review and comment.

DATES: Comments on the proposed PGP RGL must be received by May 28, 1996.

ADDRESSES: Comments may be mailed to the U.S. Army Corps of Engineers, ATTN: CECW–OR, PGP Docket, 20 Massachusetts Avenue, NW., Washington, DC 20314–1000 or faxed to (202) 761–5096.

FOR FURTHER INFORMATION CONTACT: Mr. Victor Cole, Regulatory Branch, Office of the Chief of Engineers at (202) 761–0199.

SUPPLEMENTARY INFORMATION: The Clinton Administration's Wetlands Plan promotes State involvement through assumption of the Clean Water Act Section 404 program (through Section 404 g–1) and/or PGP development. Many States have chosen to pursue a PGP with the Corps in lieu of State assumption or as an initial first step to assumption. Regardless of the reason, the Corps encourages the use of PGPs as a effective mechanism to reduce duplicative regulatory processes, simplify the application process for applicants, and make wise use of limited resources, while continuing to protect the aquatic environment in at least an equivalent manner as the Corps program. Our efforts to prepare a draft PGP RGL for publication involved coordination with several states, Corps districts, and other Federal resource agencies. The draft PGP RGL was developed based upon this coordination and structured similar to several successful PGPs that have been issued by Corps districts. The draft PGP RGL was also provided for review and comment to the White House Wetlands Working Group. Upon review and consideration of comments received, the Corps will publish the final PGP RGL in the Federal Register.

Dated: April 1, 1996.

Approved:

Daniel R. Burns,

Chief, Operations, Construction, and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter

RGL 96–01, Date: pending, Expires: pending

Subject: Programmatic General Permits, Including State Program General Permits

1. Background and Purpose

a. The development of a programmatic general permit (PGP) is an effective mechanism available to the U.S. Army Corps of Engineers (Corps) and Federal, tribal, State, and local regulatory authorities (other regulatory authority (ORA)) to improve the regulatory process for applicants, enhance environmental protection, reduce unnecessary duplicative procedures and evaluations, and make more efficient use of limited resources. The partnership that develops between the Corps and the ORA will directly benefit the regulated public and effectively reduce unnecessary duplication while maintaining important environmental safeguards. Our encouragement of the use of PGPs should not be viewed as an attempt to allow the Corps to evade its statutory responsibility to administer the Regulatory Program, nor as an attempt to delegate the Regulatory Program, or simply to reduce the Corps workload. In times of increasing fiscal pressure, all levels of Government must redouble their efforts to use resources as efficiently as possible. PGPs can provide an efficient mechanism to meet this objective, to maintain important environmental protection, and to provide improved service to the regulated public.

b. A PGP is a type of general permit (33 CFR 322.2(f) and 323.2(h)), issued by the Corps, that authorizes, for the purposes of Section 10 of the Rivers and Harbors Act of 1899 (RFA; 33 U.S.C. 403), Section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA; 33 U.S.C. 1413), certain projects that are also regulated by another Federal, tribal, State, or local regulatory authority. A PGP is the written vehicle identifying the terms, limitations, and conditions under which specific projects regulated by an ORA program may be authorized under the Corps Regulatory Program with a much more efficient and abbreviated review by the Corps. Programmatic general permits are designed to:

(1) Simplify the evaluation process for both the regulatory agencies and the applicant (i.e., to strive for ''one-stop-shopping'');

(2) Provide at least equivalent (and sometimes enhanced) environmental protection for aquatic resources;

(3) Reduce unnecessary duplicative project evaluation; and

(4) Promote more effective and efficient use of Corps, as well as other agencies', resources.

c. While administering the Regulatory Program, the Corps attempts to minimize duplication of effort with ORA programs that protect the aquatic environment in a manner at least equivalent to the Corps Regulatory Program. Minimizing duplication of effort serves the best interests of the regulated public, by reducing or eliminating unnecessary paperwork, reviews, and delays, and also serves the best interests of the environment and all other aspects of the public interest, by allowing the Corps to use its limited regulatory resources where they will do the most good. Moreover, in many cases when an ORA program develops to the extent that a PGP is appropriate, the

environmental protection from the PGP is greater than that offered by the Corps Regulatory Program without the PGP. Greater protection is achieved because the combined Federal, tribal, State, and/or local resources are available, and are more efficiently utilized to regulate potentially harmful activities, and to ensure that the terms and conditions of the PGP are enforced.

d. Pursuant to Section 404 of the CWA, Section 10 of the RHA, and Section 103 of the MPRSA, the Corps has the authority to issue general permits (regional, programmatic, and nationwide) for any category of projects that are substantially similar in nature, and result in no more than minimal adverse effects on the environment, either individually or cumulatively. General permits are actively utilized in the Corps Regulatory Program. Each year the Corps authorizes more than 20,000 projects under regional general permits and more than 60,000 projects under nationwide general permits. Approximately 50 of the Corps existing general permits are PGPs that were developed in conjunction with an ORA. Terms and conditions of general permits, including PGPs, are just as enforceable as terms and conditions of individual permits, and compliance with a PGP ultimately depends upon whether an applicant adheres to the terms and conditions established by or incorporated in the PGP. The development of a PGP will reduce unnecessary duplication between the Corps and the ORA, which will allow the Corps to focus its limited resources on the remaining projects requiring individual authorization, enforcement, monitoring, compliance, etc. Corps workload reductions ultimately achieved through PGPs will facilitate more thorough and expeditious individual permit evaluations and increases in monitoring and enforcement of permit conditions. During the initial implementation of the PGP with the ORA, the Corps workload may not be reduced due to the period of time necessary for the Corps, Federal resource agencies, and the public to reach a level of confidence with the ORA's ability to implement the ORA program, in concert with the PGP. Although the Corps workload reduction values may not be achieved upon issuance of the PGP, the value of an improved process for applicants and enhanced coordination between the Corps and the ORA warrant pursuing a PGP. Ultimately, workloads should be reduced through effective use of a PGP.

e. The Corps will, on a continuing basis and in coordination with ORAs and Federal and State resource agencies, identify opportunities to develop and establish PGPs based on Federal, tribal, State, and local programs that regulate projects in waters of the United States. The Corps district will be the point of contact with the ORA to develop a PGP. Corps districts should encourage other Federal and State resource agencies to provide information regarding potential opportunities for PGPs and to participate actively during the development and evaluation of PGPs.

f. Some PGPs have been developed with an ORA to cover relatively broad regulatory programs. For example, the Corps has established a PGP in North Carolina covering projects regulated under that State's Coastal Zone Management Program, and in Massachusetts for projects regulated under the State's wetland regulatory program. In addition, the Corps has numerous PGPs based on regional or local programs, reservoir authorities, etc. These may cover projects regulated by county or regional regulatory programs administered under State authority. The Corps has developed PGPs with several counties in Florida for minor projects involving waterfront residential development. The Corps has also developed a PGP with the Tennessee Valley Authority that regulates certain projects within their reservoirs. As more tribal, State, and local governments establish wetland or aquatic resource regulatory programs, the Corps should increase its efforts to develop environmentally sound PGPs to reduce unnecessary duplication. One of the key benefits of PGPs is the flexibility they afford ORAs in terms of the projects regulated and the geographic scope of regulation. The ORA program should ideally cover all waters of the United States under Corps jurisdiction, which should simplify and reduce confusion in the application process for applicants. However, a PGP cannot be used to limit or to reduce Corps regulatory jurisdiction in any way.

g. The Corps will develop PGPs only where the ORA program provides, with the necessary Corps conditions or review, the same or higher level of environmental protection as that provided by the overall Corps Regulatory Program. In addition to PGP-specific conditions and the requirements in section 3 below, there are inherent aspects of the Corps program that ensure continued strong protection of the environment under PGPs. First, all general permits are valid for a maximum of five years and must be reevaluated prior to reissuance. This ensures that the Corps will evaluate the operation of every PGP and the level of environmental protection it provides at least every five years. Second, the Corps retains the authority to modify, suspend, or revoke a PGP when the Corps district believes that appropriate protection is not being afforded to the environment or any other aspect of the public interest, or when the Corps concludes that adverse environmental effects are more than minimal, either individually or cumulatively. Third, and perhaps most important, the Corps always retains its authority to require an individual Corps permit in any given case for any particular project, even if the project otherwise meets all the requirements of the PGP. The Corps will exercise this authority when it concludes that the processing of an individual Corps permit is necessary to protect the environment or any other aspect of the public interest, or when impacts are more than minimal, either individually or cumulatively. Finally, the Corps retains the full range of its enforcement authority and options where it believes that a project does not comply with the terms or conditions of a PGP, regardless of whether the ORA authorized the project under its program.

h. When the Corps and the ORA determine that the development of a specific PGP is warranted,[1] the procedures for the development of regional general permits will be utilized (33 CFR Part 325). The Corps will initiate early coordination (e.g., a scoping meeting) with the ORA, Federal and State natural resource agencies, the State agency responsible for Section 401 of the CWA, the State Coastal Zone Management Agency, the State Historic Preservation Office, and/or any other appropriate agency, to discuss the proposed PGP and to identify potential concerns. Discussions regarding the development of a PGP will be led by the Corps with the ORA with which the PGP may be developed. Upon completion of the early coordination phase, the Corps will issue a public notice (for a minimum of 30 days) describing the proposed PGP, including any proposed terms and conditions under which specific projects may be authorized by the Corps under the terms and conditions of the PGP. Public hearings and/or public meetings will be held, as appropriate (33 CFR part 327). The Corps will evaluate and consider fully all comments from the resource agencies, the ORA, other appropriate agencies, and the public. A combined decision document, including National Environmental Policy Act

[1] Funding for the development of the PGP may be available through the U.S. Environmental Protection Agency State Wetland Grant Program.

environmental documentation, the statement of findings, and Section 404(b)(1) Guidelines analysis, as appropriate, will be prepared by the Corps pursuant to current regulations, policies, and guidance.

i. This Regulatory Guidance Letter (RGL) is not intended to require that any PGP that is already in effect and operating need necessarily be immediately revised to conform with this guidance. However, at the end of that PGPs five-year life (or sooner if appropriate), the district engineer should ensure that the PGP, if re-issued, will comply with this guidance, and make any necessary revisions.

2. Definitions

Several terms are being defined for purposes of this guidance.

a. The term other regulatory authority means any Federal, tribal, State, or local regulatory program other than the Corps Regulatory Program.

b. The term preconstruction notification (PCN) means a notification by an applicant or ORA (See 3.b.(2) & (3)) to the Corps that is required prior to initiation of work by the applicant pursuant to the PGP. The PCN requirements generally include time frames for verification, expiration, coordination, and/or automatic verification (applicants should consider their projects automatically verified under the PGP when the established time frame has passed with no response from the Corps either verifying under the PGP or advising that a Corps standard permit will be required).

c. The term verification means a written response to the applicant from the appropriate Corps district that indicates that a specific project has been authorized by the Corps under the terms and conditions of the PGP. The verification from the Corps will be in response to a request by an applicant or as part of a PGP condition requiring notice to the Corps and Corps verification before the applicant proceeds with a project. The Corps PGP verification procedures should be similar to those found in the Corps nationwide general permit procedures (33 CFR § 330.6), and should state that the proposed project may proceed upon approval under the ORA program subject to the terms and conditions of the PGP, as well as any additional project specific special conditions provided in the Corps verification letter. In some cases it will be appropriate for the ORA to provide an applicant with a copy of the Corps PGP when providing the ORA permit decision.

3. Programmatic General Permit Requirements

a. *PGP criteria:* All PGPs must be designed to meet the following five criteria:

(1) every project authorized under a PGP can cause no more than minimal adverse environmental effects, individually or cumulatively, based on compliance with the terms and conditions of the PGP;

(2) PGP implementation *must* simplify the evaluation process for applicants (preferably through one-stop-shopping) and reduce duplication between the Corps and the ORA, and must not increase the number of standard Corps permits;

(3) a PGP must provide protection for aquatic resources at least equivalent to the overall Corps Regulatory Program (and sometimes will enhance environmental protection);

(4) PGP implementation must not increase the Corps overall workload; and

(5) every project authorized under a PGP must comply with all Federal environmental laws and must ensure that all relevant Federal interests will be protected (e.g., national defense, navigation, endangered species, etc.)

b. *The Corps review of specific permit applications under a PGP may vary.* The Corps, with input from the ORA and the Federal resource agencies, will determine the appropriate level of case specific review and periodic overview regarding implementation of the PGP. Such review and overviews will vary depending on whether the PGP is developed for a broad or narrow [2] ORA program. PGPs that are limited in nature and/or developed for narrow ORA programs may not require case specific review (category 1) so that only periodic overview by the Corps would be necessary as discussed in paragraph c. below. On the other hand, for PGPs proposing to cover a broad spectrum of projects, the Corps and ORA should strive to develop a multi-category approach to review and screen projects. The establishment of thresholds in each category may also allow the Corps to ''regionalize'' some nationwide general permits, including nationwide general permit number 26. The Corps and the ORA should also strive to use the minimal number of categories that are necessary to meet the goals of a PGP (e.g., the North Carolina PGP is established using categories 3 and 4 as described below). The thresholds of each category may vary, based upon regional factors, statewide factors, watershed factors, existing ORA program evaluations, etc. Some category thresholds may be developed based on the type of project, and others may be developed based on the size of the wetland acreage impact. For new ORA programs, category 1 reviews may not be appropriate until the performance of the ORA has been demonstrated.

(1) Category 1: The first category typically would include those projects that would not require notification to the Corps (e.g., projects involving less than 5,000 square feet of fill within inland waterways or wetlands, including secondary impacts from drainage, flooding, or clearing, as described in the Massachusetts PGP).[3] Category 1 must be limited to those projects where it is clear that such projects would result in no more than minimal environmental adverse effects, individually and/or cumulatively. While category 1 thresholds may vary between PGPs, these thresholds should be established carefully so as to ensure that all category 1 projects clearly do not result in adverse environmental effects that are more than minimal after applying the terms and conditions of the PGP and, therefore, require no Federal review.

(2) Category 2: The second category would involve projects that require a PCN to the Corps and/or joint review of applications by the Corps and the ORA (e.g., projects involving impacts near a Federal navigation project). Category 2 projects are those that will result in no more than minimal adverse environmental effects, individually and/or cumulatively, but a PCN will be required to ensure that Corps interests or concerns, including Corps project real estate and navigation issues, are satisfied. Due to the exclusive, Corps-only nature of the concern under review, this category would not involve coordination with the other Federal resource agencies. A time frame, generally 30–45 days, should be established to resolve issues during the review process. For projects that do not pass the Corps and/or joint Corps and ORA screening, a standard permit application to the Corps would be necessary as described in category 4.

(3) Category 3: The third category would involve a PCN to the Corps with Federal resource agency coordination to ensure that the project will result in no more than minimal adverse environmental effects, individually and/

[2] A narrow program may include authority for a single type of project (e.g., piers, floats, fish ladders, etc.)

[3] Examples are illustrative only and most are taken from the existing Massachusetts PGP. Actual limits for each category will vary and be determined during the development process of each PGP.

or cumulatively (e.g., projects involving 5,000 square feet to one acre of impacts within land waterways or wetlands as described in the Massachusetts PGP). The ORA may also screen, during its verification process, for certain Federal interests (e.g., presence of federally threatened and/or endangered species). The ORA can provide this information to the Corps to aid in the Corps determination of compliance with the appropriate Federal law or regulation, and/or the Corps can use the information to coordinate with the appropriate Federal resource agencies. The PCN must also include a process by which Federal resource agency comments will be considered fully during a specified comment period (generally 30–45 days). A provision to allow the Federal resource agencies an opportunity to request review of a specific project (i.e., ''kick out'') under the Corps standard permit procedures should be included for category 3 PCN reviews. While Corps districts should consider this an automatic ''kick out'' requirement for category 3 projects, there may be cases where the Corps and the Federal resource agencies agree that a ''kick out'' is unnecessary based upon the safeguards afforded by the terms and conditions of the PGP. When requesting a ''kick out'' on a specific action, the Federal resource agencies must submit, during the PCN, a written rationale of their concerns and recommendations to satisfy those concerns. (The Corps, of course, retains its full authority to require a standard permit for any project, regardless of category.)

(4) Category 4: The fourth category would involve projects that exceed established project and/or acreage thresholds of the PGP or other applicable general permit (e.g., projects involving adverse effects greater than 1 acre within inland waterways or wetlands as described in the Massachusetts PGP). Such projects would require standard permit evaluation by the Corps. Category 4 represents essentially the threshold limits of the PGP and not a category of verification under a PGP.

c. *Periodic Overviews:* The Corps should conduct periodic reviews of the PGP to determine that the ORA program is continuing to provide environmental protection at least equivalent to that provided by the overall Corps Regulatory Program without the PGP, based upon the terms and conditions of the PGP, and to determine whether any modifications are necessary to improve the implementation of the PGP. The Corps may conduct an annual review of the PGP, may require annual reporting by the ORA of projects approved by the ORA under its program, or may conduct an overall review prior to expiration of the PGP for consideration in the reevaluation of the PGP for reissuance. This is especially important when an ORA program is new or has not established a performance record. Immediate Corps overview should occur when the ORA modifies its program (e.g., changes in State law, regulations, procedures) prior to the expiration of the PGP, to ensure that the terms and conditions of the PGP will not be affected. Corps overview should ensure that the use of the PGP has resulted in no more than minimal adverse environmental effects to aquatic resources, either individually and/or cumulatively. Overview should generally include a periodic review of a random subset of projects authorized under the PGP that had no reporting requirement to the Corps (e.g., category 1), as well as programmatic review of the procedures and conditions of the PGP. During development of the PGP, the Corps and ORA should determine what information must be collected to facilitate oversight reviews.

d. *Compliance with Federal laws:*

(1) *Every project authorized under the PGP must comply with all applicable Federal laws, with special compliance review given to those Federal laws related to the Corps Regulatory Program (33 CFR § 320.3).* The Federal laws include, but are not necessarily limited to, the Endangered Species Act (ESA), the Wild and Scenic Rivers Act, the National Historic Preservation Act (NHPA), the Coastal Zone Management Act (CZMA), the CWA, Sections 9 and 10 of the RHA, and Section 103 of the MPRSA.

(2) Projects authorized under a PGP should ensure compliance with Section 401 of the CWA and Section 307 of the CZMA, in accordance with 33 CFR 330.4(c) and 330.4(d), respectively.

(3) The Corps must coordinate with the ORA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service where appropriate, regarding how the PGP will implement the mandates of the ESA. The Corps must consult with the ORA and the State Historic Presrvation Office to ensure that the PGP is issued in compliance with the NHPA. The PGP should be conditioned with the same language found in the Corps Federal Register/Code of Federal Regulations citation regarding the nationwide general permit program for the following three conditions: Wild and Scenic Rivers, Endangered Species, and Historic Properties. Upon the reissurance of a PGP, the Corps will ensure that the current Federal Register/Code of Federal Regulations citation is used for the three conditions.

e. *Public Notice:*

(1) The Corps must ensure that the general public has a reasonable opportunity to participate fully in the development and re-evaluation of every PGP through our procedures in 33 CFR Part 325.

(2) The PGP must also ensure that interested members of the public are given notice of projects to be authorized by the Corps under the terms and conditions of the PGP, so that their comments can be submitted to the ORA and/or to the Corps. Specifically, the ORA must have, or establish, a reasonable public notification process for projects to be authorized by the Corps under the PGP. While it does not have to be identical to the Corps public involvement process, the ORA procedures cannot have the effect of substantially reducing the ability of the public to participate in the regulatory process, in comparison with the public notice and comment procedures provided by the Corps Regulatory Program without the PGP.

The PGP may also be developed for projects where the ORA has established a ''general permit program or exemptions'', so long as the ORA has provided an opportunity for the public to participate in the original development, and periodic re-evaluation of the ORA general permits or exemptions.

f. *Consistency with other General Permits:* One objective of PGPs is to reduce the complexity of the Corps Regulatory Program. In this regard, it may be appropriate to suspend or revoke some or all of the existing nationwide or regional general permits when the projects authorized by such Corps permits will be covered by the PGP.

g. *Enforcement:* The Corps, subject to the discretion of the district engineer, will enforce project specific special and general PGP terms and conditions to ensure that requisite environmental and public interest safeguards are met. The Corps may develop procedures with the ORA for the resolution of noncompliance of projects authorized by the Corps under a PGP.

4. This guidance expires (pending), unless revised sooner or rescinded.

For the Commander:

signature pending

Stanley G. Genega,

Major General, USA, Director of Civil Works.

[FR Doc. 96–10334 Filed 4–25–96; 8:45 am]

BILLING CODE 3710–92–M

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 25, 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.

Dated: April 22, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: New

Title: Condition of Education Readers Survey

Frequency: One-Time.

Affected Public: Individual or households; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Gov't, SEAs or LEAs

Annual Reporting and Recordkeeping Burden:

Responses: 4,000

Burden Hours: 400.

Abstract: This reply card/user survey will be used to 1) allow readers to request additional information and (2) gather information about reader reaction to the 1996 edition of the Condition of Education, a Congressionally-mandated report. The card will be inserted into the report. The National Center for Education Statistics will use the survey to improve the report.

Office of Postsecondary Education

Type of Review: Extension.

Title: Financial Report for the Endowment Challenge Grant Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 325

Burden Hours: 975.

Abstract: The financial report requires investment data from institutions for the purpose of assessing their progress in increasing their endowment fund resources. The data is also used to monitor compliance with regulatory provisions.

[FR Doc. 96–10332 Filed 4–25–96; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.023]

Office of Special Education and Rehabilitative Services; Research in Education of Individuals With Disabilities Program

ACTION: Cancellation Notice.

PURPOSE: On August 10, 1995, the Secretary published in the Federal Register (60 FR 40956) a combined application notice (CAN) inviting applications for new awards for fiscal year 1996 under a number of the Department's direct grant and fellowship programs. Included in the CAN was a competition under the Research in Education of Individuals with Disabilities Program (research program) for Field-Initiated Research Projects (CFDA No. 84.023C). In addition, on March 5, 1996, the Secretary published in the Federal Register (61 FR 8811) a notice inviting applications for new awards under the research program consisting of one competition, Initial Career Awards (CFDA 84.023N). The purpose of this notice is to cancel these two competitions. This action is taken in consideration of the current proposals in the Congress that eliminate or substantially reduce funding for the research program. In view of the tentative conference agreement that would provide $14,000,000 for the research program, a decrease of more than 30 percent from the fiscal year 1995 appropriation of $20,635,000, the Secretary does not expect to have sufficient funds to support new awards.

FOR FURTHER INFORMATION CONTACT: Claudette Carey, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3525, Switzer Building, Washington, D.C. 20202–2641. Telephone: (202) 205–9864. FAX: (202) 205–8105. Internet: Claudette__Carey@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

Program Authority: 20 U.S.C. 1441–1442, 34 CFR 324.

Dated: April 22, 1996.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–10320 Filed 4–25–96; 8:45 am]

BILLING CODE 4000–01–P

[CFDA Nos. 84.036A and B]

Office of Educational Research and Improvement—Library Education and Human Resource Development Program (Higher Education Act, Title II–B, Institutes and Fellowships); Notice Inviting Applications For New Awards for Fiscal Year 1996

Purpose of Program: Promotes high quality library and information science education and provides fellowship and institute grants to institutions of higher education and library organizations or agencies to recruit, educate, and train persons, and to establish, develop, or expand programs, through courses of study or staff development in library and information science.

Eligible Applicants: Eligible applicants are institutions of higher education, library organizations, and library agencies.

For Fellowship Projects for FY 1996, only new Master's degree level applications will be accepted.

Deadline for Transmittal of Applications: 6/10/96.

Deadline for Intergovernmental Review: 8/9/96.

Applications Available: 5/1/96.

Estimated Available Funds:

(a) Institute Projects (84.036A): $1,000,000.

(b) Fellowship Projects (84.036B): $1,000,000.

Note: Applicants should note that Congress has not yet enacted final appropriations for Department of Education programs for FY 1996. As a result of final action, funds available for this competition could be reduced or even eliminated.

Estimated Range of Awards:

(a) Institute Projects (84.036A): $15,000–150,000.

(b) Fellowship Projects (84.036B): $22,000–170,000.

Estimated Average Size of Awards:

(a) Institute Projects (84.036A): $82,000.

(b) Fellowship Projects (84.036B): $54,000.

Estimated Number of Awards:

(a) Institute Projects (84.036A): 12.

(b) Fellowship Projects (84.036B): 19.

Note: The Department is not bound by any estimates in this notice.

Project Periods:

(a) *Institute Grants.* A long-term institute project must provide at least one academic year but no more than 12 months of training; a short-term institute project must provide at least one week but no more than six weeks of training.

(b) *Fellowship Grants.* A new fellowship grant at the master's level must be at least one academic year.

Applicable Regulations: (a) The regulations for this program in 34 CFR Part 776; and (b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 82, 85, and 86.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 776.5 the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Institute Projects and Fellowship Projects

Absolute Priority 1: To recruit, educate, train, retrain and retain minorities in library and information sciences.

Absolute Priority 2: To educate, train, or retrain library personnel in areas of library specialization where there are currently shortages, such as school media, children's services, young adult services, science reference, cataloging, and library service evaluation.

Absolute Priority 3: To educate, train, or retrain library personnel in new techniques of information acquisition, transfer, and management of communication technology.

Institute Projects Only

Absolute Priority 4: To educate, train, or retrain library personnel to serve the information needs of the elderly, the illiterate, the disadvantaged, or residents of rural America, including Native Americans.

For Applications or Information Contact: Neal Kaske, U.S. Department of Education, 555 New Jersey Avenue, N.W., Room 300, Washington, DC 20208–5571. Telephone (202) 219–1315. 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.

For Electronic Access to Information: Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases) or the WWW server at http://www.ed.gov/ (under Money Matters, Funding Opportunities). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 1021, 1032.

Dated: April 23, 1996.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 96–10392 Filed 4–25–96; 8:45 am]

BILLING CODE 4000–01–P

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the 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 their opportunity to attend.

DATES: May 9–11, 1996.

TIME: May 9—Subject Area Committee #2, 3:00–5:00 p.m. (open); Design and Methodology Committee, 3:00–5:00 p.m. (open); Executive Committee, 5:00–5:45 p.m. (closed), 5:45–7:00 p.m. (open). May 10—Full Board, 8:00 a.m.–9:30 a.m. (open); Achievement Levels Committee, 9:30–11:30 a.m. (closed); Subject Area Committee #1, 9:30–11:30 a.m. (open); Reporting and Dissemination Committee, 9:30–11:30 a.m. (open); Full Board, 11:30 a.m.–1:00 p.m. (closed), 1:00–5:00 p.m. (open). May 11—Full Board, 8:30 a.m. until adjournment, approximately 12:00 noon (open).

LOCATION: The Madison Hotel, 15th and M Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Government Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C. 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On May 9, two committees will meet in open session from 3:00–5:00 p.m. Subject Area Committee #1 will meet to review the status of the 1998 NAEP Civics Item Development work, and will review and discuss a draft framework development policy. The Design and Methodology Committee will meet to hear an update on the Design/Feasibility Team, and discuss the NAEP/State linking project, and the NAEP validity studies. Also, on May 9, the Executive Committee will meet in closed session from 5:00–5:45 p.m. The Committee will meet to discuss the development of cost estimates for NAEP and future contract initiatives. Public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C. Beginning at 5:45 p.m., until adjournment, 7:00 p.m., the Executive Committee will meet in open session to consider the selection of subjects for the next framework development.

On May 10, the full Board will convene in open session at 8:30 a.m. The agenda for this session of the full Board meeting includes approval of the agenda, the Executive Director's Report, and an update on the NAEP project. Between 9:30 a.m. and 11:30 a.m., there will be open meetings of the following subcommittees: Subject Area Committee #1, and Reporting and Dissemination. Subject Area Committee #1 will review the draft 1998 NAEP Writing Specifications, prior to Board action on May 11, and will review and discuss a draft framework development policy. Agenda items for the Reporting and Dissemination Committee include consideration of reporting schedules for 1994 and 1996 NAEP examinations; catalogue of NAEP publications; and market basket approach to NAEP reporting.

Also, on May 1, the Achievement Levels Committee will meet in closed session between 9:30 a.m. and 11:30 a.m. to discuss the results of the pilot test for the science assessment. The discussions will include references to specific items for the assessment, the disclosure of which might significantly frustrate implementation of the NAEP. This meeting must be closed to the public because reference may be made to data which may be misinterpreted, incorrect, or incomplete. Premature disclosure of this data might significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

The full Board will reconvene, in closed session, from 11:30 a.m. to 1:00 p.m. During this session the Board will hear a briefing on the 1994 Transcript Study. The discussions will include references to specific items from the assessment, the disclosure of which might significantly frustrate implementation of the NAEP. This meeting must be closed to the public because reference may be made to data which may be misinterpreted, incorrect, or incomplete. Premature disclosure of this data might significantly frustrate implementation of a proposed agency action. Such matters are protection by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

Beginning at 1:00 P.M., the full Board will convene in open session. Agenda items for this portion of the meeting include a briefing on National and International Standards given by a representative from the American Federation of Teachers; a presentation on the 1998 Writing Specifications given by representatives from American College Testing; and continued work on NAGB's planning initiative.

On May 11, beginning at 8:30 a.m. the full Board will reconvene in open session. Agenda items include a presentation on the Colorado State Assessment Program; a presentation on the development of an NAGB home-page on the Internet; and reports from the Board's standing subcommittees—Subject Area Committees #1 and #2, Achievement Levels, Reporting and Dissemination, Design and Methodology, and Executive. The meeting of the National Assessment Governing Board will be adjourned at approximately 12:00 Noon.

The public is being given less than fifteen days notice of this meeting because of the illness of key staff persons.

A summary of the activities of the closed and partially closed sessions and other related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, N.W., Washington, D.C., from 8:30 a.m. to 5:00 p.m.

Dated: April 23, 1996.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 96–10341 Filed 4–25–96; 8:45 am]

BILLING CODE 1400–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Wapato Irrigation Fish Screening Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Floodplain and Wetlands Involvement.

SUMMARY: This notice announces BPA's proposal to construct a new fish screen and associated facilities in Yakima County, Washington, for the Wapato Irrigation Project. The action is being undertaken to increase anadromous fish runs and to compensate for fishery losses attributable to mainstem Columbia River hydropower facilities. The action proposed within the floodplain of Ahtanum Creek is to construct, operate, and maintain the new fish screen and a portion of a bypass pipe. A bridge for the access road to the site will also be moved and rebuilt along with a short portion of the existing access road. Wetlands may also be present on the site. In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR Part 1022), BPA will prepare a floodplain and wetlands assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain and wetlands. After BPA issues the assessment, a floodplain statement of findings will be published in the Federal Register.

DATES: Comments are due to the address below no later than May 13, 1996.

ADDRESSES: Submit comments to the Public Involvement Manager, Bonneville Power Administration—CKP, P.O. Box 12999, Portland, Oregon, 97212. Internet address: comment@bpa.gov.

FOR FURTHER INFORMATION CONTACT: Yvonne E. Boss—ECN, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number 503–230–3596, fax number 503–230–5699.

SUPPLEMENTARY INFORMATION: The floodplain and wetlands involved are located in section 13, T12N, R16E.,

Willamette Meridian. Prior to completing the floodplain/wetlands assessment, BPA will identify any specific wetlands in the vicinity of the actions. The assessment will discuss the impacts to the floodplain and wetlands, the potential to avoid these areas, and identify alternatives.

Maps and further information are available from BPA at the address above.

Issued in Portland, Oregon, on April 18, 1996.

Thomas C. McKinney,

NEPA Compliance Officer.

[FR Doc. 96–10363 Filed 4–25–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP96–330–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

April 22, 1996.

Take notice that on April 16, 1996, Columbia Gas Transmission Corporation (Columbia Gas), Post Office Box 1273, Charleston, West Virginia 25325–1273, filed in Docket No. CP96–330–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate the facilities necessary to establish eight additional points of delivery to two existing customers, Waterville Oil and Gas Company and Mountaineer Gas Company, under the blanket certificate issued in Docket No. CP83–76–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gas asserts that the proposed delivery points will establish eight new points of delivery for residential consumption for firm transportation service under Part 284 of the Commission's regulations and existing authorized Rate Schedules and within certificated entitlements. Columbia Gas estimates that the design day quantity at Waterville Oil and Gas Company will be 1.5 Dth and the annual quantity will be 200 Dth, the design day quantity at Mountaineer Gas Company will be 10.5 Dth and the annual quantity will be 1,050 Dth.

Columbia Gas estimates that the cost to install the new taps will be approximately $150 per tap which will be treated as an O&M Expense.

Columbia Gas states that the quantities to be provided through the new delivery points will be within Columbia Gas' authorized level of services. Further, Columbia Gas asserts that there will be no impact on its existing design day and annual obligations to the customers as a result of the construction and operation of the new delivery points.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed 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. 96–10319 Filed 4–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–321–000]

El Paso Natural Gas Company; Notice of Application

April 22, 1996.

Take notice that on April 15, 1996, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed an application at Docket No. CP96–321–000, pursuant to Section 7 (c) of the Natural Gas Act and Part 157 of the Commission's Regulations. El Paso seeks a certificate of convenience and necessity authorizing the construction and operation of additional compression facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

El Paso requests authorization to construct and operate additional compression facilities, with appurtenances, to be located at its existing Alamo Lake and Dutch Flat Compressor Stations on the Havasu Crossover Line and at its Wenden Compressor Station on the South System, all located in Mohave and La Paz Counties, Arizona (the Havasu Expansion Project).

El Paso says that the Havasu Expansion Project has been designed to enable El Paso to transport additional quantities of gas of about 180,000 Mcf per day from its North System to its South System on the Havasu Crossover Line. The estimated cost of the Havasu Expansion Project is $19,564,419. El Paso plans to place the proposed facilities in service by the second quarter of 1997, therefore it respectfully requests that the requisite authorization be issued no later than December 31, 1996.

El Paso says that the proposed additional 180,000 Mcf per day of capacity on the Havasu Crossover Line is dedicated to certain executed firm Transportation Service Agreements (TSA) between El Paso and various shippers, which El Paso has filed as privileged and confidential information under Section 388.112 of the Commission's Regulations. These TSAs are subject to the provisions of Rate Schedule FT–1 contained in El Paso's Volume No. 1–A FERC Gas Tariff (tariff) and the applicable rates under Rate Schedule FT–1. Additionally, El Paso says that it has calculated a separate incremental reservation rate attributable to the cost of service of the proposed Havasu Expansion Project which is proposed to become a component of the total Rate Schedule FT–1 Reservation Charges.

El Paso further says that the incremental reservation rate for the Havasu Expansion Project is proposed to be $3.16616 per dth on a monthly basis and is referred to as the ''Havasu Facilities Reservation Charge.'' The Havasu Facilities Reservation Charge will be used to compensate El Paso for the cost of service for the new facilities while any remaining charges will be subject to the crediting provisions of Section 25.3 of its tariff proposed in El Paso's Stipulation and Agreement in Settlement of Rate and Related Proceedings filed March 15, 1996, at Docket Nos. RP95–363–000, RP95–363–002, and CP94–183–000.

The TSAs executed with the shippers for service on the proposed Havasu Expansion Project contain provisions for payment to El Paso of the new reservation rate component that will be charged in conjunction with the otherwise applicable Reservation Charges and reservation surcharges under Rate Schedule FT–1. The Monthly Reservation Charges for each shipper will be allocated first to the Havasu Facilities Reservation Charge, and any remaining amount to the otherwise applicable charges above.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 13, 1996, file with the Federal Energy

Regulatory Commission, 888 First Street, N.E., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 the request should be granted. 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 El Paso to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–10318 Filed 4–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1088–000; Docket No. ER95–1528–002]

Wisconsin Public Service Corporation, WPS Energy Services, Inc., WPS Power Development, Inc. Wisconsin Public Service Corporation; Notice of Issuance of Order

April 23, 1996.

On February 16, 1996, WPS Energy Services, Inc. and WPS Power Development, Inc. (jointly WPS) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, WPS requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by WPS. On April 16, 1996, the Commission issued an Order Accepting For Filing Proposed Transmission Tariffs, Conditionally Accepting For Filing Proposed Market-Based Rates, Establishing Hearing Procedures, And Granting Rehearing (Order), in the above-docketed proceeding.

The Commission's April 16, 1996, Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (I), (J), and (L):

(I) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by WPS Energy and WPS Power 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 385.214.

(J) Absent a request to be heard within the period set forth in Ordering Paragraph (I) above, WPS Energy and WPS Power are hereby authorized to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, compatible with the public interest, and reasonably necessary or appropriate for such purpose.

(L) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of WPS Energy's and WPS Power's issuance of securities or assumptions of liabilities * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 16, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–10351 Filed 4–25–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG96–56–000, et al.]

Southern Electric Wholesale Generators, Inc. et al.; Electric Rate and Corporate Regulation Filings

April 19, 1996.

Take notice that the following filings have been made with the Commission:

1. Southern Electric Wholesale Generators, Inc.

[Docket No. EG96–56–000]

On April 16, 1996 Southern Electric Wholesale Generators, Inc. (''SEWG''), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338–4780, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

SEWG is a Delaware corporation that is engaged directly, or indirectly through one or more affiliates as defined in section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

SEWG intends to acquire an indirect ownership interest in a 490 MW coal-fired generating facility located near Lake Michigan in Hammond, Indiana.

Comment date: May 10, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. SEI State Line, Inc.

[Docket No. EG96–57–000]

On April 16, 1996 SEI State Line, Inc. (''SEI State Line''), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338–4780, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

SEI State Line is a Delaware corporation that is engaged directly, or indirectly through one or more affiliates as defined in section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

SEI State Line intends to acquire an indirect ownership interest in a 490 MW coal-fired generating facility located near Lake Michigan in Hammond, Indiana.

Comment date: May 10, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. State Line Energy, L.L.C.

[Docket No. EG96–58–000]

On April 16, 1996, State Line Energy, L.L.C. (''State Line Energy''), 900

Ashwood Parkway, Suite 500, Atlanta, Georgia 30338–4780, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

State Line Energy is an Indiana limited liability company that is engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

State Line Energy intends to acquire a 100% ownership interest in a 490 MW coal-fired generating facility located near Lake Michigan in Hammond, Indiana.

Comment date: May 10, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Howell Power Systems, Inc., Proven Alternatives, Wilson Power & Gas Smart, Inc., Gateway Energy Inc., National Fuel Resources, Inc.; Powertec International L.P.

[Docket No. ER94–178–009; Docket No. ER95–473 004; Docket No. ER95–751–005; Docket No. ER95–1049–003; Docket No. ER95–1374–002; Docket No. ER96–1–002 (not consolidated)]

Take notice that 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 4, 1996, Howell Power Systems, Inc. filed certain information as required by the Commission's January 14, 1994, order in Docket No. ER94–178–000.

On April 15, 1996, Proven Alternatives filed certain information as required by the Commission's March 29, 1995, order in Docket No. ER95–473–000.

On April 17, 1996, Wilson Power & Gas Smart, Inc. filed certain information as required by the Commission's April 25, 1995, order in Docket No. ER95–751–000.

On April 15, 1996, Gateway Energy Inc. filed certain information as required by the Commission's August 4, 1995, order in Docket No. ER95–1049–000.

On April 17, 1996, National Fuel Resources, Inc. filed certain information as required by the Commission's September 7, 1995, order in Docket No. ER95–1374–000.

On April 16, 1996, Powertec International L.P. filed certain information as required by the Commission's December 1, 1995, order in Docket No. ER96–1–000.

5. Powernet Corporation, Energy Source Power, Texpar Energy, Inc., Williams Energy Services Company, Tennessee Power Company, J.L. Walker and Associates, CoEnergy Trading Company

[Docket No. ER94–931–008; Docket No. ER94–1168–008; Docket No. ER95–62–005; Docket No. ER95–305–006; Docket No. ER95–581–004; Docket No. ER95–1261–003; Docket No. ER96–1040–001 (not consolidated)]

Take notice that 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 10, 1996, Powernet Corporation filed certain information as required by the Commission's April 22, 1994, order in Docket No. ER94–931–000.

On April 3, 1996, Energy Source Power filed certain information as required by the Commission's July 8, 1994, order in Docket No. ER94–1168–000.

On April 10, 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 12, 1996, Williams Energy Services Company filed certain information as required by the Commission's March 10, 1995, order in Docket No. ER95–305–000.

On April 15, 1996, Tennessee Power Company filed certain information as required by the Commission's April 28, 1995, order in Docket No. ER95–581–000.

On April 15, 1996, J.L. Walker and Associates filed certain information as required by the Commission's August 7, 1995, order in Docket No. ER95–1261–000.

On April 15, 1996, CoEnergy Trading Company filed certain information as required by the Commission's March 14, 1996, order in Docket No. ER96–1040–000.

6. C.C. Pace Energy Services, Utility-2000 Energy Corp., ICPM, Inc., VTEC Energy Inc., Coral Power, L.L.C.

[Docket No. ER94–1181–007; Docket No. ER95–187–004; Docket No. ER95–640–004; Docket No. ER95–1855–002; Docket No. ER96–25–002 (not consolidated)]

Take notice that 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 9, 1996, C.C. Pace Energy Services filed certain information as required by the Commission's July 25, 1994, order in Docket No. ER94–1181–000.

On April 15, 1996, Utility-2000 Energy Corp. filed certain information as required by the Commission's December 29, 1994, order in Docket No. ER95–187–000.

On April 9, 1996, ICPM, Inc. filed certain information as required by the Commission's March 31, 1995, order in Docket No. ER95–640–000.

On April 15, 1996, VTEC Energy Inc. filed certain information as required by the Commission's November 6, 1995, order in Docket No. ER95–1855–000.

On April 15, 1996, Coral Power, L.L.C. filed certain information as required by the Commission's December 6, 1995, order in Docket No. ER96–25–000.

7. Minnesota Power & Light Company

[Docket No. ER96–1457–000]

Take notice that on March 29, 1996, Minnesota Power & Light Company tendered for filing signed Service agreements with Valero Power Services Company under its Wholesale Coordination Sales Tariff to satisfy its filing requirements under this tariff.

Comment date: May 2, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Commonwealth Edison Company

[Docket No. ER96–1555–000]

Take notice that on April 12, 1996, Commonwealth Edison Company (ComEd) submitted five Service Agreements, Federal Energy Sales, Inc. (FES), dated January 15, 1996; Western Power Services, Inc. (WPS), dated March 12, 1996; Eastex Power Marketing, Inc. (Eastex), dated March 18, 1996; International Utility Consultants, Inc. (International), dated March 19, 1996; and Kentucky Utilities Company (KU), dated April 3, 1996. The Commission has previously designated the PS–1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of March 13, 1996, for the Service Agreements with FES and WPS; March 18, 1996, for the Service Agreement with Eastex; March 19, 1996, for the Service Agreement with International and April 3, 1996, for the Service Agreement with KU, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon FES, WPS, Eastex, International, KU and the Illinois Commerce Commission.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. The Montana Power Company

[Docket No. ER96–1556–000]

Take notice that on April 12, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 a supplement to Rate Schedule FERC No. 188 (a Transmission Agreement between The Montana Power Company and Puget Sound Power & Light Company, dated July 30, 1971). Montana requests that the Commission grant a waiver of the 60-day prior notice requirement pursuant to 18 CFR 35.11.

A copy of the filing was served upon Puget Sound Power & Light Company.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER96–1557–000]

Take notice that on April 12, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Eastex Power Marketing, Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of April 1, 1996.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Illinois Power Company

[Docket No. ER96–1558–000]

Take notice that on April 12, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Carolina Power & Light Company will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of April 1, 1996.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Illinois Power Company

[Docket No. ER96–1559–000]

Take notice that on April 12, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Entergy will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of April 1, 1996.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Power and Light Company

[Docket No. ER96–1560–000]

Take notice that on April 12, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing an Agreement dated April 2, 1996, establishing Eastex Power Marketing, Inc. as a customer under the terms of WP&L's Point-to-Point Transmission Tariff.

WP&L requests an effective date of April 2, 1996 and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. New England Power Pool

[Docket No. ER96–1561–000]

Take notice that on April 12, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Indeck-Pepperell Power Associates, Inc. (Indeck). The New England Power Pool Agreement, as amended, has been designated NEPOOL FPC No. 2.

The Executive Committee states that acceptance of the signature page would permit Indeck to join the over 90 other electric utilities and independent power producers that already participate in the Pool, and the power marketers recently admitted to the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Indeck a Participant in the Pool. NEPOOL requests an effective date of June 1, 1996, for commencement of participation in the Pool by Indeck.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Ohio Edison Company, Pennsylvania Power Company

[Docket No. ER96–1562–000]

Take notice that on April 12, 1996, Ohio Edison Company, tendered for filing on behalf of itself and Pennsylvania Power Company, an Agreement for Power Transactions with Vitol Gas & Electric L.L.C. 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: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. TECO EnergySource, Inc.

[Docket No. ER96–1563–000]

Take notice that on April 12, 1996, TECO EnergySource, Inc. (EnergySource), tendered for filing with the Federal Energy Regulatory Commission Rate Schedule No. 1 which permits EnergySource to make sales of capacity and energy at market-based rates.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Northeast Utilities Service Company

[Docket No. ER96–1564–000]

Take notice that on April 15, 1996, Northeast Utilities Service Company (NUSCO), tendered for filing, a Service Agreement with Aquila Power Corporation (Aquila) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

Aquila 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 Aquila.

NUSCO requests that the Service Agreement become effective sixty (60) days following the Commission's receipt of the filing.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Central Hudson Gas & Electric Corporation

[Docket No. ER96–1565–000]

Take notice that on April 15, 1996, Central Hudson Gas and Electric Corporation (Central Hudson), tendered for filing its development of actual costs for 1995 related to transmission service provided from the Roseton Generating Plant to Consolidated Edison Company of New York, Inc. (Con Edison) and Niagara Mohawk Power Corporation (Niagara Mohawk) in accordance with the provisions of its Rate Schedule FERC No. 42.

The actual costs for 1995 amounted to $1.1676 per MW-day to Con Edison and $3.6640 per MW-day to Niagara Mohawk and are the basis on which charges for 1996 have been estimated.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 1996, as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison, Niagara Mohawk and the State of New York Public Service Commission.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Central Hudson Gas & Electric Corporation

[Docket No. ER96–1566–000]

Take notice that on April 15, 1996, Central Hudson Gas and Electric Corporation (Central Hudson), tendered for filing its development of actual costs for 1995 related to substation service provided to Consolidated Edison Company of New York, Inc. (Con Edison) in accordance with the provisions of its Rate Schedule FERC No. 43.

Central Hudson indicates that the actual cost amounted to $232,083 for 1995 will be the basis on which estimated charges for 1996 will be billed. Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 1996, as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison and the State of New York Public Service Commission.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. PSI Energy, Inc.

[Docket No. ER96–1567–000]

Take notice that on April 15, 1996, PSI Energy, Inc. (PSI), tendered for filing pursuant to the Service Agreement between the Town of Veedersburg and PSI a revised Exhibit A (Service Specifications).

Said Exhibit A provides for revised service characteristics at the Municipal's delivery point(s).

Copies of the filing were served on the Town of Veedersburg and the Indiana Utility Regulatory Commission.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Illinois Power Company

[Docket No. ER96–1568–000]

Take notice that on April 15, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Delhi Energy Services, Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of April 1, 1996.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Illinois Power Company

[Docket No. ER96–1569–000]

Take notice that on April 15, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which QST Energy Trading Inc. will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of April 1, 1996.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Maine Public Service Company

[Docket No. ER96–1570–000]

Take notice that on April 15, 1996, Maine Public Service Company submitted an agreement under its Umbrella Power Sales tariff.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–1571–000]

Take notice that on April 15, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) (jointly, the Companies), submitted two Transmission Service Agreements, dated April 4, 1996, providing for transmission to, from and over both the East and North HVDC Ties, establishing Texas Utilities Electric Company (TU) as a customer under the terms of the ERCOT Interpool Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing were served upon TU.

Comment date: May 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Public Service Company of Oklahoma and Southwestern Electric Power Company

[Docket No. ER96–1572–000]

Take notice that on April 15, 1996, Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) (jointly, the Companies) submitted (1) two Transmission Service Agreements dated April 4, 1996, providing for transmission to, from and over both the East and North HVDC Ties, establishing Texas Utilities Electric Company (TU) as a customer under the terms of the Companies' Southwestern Power Pool (SPP) Interpool Tariff; and (2) an Agreement between the Companies and TU to prevent double counting.

The Companies request waiver of the Commission's notice requirements. Copies of this filing were served upon TU and the Public Utility Commission of Texas.

Comment date: May 3, 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. 96–10352 Filed 4–25–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5415–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 08, 1996 Through April 12, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1996 (61 FR 15251).

Draft EISs

ERP No. D–COE–D35057–MD Rating EC2, Poplar Island Restoration Project, Dredging, Construction and Placement of Dredged Materials, Implementation, Chesapeake Bay, Talbot County, MD.

Summary: EPA expressed environmental concerns regarding the monitoring, maintenance, and remedial action components of the project, as well as the lack of information regarding these issues.

ERP No. D–COE–K01074–CA Rating EO2, Morrison Creek Mining Reach Upstream North of Jackson Highway, Implementation, Community Plan Amendment, Rezoning, Use Permit Amendment to Existing Use Permit and COE Section 404 Permit, Sacramento County, CA.

Summary: EPA expressed environmental concerns over potential impacts to wetlands resources, including vernal pools, as well as potential adverse impacts to air quality.

ERP No. D–COE–K39040–CA Rating EC2, San Diego County Water Authority Emergency Water Storage Project, Construction and Operation, COE Section 404 Permit and Permit Application, San Diego County, CA.

Summary: EPA expressed environmental concerns over potential cumulative impacts to fish and wildlife and riparian corridors due to construction of new reservoirs proposed under certain alternatives, and strongly recommended that the Corps not select an alternative that provides for construction of new dams or reservoirs. EPA also requested additional information regarding pollution measures and cumulative impacts.

ERP No. D–COE–K90029–CA Rating EC2, Delta Wetlands Project, Construction and Operation Water Storage Project on Four Islands in the Sacramento-San Joaquin Delta, Approval of Permits, San Joaquin and Contra Costa Counties, CA.

Summary: EPA expressed environmental concerns because of the potential for movement of optimum salinity conditions upstream, which represents a possible significant adverse impact to key components of the Bay Delta ecosystem. EPA is also concerned that diversions onto the islands may significantly attenuate pulse flows associated with spring storms and that Delta Wetlands operations are not integrated with operation of the State Water Project and Central Valley Project.

ERP No. D–COE–L23001–WA Rating EO2, Resource Investments Landfill Facility Construction, COE Section 404 Permit Issuance, Pierce County, WA.

Summary: EPA expressed environmental concerns regarding potential adverse impacts to surface water, air quality, groundwater and wetlands. Additional information is needed regarding the definition of the project's purpose and need, as well as the alternatives analysis.

ERP No. D–FRC–L05214–WA Rating LO, Priest Rapids Project (FERC No. 2114–024), Evaluation of Downstream Fish Passage Facilities, New License Issuance with Conditions to Protect the Migratory Juvenile Salmon (Smolts), Columbia River Basin, Grant County, WA.

Summary: EPA had no enviromental concerns regarding the proposed project.

ERP No. DA–COE–L39045–AK Rating LO, Chignik Small Boat Harbor Development and Construction, Updated Information concerning Alternatives, Anchorage Bay, Alaska Peninsula, AK.

Summary: EPA's review has revealed no potential environmental concerns that would require substantive changes to the proposal.

ERP No. DS–COE–K32028–CA Rating EC2, Richmond Harbor Deep Draft Navigation Improvements, Updated and Additional Information to Improve Navigation Efficiency into the Potrero Reach Channel, San Francisco Bay, Contra Costa County, CA.

Summary: EPA expressed environmental concerns over: (1) the lack of an adequate economic analysis on which to evaluate the practicability of different disposal alternatives presented in the DEIS, and (2) the need to address potential mitigation for the losses of shallow water habitat that would be associated with widening of the navigation channels and creating the new turning circle.

Final EISs

ERP No. F–AFS–L65246–WA First Creek Basin Restoration Project, Implementation, Wenatchee National Forest, Chelan Ranger District, Chelan County, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–DOE–L09807–WA Hanford Site K Basins Management of Spent Nuclear Fuel, Storage and Disposal, Application for Approval of Construction and NPDES Permit Issuance, Columbia River, Richland, Benton County, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–GSA–L40195–WA Pacific Highway Port of Entry (POE) Facility Expansion, Construction of WA–543 in Blaine, near the United States/Canada Border in Blaine, Whatcom County, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–IBR–K39037–CA Cachuma Water Supply Project, Implementation, Long-Term Contract Renewal, Santa Ynez Valley, Bradbury Dam, Santa Barbara County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Dated: April 22, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–10390 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5415–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed April 15, 1996 Through April 19, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960177, Draft EIS, AFS, AK, King George Timber Sale Project, Timber Harvesting and Road Construction, Implementation, Tongass National Forest, Stikine Area, Etolin Island, AK, Due: June 10, 1996, Contact: Meg Mitchell (907) 874–2323.

EIS No. 960178, Final EIS, COE, CA, Morrison Creek Mining Reach Upstream North of Jackson Highway, Implementation, Community Plan Amendment, Rezoning, Use Permit Amendment to Existing Use Permit and COE Section 404 Permit, Sacramento County, CA, Due: May 28, 1996, Contact: Larry Vinzant (916) 557–5263.

EIS No. 960179, Draft EIS, FHW, TN, TN–385 (Collierville-Arlington Parkway) Improvement Project, Construction from Mt. Pleasant Road to South of Interstate 40, Funding, Shelby and Fayette Counties, TN, Due: June 10, 1996, Contact: Dennis C. Cook (615) 736–5394.

EIS No. 960180, Final EIS, FHW, WV, VA, Appalachian Corridor H Construction, Funding, Eklins, WV to

I–81, VA, Due: May 28, 1996, Contact: Ben Hark (304) 558–2885.

EIS No. 960181, Draft EIS, AFS, WA, North Sherman and Fritz Timber Sales, Implementation, Colville National Forest, Kettle Falls Ranger District, Ferry County, WA, Due: June 10, 1996, Contact: Meredith Webster (509) 738–6111.

EIS No. 960182, Draft EIS, NPS, WA, Elwha River Ecosystem Restoration Project, Implementation, Olympic National Park, Clallam County, WA, Due: June 25, 1996, Contact: Brian Winter (360) 452–0302.

EIS No. 960183, Final EIS, GSA, GA, Savannah Federal Building—United States Courthouse, Site Selection and Construction of Annex within the existing Federal Building Courthouse, Savannah, GA, Due: May 28, 1996, Contact: Phil Youngberg (404) 331–1831.

EIS No. 960184, Final EIS, FHW, WI, WI–100 and US 45 Interchange Roadway Improvements and Construction, Funding and COE Section 404 Permit, Milwaukee and Waukesha Counties, WI, Due: May 28, 1996, Contact: Richard C. Madrzak (608) 829–7510.

EIS No. 960185, Draft EIS, AFS, CA, Rock Creek Recreational Trails Management Plan, Implementation, Eldorado National Forest, Georgetown Ranger District, Eldorado County, CA, Due: June 10, 1996, Contact: Linda Earley (916) 333–4312.

EIS No. 960186, Draft Supplement, AFS, AK, Tongass Land Management Plan Revision (1996 DSEIS) New Information concerning Changes to the Management Plan, Implementation, Tongass National Forest, AK, Due: July 26, 1996, Contact: Beth Pendleton (907) 586–8700.

EIS No. 960187, Draft EIS, NOA, NJ, Mullica River—Great Bay National Estuarine Research Reserve Establishment, Site Designation and Plan Implementation, Ocean, Atlantic and Burlington Counties, NJ, Due: June 10, 1996, Contact: Dolores Washington (301) 713–3132 Ext. 113.

EIS No. 960188, Draft EIS, FRC, CA, New Don Pedro Reservoir Project (NDPP) (FERC. No. 2299–024), Reservoir Release Requirements for Fish, Continuation and Maintenance, Issuance of Licenses, Tuolumne River and San Joaquin River Turlock and Malesto Irrigation Districts, Stanislaus County, CA, Due: June 10, 1996, Contact: Monica A. Maynard (202) 219–2652.

EIS No. 960189, Final EIS, FRC, PR, Eco Ele'ctrica Liquefied Natural Gas (LNG) Import Terminal and Electric Cogeneration Project, Construction and Operation, Permits and Approvals, Guayanilla Bay, PR, Due: May 28, 1996, Contact: Chris Zerby (202) 208–0111.

Amended Notices

EIS No. 960135, Draft EIS, APH, Programmatic EIS—Veterinary Services (VS) Programs, Implementation, to Detect, Prevent, Control, and Eradicate Domestic and Foreign Animal Diseases and Pests, All 50 States and the United States Territories, Due: June 25, 1996, Contact: Dr. William E. Ketter (301) 734–8565.

Published FR 04–26–96—Review Period Extended.

Dated: April 22, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–10391 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5463–4]

Extension of the Policy on Enforcement of RCRA Sec. 3004(j) Storage Prohibition at Facilities Generating Mixed Radioactive/ Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: EPA is announcing a limited extension of its policy (56 FR 42730, August 29, 1991) on the civil enforcement of the storage prohibition in sec. 3004(j) of the Resource Conservation and Recovery Act (RCRA) at facilities which generate ''mixed waste'' regulated under both the RCRA subtitle C hazardous waste program and the Atomic Energy Act (AEA). The policy affects only mixed wastes that are prohibited from land disposal under the RCRA land disposal restrictions (LDR) and for which there are no available options for treatment or disposal. This action renews the August 1991 policy for an additional two year period for some mixed wastes, based on EPA's determination that treatment technology and disposal capacity [1] for these mixed wastes are still not available.

Pursuant to the terms of this policy, EPA will treat violations of section 3004(j) involving relatively small volumes of waste as reduced priorities among EPA's potential civil enforcement actions. EPA's primary concern is with (1) mixed waste facilities that are not pursuing environmentally responsible management of their stored mixed wastes, especially those storing large quantities of mixed waste, and (2) those that are storing wastes for which treatment technology is commercially available. Generators must explore all viable treatment and disposal alternatives during the next two years since new technologies may come on line at any time. If treatment technology and disposal capacity are available, it is incumbent upon the generator to use them. EPA anticipates employing RCRA § 3007 authority to ensure that this policy is not abused, with particular focus on ensuring that emerging treatment technologies are fully utilized and on confirming that those wastes for which no treatment exists are stored safely.

EFFECTIVE DATE: April 21, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Hunt, Federal, State and Tribal Programs Branch, Office of Solid Waste; Telephone (703) 308–8762.

SUPPLEMENTARY INFORMATION:

I. Background

A. Mixed Waste and the LDR Storage Prohibition

''Mixed wastes'' are wastes that contain both a hazardous waste component regulated under Subtitle C of RCRA and a radioactive component consisting of source, special nuclear, or byproduct material regulated under the AEA. EPA clarified that RCRA applies to wastes which contain both types of components on July 3, 1986 (51 FR 24504). The definition of mixed waste was added to the RCRA statute by the Federal Facility Compliance Act (FFCA) of 1992, 42 U.S.C. 6912, 6939, and 6961. Mixed wastes are a subset of hazardous wastes, and as such, are subject to the land disposal restrictions in 40 CFR Part 268. Currently, most mixed wastes are subject to the LDRs, except for some newly listed or identified hazardous wastes that are mixed with AEA radioactive materials and do not yet have EPA treatment standards. Certain newly listed wastes that are mixed with radioactive materials, and soil and debris contaminated with certain hazardous wastes (which also may be radioactive) are currently subject to variances from the LDR treatment standards (See 40 CFR 268.38).

[1] For purposes of this policy statement, ''available treatment technology and disposal capacity'' means that a facility is commercially available to treat or dispose of a particular waste and the facility has either (1) a RCRA permit or interim status; (2) a research, development, and demonstration permit under 40 CFR 270.65; or (3) a land treatment permit under 40 CFR 270.63.

The aspect of the LDRs affected by the policy extension set forth in this notice is the ''storage prohibition'' enacted in Hazardous and Solid Waste Amendments (HSWA) sec. 3004(j). This provision prohibits any storage of a land disposal prohibited waste (including mixed waste) except ''for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.''

The storage prohibition has relevance to mixed waste management, since there currently is only one facility that EPA is aware of, Envirocare of Utah, Inc., that provides disposal capacity for certain types (i.e., mainly low activity and high volume mixed wastes) of commercially generated mixed waste. Also, there are limited treatment options for much of the mixed waste generated by commercial generators (e.g. nuclear power reactors, fuel cycle, and materials licensees) and by Federal agencies. EPA has previously concluded that storage of a waste pending development of treatment technology does not constitute storage to accumulate sufficient quantities to facilitate proper treatment or disposal. This interpretation was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Edison Electric Institute* v. *EPA*, 996 F.2d 326 (D.C. Cir. 1993). EPA, however, believes that because of the relatively small quantities of mixed waste that are generated by commercial facilities (typically two 55 gallon drums or less per year per facility), there has not, as yet, been sufficient economic incentive to develop and operate mixed waste treatment or disposal facilities to address many types of mixed waste. Therefore, commercial generators may have little option but to store those wastes for which treatment technology or disposal capacity is not yet available. This does not diminish the obligation of mixed waste generators to work to develop adequate treatment capacity.

B. Mixed Waste Treatment Technology and Disposal Capacity

Prior to issuing the 1991 policy (56 FR 42730, August 29, 1991) on the civil enforcement of the storage prohibition, EPA determined that inadequate treatment technology and disposal capacity existed to treat or dispose of many mixed waste streams. This determination was supported by data from several surveys conducted by States and Regional Low Level Waste Compacts, by information available in the Office of Technology Assessment's October, 1990 report on low-level waste issues (''Partnerships Under Pressure-Managing Commercial Low-Level Radioactive Waste''), and by commenters on EPA LDR rulemakings.

In 1992, EPA and NRC published a joint survey on commercial generators entitled ''National Profile on Commercially Generated Low-Level Radioactive Mixed Waste'' (NUREG/CR–5938, December, 1992). This survey supported the view that a treatment capacity shortfall existed for commercial low-level mixed waste streams. The Profile provided a snapshot of the commercial low-level mixed waste universe in 1990, and it estimated a treatment capacity shortfall of at least 12,000 cubic feet based on the treatment demand in 1990. The treatment/disposal capacity assessment for the 1992 Profile was based upon information from several companies that are still treating mixed waste (i.e., Diversified Scientific Services, Inc. (DSSI), NSSI Recovery Services, Inc. (NSSI), and Perma-Fix Environmental Services (PFF), formerly Quadrex Corporation. In addition, two companies had plans to treat mixed waste, Envirocare of Utah, Inc. (Envirocare), and Scientific Ecology Group, Inc. (SEG).[2] The enforcement policy was extended in April, 1994 (59 FR 18813, April 20, 1994) based upon an anticipated improvement in treatment technology and disposal capacity. Some improvements have occurred in the interim as noted in a Department of Energy (DOE) study of available, or soon to be available, treatment technologies for mixed waste. This study by the National Low-Level Waste Management Program at the Idaho National Engineering Laboratory was published in May 1995 under the title ''Mixed Waste Management Options: 1995 Update'' (DOE/LLW–219) and includes treatment options and waste acceptance criteria for mixed waste management facilities as of 1994 (in Appendices C–1 through C–4) and names and phone numbers for points of contact. The update describes four companies that are currently accepting and treating mixed wastes. EPA understands that DSSI in Kingston, Tennessee incinerates most types of liquid mixed wastes; Envirocare in Tooele County, Utah treats high volume mixed wastes and provides disposal services for mixed waste; PFF in Gainesville, Florida processes liquid scintillation materials for incineration; and NSSI in Houston, Texas processes mixed waste for off-site incineration or disposal. In addition, the study cites Scientific Ecology Group, Inc. (SEG) in Oak Ridge, Tennessee as a licensed processor of radiologically contaminated materials which has applied for a RCRA Part B permit for treating low-level hazardous wastes.

The study also lists (page 4–19) several treatment technologies being evaluated by DOE for applicability to treatment and disposal of mixed low-level radioactive waste, including biodegration, freeze, crystallization, biocatalytic destruction of nitrates, ion exchange and acid leaching for mercury removal, thermal treatment technologies for waste destruction such as plasma arc incineration and steam reforming, thermal vitrification, and thermosplastic encapsulation. In addition, EPA has become aware of an emerging treatment technology which has been developed by Molten Metal Technology, Inc. in Waltham, Massachusetts. Their patented quantum catalytic extraction process for the recycling of radiation contaminated hazardous wastes was tested in pilot demonstrations of the technology in 1995, and has been recognized as a Best Demonstrated Available Technology (BDAT) and a viable alternative to incineration for some hazardous wastes. The company anticipates a facility in Oak Ridge, Tennessee will be operational in 1996.

Recent EPA contact with company officials substantiated that DSSI currently has excess capacity for thermal treatment of liquid mixed wastes meeting their acceptance criteria. NSSI, a RCRA permitted treatment, storage and disposal facility for radioactive, hazardous and mixed wastes which accepts only private sector wastes, also has available capacity for mixed wastes meeting its acceptance criteria according to company personnel. NSSI is permitted for all EPA waste codes, and is licensed for all radionuclides, including special nuclear material. PFF, formerly Quadrex, has current treatment capacity for liquid scintillation cocktail fluids and ignitable wastes, and plans to apply for a RCA Part B permit modification to increase the number of waste codes it can accept. An amendment expanding PFF's radiation license was approved in 1996. SEG currently accepts radioactive waste, and intends to provide mixed waste treatment, including incineration, once its RCRA permit is approved. SEG may have some treatment capacity on-line by the end of the policy extension period. Envirocare received a mixed waste treatment permit in 1993. It provides treatment and land disposal facilities for mixed wastes meeting its

[2] Reference in this policy to specific companies providing waste treatment or disposal should not be read as a specific endorsement of any company or technology nor as confirmation that the technology offered by any of these companies is appropriate for a particular waste, which can be determined only on a case by case basis.

acceptance criteria and the radionuclide limitations of its license and has capacity to treat 150 tons of waste per day. Thus, there has been some improvement in the mixed waste treatment capacity situation in the past two years.

Based on the ''Mixed Waste Treatment Study'' prepared for the Electric Power Research Institute and finalized in early 1996, EPA understands that there are still some mixed wastes for which treatment technologies or disposal facilities may not yet be available, particularly for nuclear utilities. The study was developed to provide member utilities with updated information on mixed waste storage and emerging treatment technologies, including catalytic extraction process, steam reforming, vitrification, and supercritical water oxidation. Many of these technologies appear promising, but are not currently operational.

In an effort to help generators locate mixed waste treatment, storage, and disposal facilities (TSDFs), EPA is developing an Interest Home Page that lists commercially available mixed waste TSDFs. This list should not be seen as complete or as a recommendation or endorsement of any of these facilities. This list only represents those companies that have expressed an interest in participating in EPA's Mixed Waste Internet HomePage. EPA does not endorse or promote technologies or companies that provide treatment, storage, or disposal capacity for any waste including mixed waste. Companies that wish to participate should contact EPA at the number listed for this Federal Register notice.

Thus, EPA is providing a limited extension of the enforcement policy for an additional two years. However, this extended policy applies only to those waste streams for which no treatment technology or disposal capacity is available. Generators should understand that any existing treatment technology or disposal capacity must be used. EPA does not intend to extend this policy on a routine or indefinite basis, and may withdraw this policy at any time. EPA's willingness to further extend the 1991 policy at this time is based on positive developments in treatment technology and disposal capacity during the past two years.

Prospects for new mixed waste treatment technology and disposal capacity continue to be driven largely by the treatment needs identified by the DOE, since DOE's waste volumes dwarf those of the commercial sector. The next few years will be significant for bringing on-line the facilities, the processes, and capacities identified in the site-specific treatment plans required by the Federal Facility Compliance Act for managing DOE's significant mixed waste inventories. EPA expects that the commercial and governmental generators affected by this policy extension will also be beneficiaries of the statutory and market forces that are currently addressing the treatment capacity issues within the DOE complex. Therefore, a two year limited extension of this policy should foster greater coordination of the solutions to the treatment capacity shortfall that affects all generators.

C. Need for Generators To Explore Treatment and Disposal Options

The land disposal restrictions found in Title 40 CFR Part 268 require generators to treat hazardous wastes to specified treatment standards. EPA emphasizes that generators must continue to explore all viable treatment alternatives during this extension since new technologies may come on line at any time. Generators should be prepared to demonstrate their good faith efforts at locating available capacity for each of their mixed wastes. In addition, generators should also explore the potential benefits of consolidating their wastes with like wastes from other generators, and developing or procuring treatment capacity to address more efficiently the waste streams that are pooled in this fashion. The option of consolidating the management of DOE and commercially generated wastes has been a topic of much discussion between DOE and those interests responsible for developing and regulating new commercial low-level radioactive waste facilities. EPA urges the continuation of these discussions, and the participation of the commercial generator interests in the debate.

II. Summary of Policy

A. Storage Prohibition Policy Extension

In this notice, EPA is announcing a limited extension of its policy (56 FR 42730, August 29, 1991) on civil enforcement of the storage prohibition in section 3004(j) of RCRA at facilities which generate limited quantities of mixed wastes. This policy does not apply to those mixed wastes for which treatment technology and/or disposal capacity is currently available or becomes available during the effective period of this extension. This policy is not final agency action, but is intended solely as guidance. It is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the policy provided in this extension or to act at variance with the policy, based on an analysis of specific site circumstances. The Agency also reserves the right to change this policy at any time without public notice. EPA reserves the right to take any and all actions provided under RCRA with respect to activities at hazardous waste facilities and against persons who handle hazardous waste. The intent of the policy published on August 29, 1991 was to explain how RCRA section 3004(j) storage violations involving mixed wastes fit within the Agency's civil enforcement priorities. At that time, there was no available treatment technology or disposal capacity for most of the mixed wastes prohibited from land disposal. Treatment technology or disposal capacity is still unavailable for some of these mixed wastes as well as for additional mixed waste that became subject to the land disposal prohibitions during the initial extension of the mixed waste policy (April 20, 1994 to April 20, 1996). Generators and storers of these wastes continue to find it impossible to comply with the section 3004(j) storage prohibition for some of their mixed waste, for which there are no available options for treatment or disposal. At the same time, however, generators of the affected mixed waste, through prudent waste management practices, are required to store their mixed wastes for the limited duration of this policy extension in a manner that poses minimal risk to public health or the environment. Responsible management practices should, therefore, minimize the environmental risks from these section 3004(j) storage violations.

For mixed waste generators who are storing mixed wastes in an environmentally responsible manner as described in this policy where no viable treatment technology or disposal capacity exists or becomes available during this extension, EPA considers the violations of RCRA section 3004(j) involving relatively small volumes of waste to be reduced priorities among EPA's potential civil enforcement actions. Any enforcement activity arising from violations of section 3004(j) at these facilities will generally focus on determining whether these generators are managing their mixed wastes in an environmentally responsible manner and whether they are storing wastes for which treatment technology is commercially available (for example, most liquid mixed wastes). EPA's primary concern is with mixed waste generators that are not managing their stored mixed wastes in an

environmentally responsible manner, especially those storing large quantities of mixed waste.

This policy extension is limited in duration, and terminates on April 20, 1998. During the period that this policy is in effect, EPA will again evaluate data that becomes available on generation, treatability, and treatment technology and disposal capacity for the mixed wastes affected by this policy. EPA may address the issue of mixed waste regulation under a supplemental proposal on HWIR mixed waste exit criteria. Mixed waste facilities should keep apprised of developments in this area. The Agency strongly encourages those managing mixed waste to expeditiously explore and develop additional treatment technologies and to provide data to EPA concerning the availability of capacity.

As EPA explained in the August 1991 policy, the Agency recognizes a variety of indicators of environmentally responsible operation in determining the civil enforcement priority of section 3004(j) storage violations at particular mixed waste generator facilities. EPA believes that all of the factors described in the 1991 policy remain relevant to mixed waste generators during the period of this extension, except for the participation in the EPA/NRC profile which has been completed. These factors are described in Section IV of this document.

B. Limitations on Scope

This policy affects only the civil judicial and administrative enforcement priorities that would arise solely from the act of storing LDR mixed wastes in contravention of RCRA section 3004(j). The policy is also limited in scope to those mixed waste streams for which treatment technology or disposal capacity is not available. The mixed wastes covered by this policy must be mixed wastes when generated: for example, a generator may not commingle distinct hazardous and radioactive waste streams in order to come within the scope of this policy.

EPA intends that this policy apply both to the mixed wastes generated during the term of the policy, and to existing inventories of mixed wastes already in storage. The policy does not cover other violations of RCRA storage requirements, such as the storage facility standards of Subparts I through L and DD of 40 CFR Parts 264 (permitted facility standards) or 265 (interim status facility standards), or their State equivalents. EPA emphasizes that this policy does not affect any requirement under RCRA to obtain a storage permit, which is generally required if mixed wastes are stored for greater than 90 days. The policy does not extend to potential criminal violations of RCRA, for which prosecutorial discretion rests solely with the United States Attorney General.

EPA intends to apply this policy to executive branch federal facilities, except facilities owned or operated by the Department of Energy or by the joint Navy/DOE Naval Nuclear Propulsion Program (NNPP). The just-expired policy extension did not apply to any executive branch federal facility because section 102(c) of the Federal Facility Compliance Act (FFCA), Public Law 102–386 (October 6, 1992) (not codified), delayed the waiver of sovereign immunity with respect to fines and penalties for violations of RCRA section 3004(j) involving storage of mixed waste for three years from October 1992 to October 1995. The protection from fines and penalties obviated the need for applying this policy to executive branch federal facilities. Because the protection from fines and penalties has now expired, executive branch federal facilities are in the same situation as private facilities that generate and store mixed waste. Therefore, EPA believes it is appropriate to apply this policy to executive branch federal facilities in the same manner and to the same extent as it applies to private facilities.

EPA will not apply this policy to DOE or to NNPP facilities. For DOE and NNPP facilities, the delay of the waiver of sovereign immunity from fines and penalties for RCRA section 3004(j) violations continues beyond October 1995, so long as DOE and NNPP are in compliance with the requirements of FFCA section 102(c)(3)(B). Section 102(c)(3)(B) requires DOE and NNPP to be in compliance with an approved plan to develop treatment capacities and technologies to treat a facility's mixed waste and an order requiring compliance with such plan issued in accordance with RCRA section 3021(b). EPA believes that with respect to DOE and NNPP, enforcement of RCRA section 3004(j) should be based on RCRA section 3021, and not on the terms of this policy.

C. Effects of Violations

This policy affects only the civil enforcement priority that EPA will generally assign to section 3004(j) storage violations where the conditions of this policy have been met. If, however, a facility inspection or other information reveals significant RCRA violations—other than of section 3004(j)—or a pattern of violations which evidence a disregard for compliance with the RCRA hazardous waste regulations, EPA may attach a greater priority to all violations—including storage of mixed waste in violation of section 3004(j)— at that facility. In addition, if treatment technology and/or disposal capacity are available, it is incumbent upon the generator to use it. EPA anticipates employing RCRA section 3007 authority to ensure that this policy is not abused, with particular focus on ensuring that appropriate emerging treatment technologies and disposal capacity are fully utilized and on confirming that those wastes for which no treatment exists are stored safely.

III. Applicability

This policy applies to EPA enforcement activities in all States in which mixed waste falls within the jurisdiction of RCRA. It is not applicable in States where mixed waste is not regulated under RCRA, i.e., in States with final authorization which lack specific EPA approval of mixed waste regulatory programs. In those States where the State, as well as EPA, has authority to enforce the LDRs, this policy affects only the EPA enforcement programs.

RCRA mixed waste jurisdiction applies in States which are unauthorized for the ''base'' RCRA program (i.e., which do not have final authorization). As of March 15, 1996, seven States and Territories have not received RCRA base authorization. These States and Territories are: Alaska, American Samoa, Hawaii, Iowa, Northern Mariana Islands, Puerto Rico, and Virgin Islands. This policy applies in these States and Territories, where the EPA Regional Offices administer both the base RCRA mixed waste program and the LDRs.

RCRA mixed waste jurisdiction extends as well to authorized States that have been additionally authorized specifically for RCRA mixed waste programs. As of March 15, 1996, one Territory and 38 States are authorized to implement RCRA mixed waste programs. These States and Territory are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Guam, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. The RCRA section 3004(j) storage prohibition is an

element of the LDRs enacted in the Hazardous and Solid Waste Amendments (HSWA) of 1984. HSWA requires EPA to implement the LDR provisions as they apply to mixed waste until the authorized States receive approval from EPA to implement the LDR provision in lieu of the Agency. EPA therefore implements the LDRs, and this policy applies, in the States with authorized RCRA mixed waste programs, until the States have also been authorized for their LDR programs.

As of March 15, 1996, 30 States and one Territory with mixed waste programs had received final authorization to implement LDRs covering solvents and dioxins, and 22 States and one Territory have also received final authorization for or have adopted EPA's LDR rules through the Third Third. The 30 States and one Territory are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Guam, Kansas, Idaho, Illinois, Michigan, Minnesota, Missouri, Mississippi, Nevada, New York, North Carolina, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin and Wyoming. These States' approved LDR authorities include State law counterparts to the RCRA section 3004(j) storage prohibition. As these States and Territories have independent authority to enforce the LDRs and section 3004(j), EPA's enforcement policy is not binding on them. Therefore, facility owners and operators should consult with the responsible officials in these States for clarification on these States' policy with respect to storage of LDR prohibited mixed waste.

During the term of this policy, additional States may receive authorization for mixed waste or LDR programs. Facility owners and operators should track the authorization status of their State programs in order to ascertain whether they are covered by this policy, or whether other restrictions based on State law might apply to mixed waste storage.

IV. Highlights of Extended Enforcement Policy

In order to demonstrate that they are pursuing environmentally responsible management of their mixed wastes (and therefore should be accorded a reduced civil enforcement priority for sec. 3004(j) violations), facility owner/operators generating mixed wastes should be undertaking at least the following steps.

A. Inventory and Compliance Assessment of Storage Areas

Records should be maintained identifying each physical location or unit where mixed waste is stored, and identifying the method of storage [i.e., container or tank, see 40 CFR 264.73(b) or 265.73(b)]. An inspection of these storage areas for compliance with applicable RCRA standards for storage methods, including an assessment of compliance with the storage facility standards of 40 CFR Part 264 or Part 265 (interim status), Subparts I-J and DD, or the State counterparts to these standards should be performed regularly (see 40 CFR 264.15 or 265.15). The facility records should contain the results of the inspections as required by 40 CFR 264.73(b)(5) or 265.73(b)(5). EPA encourages facility owner/operators to take action promptly to correct any deficiencies, since EPA expects to focus its enforcement efforts regarding section 3004(j) violations on those situations where an inspection or other information reveals significant RCRA violation(s), or a pattern of violations that indicate a disregard for compliance with the RCRA Subtitle C requirements.

B. Identification of Mixed Wastes

Facility owner/operators should maintain sufficient information to identify their mixed wastes. The identification should include the RCRA waste codes for the hazardous components, the source of the hazardous constituents and discussion of how the waste was generated (if known), the generation rate and volumes of mixed wastes in storage, and any process information relied upon to identify mixed wastes or make determinations that wastes are prohibited by the LDRs (See 40 CFR 264.73 or 265.73).

C. Waste Minimization Plans

EPA understands that many mixed waste generators and facility owner/operators are undertaking active measures to avoid the generation of mixed wastes. Each mixed waste generator and facility owner/operator should develop a waste minimization plan (See 58 FR 31114, May 28, 1993, for guidance), and retain the plan at the facility. The plan should address process changes that can be made to reduce or eliminate mixed wastes, methods to minimize the volume of regulated wastes through better segregation of materials, and substitution of non-hazardous materials. The plan should include a schedule for implementation, projections of volume reductions to be achieved, and assumptions that are critical to the accomplishment of the projected reductions.

D. Good Faith Efforts

This policy is limited in scope to those LDR-prohibited mixed wastes for which no treatment technology or disposal capacity is available. As stated earlier, EPA recognizes that commercial treatment technology and disposal capacity do not exist for some types of mixed waste. However, since additional treatment technology or disposal capacity may become available in the future, facility owner/operators should be prepared to demonstrate that good faith efforts have been undertaken to ascertain whether treatment technology and disposal capacity is available for each of their mixed wastes and to utilize such treatment technology and disposal capacity.

Dated: April 19, 1996.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Michael M. Stahl,

Acting Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 96–10380 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5463–5]

Gulf of Mexico Program Issue Committee and Technical Advisory Committee Co-Chairs Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting of the Issue Committee and Technical Advisory Committee Co-Chairs of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Issue Committee and Technical Advisory Committee Co-Chairs will hold a meeting at the Naval Research Laboratory Main Conference Room, Stennis Space Center, Mississippi.

FOR FURTHER INFORMATION CONTACT: James D. Giattina, Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Issue Committee and Technical Advisory Committee Co-Chairs of the Gulf of Mexico Program will be held May 15–16, 1996, at the Naval Research Laboratory Main Conference Room,

Stennis Space Center, Mississippi. The committee will meet from 10:00 a.m. to 4:30 p.m. on May 15 and from 8:30 a.m. to 3:00 p.m. on May 16. Agenda items will include: Program Status (Update), Director's Perspective (Overview), Co-Chairs Perspective, and Program Priorities. The meeting is open to the public.

James D. Giattina,

Director, Gulf of Mexico Program.

Draft Agenda— IC/TAC Co-Chair Workshop, May 15–16, 1996

Wednesday, May 15

- Welcome & Introduction of Participants 10:00 am
- Program Status (Update)
- Director's Perspective (Overview)
  —Director's Vision
  —Observed Program Strengths and Weaknesses
  —Lessons Learned (Past Ecosystem Management Experiences)
  —Practical Future Concepts/Challenges/Solutions
- Co-Chairs Perspective (Roundtable Discussion)
  —Observed Program Strengths and Weaknesses
  —Reaction to Future Concepts/Challenges/Solutions
  —Appropriate Future Role of the Committees
- Adjourn for the day—4:30 pm
- Director's Social—6:00 pm
  (A sampling of the Gulf's sustainable resources!)

Thursday, May 16

- Program Priorities—8:30 am
  —Review of Goals and Objectives
  —Establish Consensus on Future Committee Roles & Responsibilities
- Workshop Summary (Director Facilitated)—2:00 pm
  —Summarize Workshop Agreements
  —Establish Follow-up Steps/Actions
- Workshop Adjourned—3:00 pm

[FR Doc. 96–10386 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00432; FRL–5364–5]

Standard Operating Procedure for Measuring Cholinesterases in Laboratory Rats and Dogs Exposed to Non-Reversible Cholinesterase Inhibitors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comments.

SUMMARY: EPA is making available for public comment Standard Operating Procedures (SOP) for measuring cholinesterases. This SOP specifies the details of a clinical methodology for performing cholinesterase enzyme assays in tissues taken from laboratory rats and dogs. This SOP is limited in scope to the measurement of cholinesterase levels in control animals and in animals exposed to a non-reversible cholinesterase inhibitor. This method is essentially the Ellman procedure (1961), with the stipulation that specific parameters be tightly controlled (e.g. pH, wavelength, substrate concentration, etc.).

DATES: Written comments must be received on or before May 28, 1996..

ADDRESSES: Interested persons are invited to submit written comments in triplicate to: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person: Bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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–00432.'' Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION.''

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (7509C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703) 305–5369 or 305–7351; e-mail: jaeger.bruce@epamail.epa.gov.

Copies of the SOP may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or for courier pick-up: Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5805 or 305–5454. By internet: e-mail requests to: opp-docket@epamail.epa.gov. The SOP is also electronically available on EPA's gopher server (gopher://gopher.epa.gov) and the world wide web (www) (http://www.epa.gov) under the heading ''Rules, Regulations and Legislation''.

SUPPLEMENTARY INFORMATION: A public record has been established for this notice under docket number ''OPP–00432'' (FRL–5364–5) (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any informaiton claimed as CBI, is available for inspection from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132, 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.

List of Subjects

Environmental protection.

Dated: April 18, 1996.

Stephanie R. Irene,

Acting Director, Health Effects Division, Office of Pesticide Programs.

[FR Doc. 96–10384 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–F

[PF–649; FRL–5359–7]

Various Pesticide and Food/Feed Tolerance Petitions; Amendments and Filings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces initial filings and amendments of pesticide petitions (PP), filing of food and feed additive petitions (FAP) all proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket number [PF–649] must be received on or before May 28, 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. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

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. 1128 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 [PF–649]. 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: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

Product Manager	Office location/telephone number	Address
Rick Keigwin (PM 10)	Rm. 214, CM #2, 703–305–6788, e-mail: keigwin.rick@epamail.epa.gov	1921 Jefferson Davis Hwy., Arlington, VA. .
Robert Forest (PM 14)	Rm. 219, CM #2, 703–305–6600, e-mail: forest.robert@epamai.epa.gov.	Do.
Dennis Edwards (PM 19).	Rm. 266A, CM #2, 703–305–6386, e-mail: edwards.dennis@epamail.epa.gov.	Do.
Teresa Stowe (PM 22)	Rm. 229, CM #2, 703–305–7740, e-mail: stowe.teresa@epamail.epa.gov.	Do.
Joanne I. Miller (PM 23).	Rm. 237, CM #2, 703–305–7830, e-mail: miller.joanne@epamail.epa.gov.	Do.
Robert J. Taylor (PM 25).	Rm. 245, CM #2, 703–305–6027, e-mail: taylor.robert@epamail.epa.gov.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide and feed additive petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

Initial Filings

1 *PP 5F4490*. E.I. du Pont de Nemours & Co., P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR 180.445 to increase the tolerance for residues of the herbicide methyl 2[[[[[(4,6-dimethoxy-pyrimidin-2-yl)amino] carbonyl]amino]sulfonyl] methyl]benzoate to 0.5 ppm in or on the raw agricultural commodity rice straw. The petition was subsequently amended to revise the tolerance level to 0.3 ppm. (PM 23)

2. *PP 5F4547*. American Cyanamid Co., Agricultural Research Center, P.O. Box 400, Princeton, NJ 08543–0400, proposes to amend 40 CFR 180.206 by revising the established tolerance for the residues of the insecticide phorate (*O,O*-diethyl *S*[(ethylthio)methyl]phosphorodithiote and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity beans, succulent at 0.1 ppm and beans, dried at 0.1 ppm. The proposed analytical method for determining residues is chromatograph equipped wtih a flame photometric detector. (PM 14)

3. *PP 6E4679*. Rohm and Haas Company, 100 Independence Mall West, Phildelphia, PA 19106–2399, proposes to amend 40 CFR 180.842 by establishing a tolerance for the residues of the insecticide Benzoic acid (3,5-dimethyl-,1-(1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide in or on the raw agricultural commodity wine grapes at 0.5 ppm. The proposed analytical method for determining residues is HPLC separation with UV detection. (PM 10)

4. *PP 6F4649*. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08543–0400, proposes to amend 40 CFR part 180 by establishing a tolerance for the residues of the herbicide AC 299,263,(±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-(methoxymethyl)-3-pyridine carboxylate acid in or on soybeans at 0.1 ppm. The proposed analytical method for determining residues is HPLC. (PM 25)

5. *PP 6F4676*. ISK Bioscience Corporation, 5966 Heisley Road, P.O. Box 8000, Mentor, OH 44061–8000 proposes to amend 40 CFR 180.275 by establishing a tolerance for the residues of the fungicide Chlorothalonil (tetrachloroisophthalonitrile) and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity non-bell peppers at 5.0 ppm. (PM 22)

6. *PP 6F4680*. Drexel Chemical Co, P.O. Box 13327 Memphis, TN 38113–0327, proposes amending 40 CFR 180.106 by establishing a tolerance for residues of the herbicide diuron (3-(3,4dichlorophenyl)-1,1-dimethylurea) in or on the raw aqricultural commodity catfish at 1 part per million. The analytical method is liquid chromotography (HPLC). (PM-25)

7. *FAP 6F4682*. Gustafson, Incorporated, P.O. Box 669965, Dallas,

Texas 75266–0065, proposes to amend 40 CFR 180.472 by establishing a regulation to permit the residues of the insecticide/miticide imidacloprid (1,[chloro-3-pridinyl)methyl-*N*-nitro-2-imidazolidinimine on the raw agricultural commodities field corn, forage at 0.10 ppm, field corn, fodder at 0.20 ppm and field corn, grain at 0.05 ppm.

8. *PP 6H5743.* Agrevo Environmental Health, 95 Chestnut Ridge Rd., Montvale, NJ 07645 proposes to amend 40 CFR parts 185 and 186 by establishing tolerances at 3 ppm for residues of the insecticide *d*-trans-chrysanthemum monocarboxylic acid ester of dl-2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one in or on all food items in food handling establishments and all feed handling establishments when applied in accordance with conditions prescribed in the pesticide petition. (PM 10)

A record has been established for this rulemaking under docket number [PF–649] (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.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Animal feeds. and Pesticide and pests.

Dated: April 11, 1996.

Stephne L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–10252 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–F

[5435–4]

Proposed Prospective Purchaser Agreement for the Former Vygen Corporation and Olin Corporation Facilities at the Fields Brook Superfund Site; 42 U.S.C. 9622(h)

AGENCY: U.S. Environmental Protection Agency (''U.S. EPA'').

ACTION: Proposal of Prospective Purchaser Agreement for the former Vygen Corporation and Olin Corporation facilities at the Fields Brook Superfund Site.

SUMMARY: U.S. EPA proposes to address the prospective purchase by Vision Properties, Inc. (''the Settling Respondent'') of the Vygen property (''the Property''), which contains the former Vygen Corporation and Olin Corporation facilities at the Fields Brook Superfund site (''the Site'') in Ashtabula County, Ohio. The Site consists of Fields Brook and its watershed and contains a number of industrial facilities including the former Vygen and Olin facilities. U.S. EPA intends to enter into a Prospective Purchaser Agreement (''Agreement'') with the Settling Respondent in order to address the potential liability of the Settling Respondent. The key terms and conditions of the Agreement may be briefly summarized as follows: (1) The Settling Respondent agrees to, in regard to the Property, (a) collect and remove all existing sediment from within the existing storm sewers and the concrete pond and bring such sediment to an acceptable off-site landfill, and upgrade the storm sewers on the Property to prevent Property contamination from having an easy route for release to Fields Brook; and/or (b) collect and remove all existing sediment from the concrete pond, plug all existing storm sewers and storm drainage outflow pipes and if Settling Respondent also plans to replace the existing storm sewer system with a stormwater drainage system, it shall avoid areas of the Property which have been contaminated from previous site activities; (2) the Settling Respondent agrees to grant to EPA and Ohio an irrevocable right of access at all reasonable times to the Property and to any other property to which access is required for the implementation of response actions at the Site, for the purposes of performing and overseeing response actions at the Site under Federal law; and (3) U.S. EPA affords the Settling Respondent a covenant not to sue or take any other civil or administrative action against Settling Respondent for any and all civil liability for injunctive relief or reimbursement of response costs pursuant to Section 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a) with respect to the Existing Contamination. The Site is on the National Priorities List (NPL) and further response activities at the Site are contemplated, but these activities are not anticipated to involve the Vygen and Olin facilities.

DATES: Comments on the proposed AOC must be received by U.S. EPA on or before May 28, 1996.

ADDRESSES: A copy of the proposed AOC is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Michael Berman at (312) 886–6837, prior to visiting the Region 5 office.

Comments on the proposed AOC should be addressed to Michael Berman, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code CS–29A), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Michael Berman at (312) 886–6837, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open pursuant to Section 122(i) of CERCLA, 42 U.S.C. 9622(i), for comments on the proposed AOC. Comments should be sent to the addressee identified in this notice.

Valdas V. Adamkus,

Regional Administrator, U.S. Environmental Protection Agency, Region 5.

[FR Doc. 96–10387 Filed 4–25–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections being Reviewed by the Federal Communications Commission; Comments Requested

April 18, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the

following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 25, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0573.

Form No.: FCC Form 394 Application for Franchise Autohority (''LFA'') Consent to Assignment or Transfer of Control of Cable Television Franchise.

Type of Review: Revision of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 2,000 (1,000 system owners + 1,000 LFAs).

Estimated Time Per Response: 1–5 hours. Burden to cable system owners is estimated to be an average of 5 hours per application. We estimate that 50% owners will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 50% will employ in house staff to complete the application. 500 applications (50% contracted out) x 1 hour = 500 hours. 500 applications (50% in house) x 5 hours = 2,500 hours. Burden for owners = 500 + 2,500 = 3,000 hours.

Burden to LFAs is estimated to be an average of 4 hours to review each application. This burden was previously treated as a third party requirement and was not reported by the Commission. We now include this burden in this collection's inventory. 1,000 applications x 4 hours = 4,000 hours.

Total Annual Burden: Total burden for all respondents: 3,000 + 4,000 = 7,000 hours.

Cost to respondents: $377,000. Printing and postage costs are estimated at $2 per application x 1,000 = $2,000. Assistance by outside legal counsel will be paid at an average of $150/hour for 50% of the Form 394 applications. $150/hour x 500 applications x 5 hours per application = $375,000. Total annual cost burden to respondents = $2,000 + $375,000 = $377,000.

Needs and Uses: On 3/15/96, the Commission adopted an Order in CS Docket No. 96–56, Implementation of Sections 202(f), 202(i) and 301(i) of the Telecommunications Act of 1996. Among other things, this order eliminates the three-year holding requirement of cable systems and reduces ownership restrictions for cable systems. Though there are no revisions necessary to FCC Form 394 to reflect the Commission's new rules, its use as an information collection requirement has been modified because potential respondents now may include broadcasters and multichannel multipoint distribution service providers other than cable operators. The FCC Form 394 is used to apply for LFA approval to assign or transfer control of a cable television system. The data are used by the LFAs to restrict profiteering transactions and other transfers that are likely to adversely affect cable rates or service in the franchise area.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–10297 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

April 17, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before June 25, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0546.

Title: 76.59 Modification of Television Market.

Type of Review: Extension of approval of existing collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 150.

Estimated Time Per Response: 1–20 hours.

Total Annual Burden: 1,575 hours. The Commission estimates the average

burden to file a request for modification of a television market is 20 hours per request. We estimate that 75 (50% of entities) will use in-house legal staff to file requests; while 75 (50% of entities) will contract out the use of legal assistance at an average burden of 1 hour per filing to coordinate information with contracted out legal assistance. The burden for this collection is therefore: (75 x 20 hours) + (75 x 1 hour) = 1,575 hours.

Total Costs to Respondents: $226,500. Respondents that use contracted out legal assistance will pay $150 per hour for this assistance. 75 x 20 hours @ $150 = $225,000. Also, all respondents will incur postage and stationery costs of $10 per filing. 150 filings x $10 = $1,500.

Needs and Uses: On 3/11/93, the Commission adopted a Report and Order in MM Docket Nos. 92–259, 90–4 and 92–295, Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues. Among other things, this Report and Order, pursuant to Section 614(h)(1)(C) of the Cable Act of 1992, created procedures to enable the Commission to add communities to or subtract communities from a station's television market to better reflect marketplace conditions following a written request. Section 76.59 requires a television station or cable operator to file a written request to modify a television station's must-carry market. Television stations and cable operators are to follow the process specified in Section 76.7 Petitions for Special Relief. The information derived from this collection has been used by the Commission to determine whether a television station's must-carry market should be modified.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–10299 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

Notice of Public Information Collections Submitted to OMB for Review and Approval

April 18, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 28, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Governments.

Number of Respondents: 8,475. (5,475 cable operators and 3,000 local franchise authorities (''LFAs'').

Estimated Time Per Response: 1–15 hours.

Total Annual Burden: 88,459 hours. Burden for operators: We estimate that 25% of operators will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 75% of operators are estimated to employ in house staff to complete the filing. 1,369 filings (25% contracted out) x 1 hour = 1,369 hours. 4,106 filings (75% in house) x 15 hours = 61,590 hours.

Additionally, 76.933(g)(2) states: If an LFA has taken no action within the 90-day review period, then the proposed rates may go into effect at the end of the review period, subject to a prospective rate reduction and refund if the LFA subsequently issues a written decision disapproving any portion of such rates. However, if an operator inquires as to whether the LFA intends to issue a rate order after the initial review period, the LFA or its designee must notify the operator of its intent in this regard within 15 days of the operator's inquiry.

We estimate this will occur in 25% of the instances when Form 1240s are filed by cable operators with their LFAs. 25% of 3,000 = 750 inquiries at an estimated 1 burden for each inquiry = 750 hours. Total burden hours to operators = 1,369 + 61,590 + 750 = 63,709 hours.

Burden to LFAs: The Commission estimates there will be 3,000 FCC Form 1240s filed with LFAs, annually. Average LFA reviewing time for each FCC Form 1240 is estimated to be 8 hours. 3,000 x 8 hours = 24,000 burden hours.

Additionally, we estimate 750 responses to operator requests pursuant to 76.933(g)(2). 750 notifications at an estimated 1 burden hour for each notification = 750 hours. Total burden hours to LFAs = (3,000 x 8 hrs.) + (750 x 1 hr.) = 24,750 hrs.

Total burden hours for all respondents = 63,799 + 24,750 = 88,549 hours.

Costs for Respondents: $2,084,450. We estimate an annual purchase of 4,000 diskette versions of FCC Form 1240 @ $5 per diskette = $20,000. Printing, photocopying and postage costs incurred by respondents is estimated to be $2 per form (5,475 filings x $2) = $10,950. We estimate Form 1240 assistance will be performed by legal and accounting contractors at an average of $100/hour for 25% of the filings. $100/hour x 1,369 filings (25% of Form 1240 filings) x 15 hours = $2,053,500

Total respondent costs: $20,000 + $10,950 + 2,053,500 = $2,084,450.

Needs and Uses: Cable operators submit FCC Form 1240 to their respective LFAs upon certification to regulate basic service tier rates and associated equipment; or with the Commission (in situations where the Commission has assumed jurisdiction). The Form 1240 is also filed with the Commission pursuant to the cable programming service tier rate complaint process. The data will be used by the Commission and LFAs to adjudicate permitted rates for regulated cable

services and equipment, for the addition of new programming tiers and to account for the addition and deletion of channels and the allowance for pass through of external costs and costs due to inflation.

OMB Approval No.: 3060-0233.

Title: Part 36, Jurisdictional Separations Procedures.

Form No.: N/A.

Type of Review: Extension of an existing collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 3,090.

Estimated Time Per Response: 20 hours.

Total Annual Burden: 61,800.

Costs to Respondents: There are no costs in addition to preparing the information requested incurred by respondents.

Needs and Uses: Telephone companies are required to submit data annually to the National Exchange Carrier Association for the filing of access tariffs. State or local telephone companies who want to participate in the federal assistance program must make certain informational showings to demonstrate eligibility.

Federal Communications Commission.

William F. Caton,

Acting. Secretary.

[FR Doc. 96–10298 Filed 4–25–96; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Coastal Barrier Improvement Act; Property Availability: Hanover Run/ Myrtle Point, St. Mary's County, MD

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as Hanover Run/ Myrtle Point, located in California, St. Mary's County, Maryland, is affected by Section 10 of the Coastal Barrier Improvement Act of 1990 as specified below. This Notice supersedes the previous Notice affecting this property which was published in the Federal Register on December 27, 1995 (60 FR 67000) by the Resolution Trust Corporation.

DATES: Written notice of serious interest to purchase or effect other transfer of all or any portion of this property may be mailed or faxed to the FDIC until July 25, 1996.

ADDRESSES: Copies of detailed descriptions of this property, including maps, may be obtained from or are available for inspection by contacting the following person: Mr. R. Allen Smith, Federal Deposit Insurance Corporation, Southeast Service Center, 100 Colony Square, Suite 2300, Box 68, Atlanta, Georgia 30361, (404) 881–5167; Fax (404) 881–5190.

SUPPLEMENTARY INFORMATION:

The Hanover Run/Myrtle Point property is located on Patuxent Boulevard north of Maryland Route 4 and south of Mill Creek and the Patuxent River, St. Mary's County, Maryland. The site consists of approximately 500 acres of undeveloped land that is almost completely forested. This property contains wetlands, salt ponds, archaeological resources of early native American culture, and two 17th century plantations near the colonial port of Harveytown. The northern and eastern portions of the site which border the Patuxent River, Sam Abel Cove, Mill Creek, and Little Kingston Creek are situated within undeveloped floodplains. The Hanover Run/Myrtle Point property is adjacent to Clark's Landing which is managed by the Department of Recreation and Parks of St. Mary's County for recreational purposes. A portion of this property is covered by an option to purchase in favor of a third party as set forth in that certain Contract for Sale between Route 347 Realty Corporation and Kingston Creek Development Corporation dated December 30, 1986, and as further described in that certain Opinion and Order of Court dated January 31, 1992, in a cause entitled ''Route 347 Realty Corporation vs. Myrtle Point Limited Partnership'' (Case No. CA 90–40), recorded among the Land Records of St. Mary's County in Liber 870, folio 136. This property is covered property within the meaning of Section 10 of the Coastal Barrier Improvement Act of 1990, P.L. 101–591 (12 U.S.C. 1441a-3).

Written notice of serious interest in the purchase or other transfer of all or any portion of this property must be received on or before July 25, 1996 by the Federal Deposit Insurance Corporation at the appropriate address stated above.

Eligible Entities

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government; and,
3. ''Qualified organizations'' pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Form of Notice

Written notices of serious interest must be submitted in the following form:

Notice of Serious Interest

RE: Hanover Run/Myrtle Point
Federal Register Publication Date: April 26, 1996

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in the Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)), including, for qualified organizations, a determination letter from the United States Internal Revenue Service regarding the organization's status under section 170(h)(3) of the U.S. Internal Revenue Code (26 U.S.C. 170(h)(3)).

3. Brief description of proposed terms of purchase or other offer for all or any portion of the property (e.g., price, method of financing, expected closing date, etc.).

4. Declaration of entity that it intends to use the property for wildlife refuge, santuary, open space, recreational, historical, cultural, or natural resource conservation purposes (12 U.S.C. 1441a–3(b)(4)), as provided in a clear written description of the purpose(s) to which the property will be put and the location and acreage of the area covered by each purpose(s) including a delcaration of entity that it will accept the placement, by the FDIC, of an easement or deed restriction on the property consistent with its intended conservation use(s) as stated in its notice of serious interest.

5. Authorized Representative (Name/ Address/Telephone/Fax).

List of Subjects

Environmental protection.

Dated: April 18, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 96–10333 Filed 4–25–96; 8:45 am]

BILLING CODE 6714–01–M

Notice of Agency Meeting; Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, April 23, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) matters relating to the Corporation's corporate and supervisory activities,

and (2) an administrative enforcement proceeding.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), Ms. Susan F. Krause, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: April 24, 1996.

Federal Deposit Insurance Corporation

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 96–10570 Filed 4–24–96; 3:24 pm]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1108–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–1108–DR), dated March 20, 1996, and related determinations.

EFFECTIVE DATE: March 20, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 20, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms, flooding, and tornadoes on March 5–6, 1996, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance, and Hazard Mitigation may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn C. Woodard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

Dallas, Macon, and Montgomery Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–10372 Filed 4–25–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1106–DR]

Maine; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Maine (FEMA–1106–DR), dated March 13, 1996, and related determinations.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 13, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Maine, resulting from severe storms, ice jams, and flooding on January 19, 1996, through February 6, 1996, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Maine.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Kevin Merli of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maine to have been affected adversely by this declared major disaster:

Piscataquis, Somerset, and Waldo Counties for Public Assistance and Hazard Mitigation

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 96–10373 Filed 4–25–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL HOUSING FINANCE BOARD

Announcing An Open Meeting of the Board

TIME AND DATE: 10:00 a.m., Tuesday, April 30, 1996.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Federal Home Loan Bank of Dallas Proposal to Certify the Texas Department of Housing and Community Affairs as a Nonmember Mortgagee.
- Discussion of Federal Home Loan Bank System Legislation.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–10479 Filed 4–24–96; 10:36 am]

BILLING CODE 6725–01–P

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 20, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Security Banc Corporation, Springfield, Ohio; to acquire 100 percent of the voting shares of CitNat Bancorp, Inc., Urbana, Ohio, and thereby indirectly acquire Citizens National Bank of Urbana, Urbana, Ohio.

Board of Governors of the Federal Reserve System, April 22, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–10301 Filed 4–25–96; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, May 1, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 2lst Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 24, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–10478 Filed 4–24–96; 9:48 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Extension of Time; Comprehensive Review of ''Made in USA'' Claims

AGENCY: Federal Trade Commission.

ACTION: Extension of time for filing public comments.

SUMMARY: The Federal Trade Commission (''Commission'' or ''FTC'') is conducting a comprehensive review of ''Made in USA'' claims in product advertising and labeling. As part of its review, the Commission invited representatives of consumers, industry, government agencies, and other groups to attend a public workshop to exchange views. On December 19, 1995, the Commission announced that the public workshop would be held on March 26 and 27, 1996, and invited interested parties to file requests to participate in the workshop. The Commission stated that it would hold the record of the proceeding open until April 30, 1996, to allow participants and other interested parties to submit clarifying or rebuttal information. The Commission conducted the public workshop on March 26 and 27, 1996. In response to requests by participants during the workshop, the Commission extends the period for submitting clarifying or rebuttal information.

DATES: Written comments will be accepted until June 30, 1996.

ADDRESSES: Six paper copies of each written comment should be submitted to the Office of the Secretary, Federal Trade Commission, Room 159, Sixth and Pennsylvania Avenue, N.W., Washington, D.C. 20580. To encourage prompt and efficient review and dissemination of the comments to the public, all comments also should be submitted, if possible, in electronic form, on either a 5¼ or a 3½ inch computer diskette, with a label on the diskette stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS are preferred. Files from other operating systems should be submitted in ASCII text format to be accepted.) Individuals filing comments need not submit multiple copies or comments in electronic form. Submissions should be captioned: ''Made in USA Policy Comment,'' FTC File No. P894219.

FOR FURTHER INFORMATION CONTACT: Beth Grossman, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, telephone 202–326–3019, or Kent C. Howerton, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, telephone 202–326–3013.

SUPPLEMENTARY INFORMATION:

I. Introduction

As part of a comprehensive review of its legal standard regarding the use of unqualified ''Made in USA'' claims in product advertising and labeling, on October 18, 1995, the Commission published a notice soliciting public comments. The notice also stated that the Commission would hold a public workshop at a date to be announced in a later notice. 60 FR 53922. On December 19, 1995, the Commission announced that the public workshop would be held on March 26 and 27, 1996, and that the Commission would hold the record of the proceeding open until April 30, 1996 for workshop participants and other interested parties to submit clarifying or rebuttal comments on the issues discussed at the workshop.

The workshop was conducted at the Commission's headquarters building in Washington, DC on March 26 and 27, 1996. At the conclusion of the workshop, several participants requested that the Commission extend the deadline for submission of clarifying and rebuttal comments to allow participants to work together on joint comments, feedback, and possible proposals.

In light of the complexities of the issues presented, the Commission has determined that an extension of the comment period is appropriate. Therefore, to allow all interested parties the opportunity to supply the Commission with additional written data, views and arguments, the Commission grants an extension of the comment period to June 30, 1996.

II. Alternative Standards Addressed During the Public Workshop

Participants in the workshop were invited to discuss the Commission's current legal standard regarding the use of unqualified ''Made in USA'' claims, alternatives to the current legal standard, and how domestic content claims should be measured under any future standard. The heart of the workshop was the participants' discussion of three primary options that emerged for standards regarding unqualified ''Made in USA'' claims: (1) the All or Virtually All Standard; (2) a Percentage Content Standard (*e.g.*, 50%); (3) and the Substantial Transformation Standard.

Under the ''all or virtually all'' standard, sellers may label their products ''Made in USA'' only if all or virtually all of the component parts of their goods were made in the United States and all or virtually all of the labor in assembling their goods was performed in the United States. A ''percentage content'' standard is a cost-based or value-added standard that focuses on the percent of domestic content and labor of a particular good. Under this type of standard, a product could be labeled ''Made in USA'' if it was made, for example, with at least 50% domestic parts and labor. The ''substantial transformation'' standard is based on the U.S. Customs Service's test for the marking of foreign goods. Substantial transformation occurs when, as a result of processes performed in a particular country, a new article emerges with a new name, use and character. Once the Customs Service considers an article to be substantially transformed in the United States, the article need not be marked with a country of origin.

III. Supplemental Questions for Comment

During the extended period for submitting written clarifying or rebuttal information, the Commission invites interested parties also to comment on the following supplemental questions. The Commission appreciates that, in response to its October 18, 1995 notice, a number of commenters submitted evidence of consumer perceptions in support of their comments. In commenting on particular standards, definitions, or approaches to ''Made in USA'' claims and on terms that might be used to denote a lesser or different level of domestic content than a broad ''Made in USA'' claim, comments should explain how such standards, definitions, approaches, or terms relate to consumer perceptions.

1. All or Virtually All Standard

A. At the workshop, some participants suggested that for the ''all or virtually all standard'' to be practical, it would have to be more clearly defined. One possible definition of ''all or virtually all'' that was suggested would require that marketers look only one step (or two steps) back in the manufacturing process to determine the origin of the components of a product, and would exclude raw materials. Would that formulation be appropriate and practical? Would it provide adequate guidance to marketers? What are the advantages and disadvantages of such a circumscribed standard compared with simply requiring that all or virtually all of the components and subcomponents of a product be made in the U.S.? Are there other formulations that the Commission should consider?

B. How far back in the manufacturing process is it appropriate to look to determine the origin of the components or materials comprising the product?

i. What constitutes a ''step'' back in the manufacturing process?

ii. Is there a single definition of a step back that can be used across products or industries?

iii. Is the nature of a step back different for products that are comprised of separate components than for products that do not have separate parts but instead go through stages of processing?

iv. Does how far back it is appropriate to look depend upon the nature of the product, *e.g.*, whether the product is simple or complex?

v. If the Commission were to adopt an ''all or virtually all'' standard, would it be appropriate to permit marketers to look only one step back in determining the origin of components? Are there products for which this approach would mask a significant amount of foreign content? If so, what products or types of products? Alternatively, is there a point in the production process, *e.g.*, one step, two steps, or further back, at which most of the domestic content of a product would be included?

vi. What would it cost firms to support an ''all or virtually all'' standard if they were only required to look back one step in the manufacturing process? What would the cost be with a two step back approach or one that required the producer to look even further back in the manufacturing process?

C. Should raw materials be excluded in calculating domestic content?

i. If so, how should ''raw material'' be defined? Should it include only those items that are naturally occurring? Is steel, for example, a raw material, or only iron ore? How about leather versus a tanned cow hide versus a raw hide?

ii. Does it matter if the raw materials constitute a significant percentage of the product's value?

D. Should ''virtually all'' be further defined? One alternative would be to quantify it as a percentage of the product (*e.g.*, 90% or 95%). Another alternative would be to consider it equivalent to ''de minimis'' foreign content. Which approach is preferable?

Are there other alternatives that should be considered?

2. Percentage Content Standard (e.g. 50%)

A. What specific percentage threshold for domestic content should a product have to meet to be considered ''Made in USA''? What is the basis for choosing that threshold? How does it relate to consumer perception?

B. What costs should be included (and which excluded) in calculating a product's domestic content?

C. Is the percentage of domestic content of a product likely to fluctuate significantly over time because of currency fluctuations or because of routine changes in sourcing for certain inputs? If so, is there a way to address, for marking purposes, any uncertainty caused by such fluctuations? Does the impact of such fluctuations change with the level of permitted foreign content? For example, is the impact of such fluctuations greater or lesser if 50% foreign content is permitted than if only 10% foreign content is permitted?

D. How should the computation issues raised in Questions 1B and IC, above, be resolved in the context of a percentage content standard?

3. Substantial Transformation Standard

A. A substantial transformation standard was extensively discussed at the workshop. However, the exact form of this standard that should be considered was not resolved.

i. Should the FTC adopt an existing form of this standard already applied by the U.S. Customs Service—*i.e.*, the substantial transformation test that the Customs Service generally applies or the tariff classification shift rules that the Customs Service uses for North American Free Trade Agreement (''NAFTA'') goods?

a. Which of these two Customs Service approaches should the FTC adopt? Why?

b. If the FTC chooses to adopt either of the existing Customs approaches, what are the implications if these approaches are changed?

(1) What should the FTC do if the World Trade Organization (''WTO'') establishes (and Congress adopts) rules for determining whether substantial transformation has occurred that are different than those applied by the Customs Service?

(2) If the Commission chooses to employ the Customs Service's general substantial transformation analysis, and the Customs Service subsequently chooses to apply the NAFTA tariff shift approach to goods from all Most Favored Nation (''MFN'') countries (as has been proposed), should the FTC then switch to this approach for domestic origin claims?

ii. A number of participants at the Commission's workshop suggested that the substantial transformation (or tariff shift) test should be adopted, but with minor alterations to assure that a product labeled ''Made in USA'' in fact had a meaningful amount of domestic content. Should the FTC adopt a modified version of the substantial transformation test applied by the U.S. Customs Service?

a. Are there certain products or types of products for which application of a substantial transformation standard is unlikely to ensure that the product contains a meaningful amount of domestic content?

b. Some participants suggested that the Customs Service's substantial transformation test be altered to exclude transformations that amounted only to ''simple assembly.'' An alternative proposal is that there be a supplemental requirement that, to be promoted as ''Made in USA,'' a product not only be substantially transformed in the U.S., but also contain a certain percentage of domestic content or have certain of its key components made in the U.S. What are the advantages and disadvantages of these approaches? Are there other modifications to the substantial transformation test that the Commission should consider?

c. If the FTC were to adopt a modified substantial transformation test, what costs, if any, would result from the fact that the FTC's standard would not be precisely consistent with that applied by the Customs Service?

iii. Should the FTC adopt the standard ultimately adopted by the WTO for country-of-origin determinations? Because the WTO process is likely to take some time, should the FTC adopt an interim standard, and if so, what standard?

B. How does a substantial transformation standard in any of the variations discussed above relate to consumer perceptions of ''Made in USA'' claims? Does empirical evidence suggest that consumers think about the phrase ''Made in USA'' in terms of the process by which parts or materials are transformed into a finished product? Does empirical evidence suggest that consumers think the phrase ''Made in USA'' refers both to the transformation process and the origin of the parts and materials themselves?

C. Is there evidence as to whether consumers' understanding of ''Made in USA'' claims is the same or different than their understanding of foreign origin claims (*e.g.*, ''Made in Japan'')? Is there evidence as to whether claims of foreign origin are as material to consumers across all or most products as are claims of domestic origin? Please provide any supporting documentary evidence or citations.

D. Are there process-oriented standards other than substantial transformation that the Commission should consider adopting?

E. What are the country-of-origin marking requirements of other countries, including the United States' major trading partners? (For the questions below, supporting documentary evidence or citations would be particularly helpful.)

i. Do other countries require that all imported goods be marked? Which countries? For countries that do not have universal marking requirements, are there specific categories of goods that are required to be marked?

ii. Where goods are required to be marked with their country of origin, what standards do other countries use to determine that country of origin?

iii. To what extent do (or would) other countries permit alternative or qualified country-of-origin labels on imported goods—*i.e.*, not simply ''Made in USA,'' but, for example, ''Product of USA,'' ''Assembled in USA,'' ''Assembled in USA of domestic and imported components,'' or ''80% Made in USA''?

iv. What are other countries' standards for their own domestic origin claims (*e.g.*, France's requirements for ''Made in France'' claims)? Do these standards differ from those countries' standards for foreign origin claims?

4. Other Issues

A. Are there other standards or approaches not encompassed by the three alternatives set forth above that the Commission should consider?

B. Are there terms that are, or can be, used to denote some lesser or different level of domestic content than a broad ''Made in USA'' claim, *e.g.*, ''Assembled in USA,'' ''Product of USA,'' ''Processed in USA,'' etc. What are the costs and benefits of using such alternative terms to label products that would not meet a standard for ''Made in USA'' claims but nonetheless involve some significant domestic inputs?

C. Some participants at the workshop suggested consumers interpret the absence of country of origin labeling as an indication that a product is made in the United States. Historically, the Commission has employed a rebuttable presumption that goods that were not labeled with any country of origin would be understood by consumers to be made in the United States. As a result, the Commission traditionally

required that foreign origin be disclosed if unmarked goods contained a significant amount of foreign content.

i. Do consumers generally believe that unlabeled products are domestic? Does consumer perception of the origin of unlabeled products vary by type of product?

ii. Is a failure to disclose foreign origin for unmarked goods that contain a significant amount of foreign content material to consumers? Does the materiality vary by type of product?

Commenters are urged to limit their additional comments to clarifying or rebuttal information, to the supplemental questions, or to specific new proposals, and not merely to resubmitting views or information previously submitted or expressed during the workshop. Comments proposing or addressing a particular standard should address how it protects consumers against deception [1] and why adopting a particular standard is in the public interest. All written comments submitted will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, on normal business days between the hours of 8:30 a.m. to 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., N.W., Washington, D.C. 20580.

In addition, the Commission will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Commission's Home Page on the Internet. Interested parties can access the Commission's Home Page on the World Wide Web at the following address: http://www.ftc.gov.

Authority: 15 U.S.C. 41 *et seq.*

By direction of the Commission, Commissioner Starek dissenting.[2]

Donald S. Clark,

Secretary.

[FR Doc. 96–10364 Filed 4–25–96; 8:45 am]

BILLING CODE 6750–01–P

[1] A deceptive act or practice is one that is likely to mislead consumers acting reasonably under the circumstances. *See Cliffdale Associates, Inc.,* 103 F.T.C. 110 (1984), reprinting as an appendix letter dated Oct. 14, 1983, from the Commission to the Honorable John D. Dingell, Chairman, Committee on Energy and Commerce, U.S. House of Representatives (''Deception Statement''). The Commission considers a claim deceptive if even a ''significant minority'' of consumers are misled. ''An interpretation may be reasonable even though it is not shared by a majority of consumers in the relevant class, or by particularly sophisticated consumers. A material practice that misleads a significant minority of reasonable consumers is deceptive.'' *Kraft, Inc.,* 114 F.T.C. 40, 122 (1991), *aff'd* 970 F.2d 311 (7th Cir. 1992), *cert. denied,* 507 U.S. 909 (1993).

[2] Commissioner Starek dissented for reasons previously stated. See 60 FR 53930 (1995).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Announcement 607]

Program to Build Capacity to Conduct Site-Specific Activities

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program for State health agencies to conduct site-specific health activities to determine the public health impact of human exposure to hazardous substances at hazardous waste sites or releases. Specifically, funds will be used to build capacity to conduct ''Core'' site-specific activities including public health assessments, health consultations, exposure investigations, community involvement, and preventive health education; and ''Optional'' follow-up health investigations/studies. ATSDR considers a site as consisting of the actual boundaries of a release or facility along with the resident community and area impacted by the subject release or facility.

ATSDR is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of ''Healthy People 2000,'' see the section Where To Obtain Additional Information.)

Authority

This program is authorized under Sections 104(i) (1)(E), (4), (6), (7), (9), (14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 [42 U.S.C. 9604(i)(1) (E), (4), (6), (7), (9), (14) and (15)], and Section 3019 (b) and (c) of the Resource Conservation and Recovery Act (RCRA), as amended (Hazardous and Solid Waste Amendments of 1984) [42 U.S.C. 6939a (b) and (c)].

Smoke-Free Workplace

ATSDR strongly encourages all grant and cooperative agreement recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Participation is limited to official public health agencies of States or their bona fide agents or instrumentalities. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments. This program is comprised of Core activities and Optional activities. All applicants must compete for Core Activities (Public Health Assessments/Consultations, Exposure Investigations, and Community Involvement and Preventive Health Education). Site-Specific Health Investigations/Studies are considered Optional Activities to the Core Activities award.

Availability of Funds

The government's obligation under this grant project is contingent upon the availability of appropriated funds from which payment for grant purposes can be made. No legal liability on the part of the government for any obligation may arise until funds are made available to the grantee through the formal award of a cooperative agreement.

It is expected that approximately $11,500,000 will be available in FY 1996 to fund an estimated 22 awards. The average new award is expected to be $300,000, ranging from $100,000 to $500,000. It is expected that the awards will begin on or about September 29, 1996, and will be made for a 12-month budget period within a 5-year project period. Funding estimates may vary and are subject to change.

Approximately $10,000,000 of the $11,500,000 will be available to fund an estimated 22 Core Activities awards (range $100,000 to $500,000). Personnel funded under Core Activities should include, at a minimum, 1–2 full time employee (FTE) health assessors and 1–2 FTE health educators/community involvement specialists. Funds in the amount of $1,000,000 will be available for Optional Activities via the initial

award for epidemiologist or health scientist personnel. It is anticipated that $500,000 of supplemental funds may be made available for conducting site-specific human health studies after review of site-specific data, submission of study protocol with supplemental budget for proposed study, technical, objective, and peer review and approval of study protocols. In years subsequent to FY 1996, it is anticipated that funds in the amount of $2,000,000 will be available for site-specific studies.

The Core Activities Award establishes the funding for this cooperative agreement. Only applicants funded for a Core Activities Award are eligible to receive awards for Optional Activities. Applicants who apply and are awarded for Core Activities only will not be eligible to add Optional Activities during the project period.

This program is open to all eligible applicants, whether or not current participants in ATSDR grant or cooperative agreement programs. Grantees currently funded under ATSDR's Program Announcements 227, 415, 325 and 443, can apply and, if successful, the current award would replace the previous award (competitive renewal) for a total project period of up to 5 years. If a current grantee applies under this competitive renewal announcement and is unsuccessful or chooses not to apply under this announcement, it will not jeopardize the current award; ATSDR will honor the current awards through the expiration of the project period, subject to satisfactory progress and the availability of funds.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of the program funded under this cooperative agreement is to work toward the ultimate goal of reducing exposures to hazardous substances and mitigating potential adverse health effects from such exposures. The specific purpose of the Core Activities is to assist public health agencies to build capacity, in coordination and cooperation with ATSDR, to conduct health related activities under CERCLA and RCRA. This includes conducting health consultations, public health assessments, and exposure investigations. Core Activities will also assist recipients to conduct community involvement activities, and to develop, disseminate, and evaluate site- specific preventive health education materials and other programs related to exposure to hazardous substances in the environment.

Optional activities will assist public health agencies in conducting site-specific health activities recommended by the Technical Project Team to assess the public health impact of human exposure to hazardous substances in communities located near hazardous waste sites or releases.

Program Requirements

ATSDR will assist or work jointly with the recipient in conducting the activities of this cooperative agreement program. The application should be presented in a manner that demonstrates the applicant's ability to address the health issues in a collaborative manner with ATSDR.

Note: Recipient activities may not be conducted with funds from this cooperative agreement program at any Federal site where the State is a party to litigation at the site.

Recipient and ATSDR activities are listed below:

A. Recipient Core Activities

All activities will be conducted via an annually negotiated work plan, mutually agreed upon at the time of the annual budget discussions between ATSDR and recipient, that complies with requirements of applicable sections of CERCLA, as amended.

1. Public Health Assessments

Conduct Public Health Assessments, including petitions, on National Priority Lists (NPL), Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), or other sites or facilities within the recipient's territorial boundary in accordance with the methodology provided in the ATSDR Public Health Assessment Guidance Manual, ATSDR's Review and Handling Procedures for Public Health Assessments, and other applicable guidance. The following activities are also considered integral in the public health assessment process:

a. Prepare addenda to update public health assessments.

b. Prepare Site Review and Updates (SRU) to evaluate current conditions and determine the need for further actions.

2. Health Consultations

Prepare a written or verbal response to a specific question or specific request for information about health risks posed by a specific site (including Site Accelerated Cleanup Model (SACM)), chemical release, or hazardous material. Health consultations may also be written as a follow-up to Public Health Assessments or SRUs. Consultations may include the evaluation of environmental data, community concerns, health outcome data, and demographic characterizations, and the conduct of community outreach and interaction activities and site workplans.

3. Exposure Investigations

Exposure Investigations may be conducted as part of a health assessment or health consultation response. Exposure Investigation involves a collection of data on less than 10 households.

4. Community Involvement

Site-specific community involvement is designed to develop partnerships with communities living near hazardous waste sites in the development, implementation, and evaluation of site-specific activities, which may include needs assessment, site evaluation activities, participation in community meetings, and availability to the community to gather and address health concerns. The recipient will:

a. Develop a site-specific community involvement plan which, at a minimum, should include: (1) A needs assessment strategy, (2) an implementation strategy, and (3) an evaluation strategy.

b. Implement the community involvement plan and, where warranted based on the needs assessment, establish Community Assistance Panels.

5. Health Education

Site-specific health education encompasses a program of education activities implemented in communities to enable them to prevent or mitigate the health impact of exposure to hazardous substances present at waste sites and releases. Prevention of exposure is the focus of community health education. Prevention of health effects from exposure is the focus of health professions education. Based on the community needs assessment, a coordinated health education program to address the needs identified for each target audience should be developed. The recipient will:

a. Develop materials that are appropriate for the target audience considering such issues as literacy level, cultural values, and languages spoken.

b. Recipient should give priority to those sites where specific actions can be taken to reduce or prevent exposures or where a significant public health concern exists.

c. Materials and programs targeted to a community's health care providers should be designed to improve the knowledge and skill of health care professionals concerning the potential

exposure to hazardous substances at the selected sites. Examples include programs and materials designed to enhance the ability of health care providers to communicate risk, counsel and advise community members including their patients, recognize and evaluate potential exposures, obtain appropriate consultation from environmental health experts when needed or diagnose and treat conditions that may arise from exposure to hazardous substances.

d. Implement the planned actions such as distributing materials, and conducting projects such as Grand Rounds, short courses, seminars, poster display sessions, and public availability sessions.

6. Site-Specific Evaluation

As part of the workplan for Core Activities (Public Health Assessments/ Health Consultations, Site-specific Involvement and Health Education), develop a site- specific evaluation plan prior to conducting activities. The plan should contain a component for each activity undertaken at the site. Conduct evaluation of activities and projects and site-specific programs to determine if community's needs have been met as well as intended purpose of the activities. Both process and impact/ outcome measures should be included in the evaluation plan.

7. Program Evaluation

An evaluation of effectiveness of overall capacity building effort in addressing public health issues in communities living near hazardous waste sites will be conducted jointly by all participants. This evaluation will focus on outcome and impact measurements using a standard evaluation instrument. Both process and impact/outcome measures will be included in the evaluation.

B. Recipient Optional Activities

1. For all health assessments and/or health consultations prior to October 1, 1995, for which a health follow-up activity was recommended, the recipient will reassess community, environmental, and human data and provide in writing a disposition of their assessment.

2. For those studies recommended previously, the recipient will develop a protocol and conduct the recommended study. This protocol will undergo scientific peer review as required by ATSDR and may require clearance by the Office of Management and Budget (OMB) before data collection can begin.

3. The recipient is required to provide proof by citing a State code or regulation or other State pronouncement under authority of law, that medical information obtained pursuant to the agreement will be protected from disclosure when the consent of the individual to release identifying information is not obtained.

4. Evaluation

As part of the workplan for Optional Activities (Public Health Studies/ Investigations), develop a site-specific evaluation plan, including a standard evaluation instrument prior to the conduct of site-specific activities. The plan should contain a component for each activity undertaken at the site. Conduct evaluation of activities, projects, and site-specific programs to determine if community's needs as well as intended purpose of the activities have been met. Both process and impact/outcome measures should be included in the evaluation plan.

C. Other Activities

1. Participate in Technical Project team (TPT) review and comply with established review and handling procedures for incorporating the results of recommendations into site evaluation activities.

2. Provide abstraction overview to ATSDR on each site for which site evaluation activities have been conducted for inclusion in the HAZDAT.

3. Review and prepare written comments on EPA's draft Remedial Investigation/Feasibility Study (RI/FS), RI/FS workplans, and Records of Decision, and site-specific documents of the State's environmental department.

4. Workshops

a. Participate in local, State, and Federal health and environmental workshops and community meetings to discuss and respond to questions concerning a particular site's impact on public health.

b. Participate in ATSDR-scheduled training classes or workshops to increase knowledge and skills in environmental public health.

5. Respond to ATSDR's requests concerning congressional inquiries/ testimonies, program evaluation, or other information in carrying out the purpose of the project.

D. ATSDR Core Activities

All activities will be conducted via an annually negotiated work plan, mutually agreed upon at the time of the annual budget discussions between ATSDR and recipient, that complies with requirements of applicable sections of CERCLA, as amended.

As requested by the recipient, ATSDR is available to provide the following:

1. Public Health Assessments

Collaborate with and assist recipient in conducting Public Health Assessment activities on CERCLIS or other sites or facilities within the recipient's territorial boundary, which includes:

a. Collaborate and assist in preparing addenda to update public health assessments.

b. Collaborate and assist in preparing Site Review and Updates (SRU) to evaluate current conditions and determine the need for further actions.

2. Health Consultations

Collaborate and assist recipient in preparing a written or verbal response to a specific question or specific request for information about health risks posed by a specific site (including SACM), chemical release, or hazardous material.

3. Exposure Investigations

Collaborate and assist in conducting Exposure Investigations.

4. Community Involvement

a. Assist in developing effective methods to conduct needs assessments in communities living near hazardous waste sites and in defining goals and objectives.

b. Assist in development, implementation, and evaluation of the community involvement plan.

5. Site-specific Health Education

a. Collaborate in developing and reviewing all educational materials to ensure scientific accuracy. Provide existing materials as requested. Collaborate in developing projects for specific target audiences.

c. Collaborate with the State in the implementation of programs and the distribution of materials.

6. Evaluation

ATSDR will lead the evaluation of each recipient's total program. This evaluation will focus on outcome and impact measurements using a standard evaluation instrument. In addition, ATSDR will conduct an evaluation of effectiveness of overall capacity building effort in addressing public health issues in communities living near hazardous waste sites. Both process and impact/outcome measures will be included in the evaluation.

E. ATSDR Optional Activities

As requested by the recipient, ATSDR is available to provide the following:

1. Provide assistance in both the planning and implementation phases of

the field work called for under the study protocol.

2. Provide consultation and assist in monitoring the data and specimen collection.

3. Participate in the study analysis.

4. Collaborate in interpreting the study findings.

5. ATSDR will conduct technical and peer review.

6. *Evaluation*—ATSDR will evaluate each recipient's total program. This evaluation will focus on outcome and impact measurements using a standard evaluation instrument. In addition, ATSDR will conduct an evaluation of effectiveness of overall capacity building effort in addressing public health issues in communities living near hazardous waste sites. Both process and impact/outcome measures will be included in the evaluation.

F. Other ATSDR Activities

1. Initiate and conduct review by Technical Project Team.

2. Assist with abstraction overview for the database on each site for which site evaluation activities have been conducted.

3. Assist with recipient's review and preparation of written comments on EPA's draft Remedial Investigation/Feasibility Study (RI/FS), RI/FS workplans, and Records of Decision, and site-specific documents of the State's environmental department.

4. Workshops

a. Assist recipient with participation in local, State, and Federal health and environmental workshops and community meetings to discuss and respond to questions concerning a particular site's impact on public health.

b. Initiate and conduct ATSDR-scheduled training classes or workshops to increase recipients knowledge and skills in environmental public health.

5. Assist recipient with ATSDR's requests concerning congressional inquiries/testimonies, program evaluation, or other information in carrying out the purpose of the project.

Evaluation Criteria

The proposed program, whether made up of Core Activities or Core Activities and Optional Activities, will account for a total of 70% of the score from the evaluation criteria. Applications will be reviewed and evaluated according to the following criteria:

A. Applications for Core Activities Only

1. Proposed Program—70%

Applicant's ability to address the following:

a. Ability to respond to specific public health issues that occur as a result of actual or potential human exposure to a hazardous substance including methods to evaluate and analyze toxicological, community, and environmental health data; and to conduct and analyze data from exposure investigations.

b. Description of involvement with communities in response to concern about a particular site's impact on public health. Ability to develop and provide preventive health education in a timely fashion in response to public health issues including appropriateness and thoroughness of the methods used to evaluate preventive health education; and the extent to which evaluation plan includes measures of program outcome (i.e., effect of participant's knowledge, attitudes, skills, behaviors, exposure to hazardous substances).

2. Program Personnel—15%

The extent to which the proposal has described or provided biographical data on the:

a. Manner in which an integrated ''core'' team will be developed to address components of this program. A consistent core team is vital to this effort. ATSDR recommends that the team consist of, at minimum, 1–2 FTE health assessors and 1–2 FTE health educators/community involvement specialists for core activities, and 1 FTE epidemiologist or health scientist for Optional Activities.

b. Appropriate qualifications, experience, leadership ability, and percentage of time project director (or principle investigator) will commit to the project.

c. Appropriate qualifications, experience, and description of how staff will be utilized in relation to the activities to be performed to accomplish the work and their percentage of time to be spent on the project; CVs should be provided.

d. Ability of recipient to adhere to ''Third Party Agreements'' under ''Other Requirements'' of this announcement if contractors are proposed.

3. Capability—15%

Description of the applicant's capability to carry out the proposed project and suitability of facilities and equipment available or to be purchased for the project.

4. Program Budget—(not scored)

The extent to which the budget relates directly to project activities, is clearly justified, and is consistent with intended use of funds. The budget should include funds for one health assessor, one health educator, and one epidemiologist or health scientist to attend the annual training meeting in Atlanta (five days).

5. Human subjects—(not scored)

Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects?

Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the Objective Review Group (ORG) has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

6. Continuation Awards

Continuation awards within the project period will be made on the basis of the following criteria:

a. Satisfactory progress has been made in meeting project objectives;

b. Objectives for the new budget period are realistic, specific, and measurable;

c. Proposed changes in described methods of operation, need for financial support, and/or evaluation procedures will lead to achievement of project objectives; and

d. The budget request is clearly justified and consistent with the intended use of cooperative agreement funds.

B. Applications for Core Plus Optional Activities

1. Proposed Program—70%

Applicant's ability to address the following:

a. Ability to respond to specific public health issues that occur as a result of actual or potential human exposure to a hazardous substance including methods to evaluate and analyze toxicological, community, and environmental health data; and to conduct and analyze data from exposure investigations.

b. Description of involvement with communities in response to concern about a particular site's impact on public health. Ability to develop and provide preventive health education in a timely fashion in response to public health issues including appropriateness and thoroughness of the methods used to evaluate preventive health education; and the extent to which evaluation plan

includes measures of program outcome (i.e., effect of participant's knowledge, attitudes, skills, behaviors, exposure to hazardous substances).

c. An understanding of and capability to conduct human health studies. The application for Core and Optional activities should include a protocol for a human health study from those previously recommended by ATSDR for sites in the recipient's State for which a study has not commenced. Site-specific protocol will be reviewed based on the following: (a) the approach, feasibility, adequacy, and rationale of the proposed study design; (b) the technical merit of the proposed study, including the methods and procedures (including quality assurance and quality control procedures) for the proposed study; (c) the proposed timeline, including clearly established objectives for which progress toward attainment can and will be measured; and (d) the proposed method to disseminate the results of the study to State and local public health officials, community residents, and other concerned individuals and organizations.

2. Program Personnel—15%

The extent to which the proposal has described or provided biographical data on the:

a. Manner in which an integrated ''core'' team will be developed to address components of this program. A consistent core team is vital to this effort. ATSDR recommends that the team consist of, at minimum, 1–2 FTE health assessors and 1–2 FTE health educators/community involvement specialists for core activities, and 1 FTE epidemiologist or health scientist for Optional Activities.

b. Appropriate qualifications, experience, leadership ability, and percentage of time project director (or principle investigator) will commit to the project.

c. Appropriate qualifications, experience, and description of how staff will be utilized in relation to the activities to be performed to accomplish the work and their percentage of time to be spent on the project; CVs should be provided.

d. Ability of recipient to adhere to ''Third Party Agreements'' under ''Other Requirements'' of this announcement if contractors are proposed.

3. Capability—15%

Description of the applicant's capability to carry out the proposed project and suitability of facilities and equipment available or to be purchased for the project.

4. Program Budget—(not scored)

The extent to which the budget relates directly to project activities, is clearly justified, and is consistent with intended use of funds. The budget should include funds for one health assessor, one health educator, and one epidemiologist or health scientist to attend the annual training meeting in Atlanta (five days).

5. Human subjects—(not scored)

Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects?

Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the ORG has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

6. Continuation Awards

Continuation awards within the project period will be made on the basis of the following criteria:

a. Satisfactory progress has been made in meeting project objectives;

b. Objectives for the new budget period are realistic, specific, and measurable;

c. Proposed changes in described methods of operation, need for financial support, and/or evaluation procedures will lead to achievement of project objectives; and

d. The budget request is clearly justified and consistent with the intended use of cooperative agreement funds.

Funding Priorities

Applicants must demonstrate the ability to address the activities described in the Program Requirements section of this announcement. Priority will be given for the following:

1. Number of proposed and/or listed National Priorities List (NPL) sites (Federal and non-Federal) based on most current listing by EPA.

2. Number of Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) sites (Federal and non- Federal) based on most current listing by EPA.

3. Those applicants who apply for both Core Activities and Optional Activities in order to develop an integrated program.

4. Geographic distribution across the entire United States.

Interested persons are invited to comment on the proposed funding priority. All comments received on or before May 28, 1996 will be considered before the final funding priority is established. If the funding priority should change as a result of any comments received, a revised Announcement will be published in the Federal Register prior to the final receipt of applications.

Written comments should be addressed to Ron S. Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305.

Executive Order 12372 Review

Applications are subject to the Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and to receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should forward them to Ron S. Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 60 days after the application deadline date. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to ATSDR, they should forward them to Ron S. Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305. This

should be done no later than 60 days after the application deadline date. The granting agency does not guarantee to ''accommodate or explain'' for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance numbers are 93.200, 93.202, 93.203.

Other Requirements

A. Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. ATSDR has developed standard multi-use interview forms that may be made available for use by States conducting investigations and/or studies under this cooperative agreement.

B. Protection of Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with Department of Health and Human Services Regulations (45 CFR Part 46) regarding the protection of human subjects. Assurances must be provided to demonstrate that the project will be subject to initial and continuing review by appropriate institutional review committees. In addition to other applicable committees, Indian Health Service (IHS) institutional review committees must also review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

C. Cost Recovery

CERCLA, as amended by SARA, provides for the recovery of costs incurred for response actions at each Superfund site from potentially responsible parties. The recipient would agree to maintain an accounting system that will keep an accurate, complete, and current accounting of all financial transactions on a site-specific basis, i.e., individual time, travel, and associated cost including indirect cost, as appropriate for the site. The recipient would also maintain documentation that describes the site-specific response actions taken with respect to the site, e.g., contracts, work assignments, progress reports, and other documents that describe the work performed at a site. The recipient will retain the documents and records to support these financial transactions and documentation of work performed, for possible use in a cost recovery case, for a minimum of ten years after submission of a final financial status report, unless there is litigation, claim, negotiation, audit or other action involving the specific site, then the records will be maintained until resolution of all issues on the specific site.

D. Third Party Agreements

Project activities which are approved for contracting pursuant to the prior approval provisions shall be formalized in a written agreement that clearly establishes the relationship between the recipient and the third party. The written agreement shall, at a minimum:

1. State or incorporate by reference all applicable requirements imposed on the contractors under the terms of the grant and/or cooperative agreement, including requirements concerning technical review (ATSDR selected reviewers), ownership of data, and the arrangement for copyright when publications, data, or other copyrightable works are developed under or in the course of work under a PHS grant-supported project or activity.

2. State that any copyrighted or copyrightable works shall be subject to a royalty-free, nonexclusive, and irrevocable license to the government to reproduce, publish, or otherwise use them, and to authorize others to do so for Federal government purposes.

3. State that whenever any work subject to this copyright policy may be developed in the course of a grant by a contractor under a grant, the written agreement (contract) must require the contractor to comply with these requirements and can in no way diminish the government's right in that work.

4. State the activities to be performed, the time schedule for those activities, the policies and procedures to be followed in carrying out the agreement, and the maximum amount of money for which the grantee may become liable to the third party under the agreement.

5. State non-conflict of interest concerning activities conducted for ATSDR and site-remediation activities for other parties.

The written agreement required shall not relieve the recipient of any part of its responsibility or accountability to PHS under the cooperative agreement. The agreement shall, therefore, retain sufficient rights and control to the recipient to enable it to fulfill this responsibility and accountability.

E. Disclosure

Recipient is required to provide proof by way of citation to State code or regulation or other State pronouncement given the authority of law, that medical information obtained pursuant to the agreement, pertaining to an individual, and therefore considered confidential, will be protected from disclosure when the consent of the individual to release identifying information is not obtained.

Application Submission and Deadline

The original and two copies of application PHS Form 5161–1 (OMB Number 0937–0189) should be submitted to Ron S. Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, GA 30305, on or before June 14, 1996. (By formal agreement, the CDC Procurement and Grants Office will act for and on behalf of ATSDR on this matter.)

A. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. *Late Applications:* Applications which do not meet the criteria in A. 1. or 2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional information call (404) 332–4561. You will be asked to leave your name, address and phone number and will need to refer to Announcement 607. You will receive a complete program description, information on application procedures

and application forms. The announcement is also available through the CDC home page on the Internet. The address for the CDC home page is http://www.cdc.gov.

If you have questions after reviewing the contents of all the documents, business management assistance may be obtained from Maggie Slay, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842- 6630, or INTERNET address, mcs9@ops.pgo1.em.cdc.gov.

Programmatic technical assistance may be obtained from Sharon Campolucci, Deputy Director, Division of Health Studies, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–31, Atlanta, GA 30333, telephone (404) 639–6200, or INTERNET address, ssc1@atsdhs2.em.cdc.gov.

Please Refer to Announcement Number 607 When Requesting Information and Submitting an Application

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: April 22, 1996.

Claire V. Broome,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 96–10362 Filed 4–25–96; 8:45 am]

BILLING CODE 4163–70–P

Centers for Disease Control and Prevention

[INFO–96–14]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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 for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Studies of Adverse Reproductive Outcomes in Female Occupational Groups—(0920–0367)—Revised—An estimated 50,000 to 60,000 chemicals are in common use throughout society today and hundreds of new chemicals are introduced each year. Yet the list of environmental chemicals and agents that have been investigated to determine whether they have adverse effects on reproductive health is still limited. With the growing number of women in the work force, it is becoming increasingly important to evaluate the potential female reproductive health effects of occupational and physical agents.

In this program, NIOSH is planning to undertake a series of five studies to focus on potential reproductive effects of chemical and physical agents in the workplace. In the studies planned under this program, the reproductive health of a group of female workers exposed to the agent of interest, will be compared to the reproductive health of a group of working women with no occupational exposure to known or suspected reproductive toxicants.

For all studies, data from company personnel records containing demographic, and work history information will be used to estimate workplace exposures. Each woman will be asked to complete a telephone questionnaire on reproductive history and other factors (such as cigarette smoking) that may influence reproductive function. Each questionnaire will take approximately 60 minutes to complete. Medical records will be requested to confirm adverse reproductive outcomes reported by the participants. The risk of adverse reproductive outcomes between the two groups of women will then be compared.

The first study to be conducted under this program will be a study of reproductive disorders among female flight attendants. Approximately 66,000 flight attendants are currently employed by U.S. commercial airlines and are potentially exposed to ionizing radiation and disruption of circadian rhythms, two exposures that may adversely affect reproductive function. The other studies to be conducted under this program have not yet been determined. The total cost to respondents is estimated at 102,000.00

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Workers	6,200	1	1	6,200
Medical providers	1,200	1	0.5	600
Total				6,800

2. Coal Mine Dust Personal Sampling Systems—(0920–148)—Extension—This project, mandated under the Federal Mine Safety and Health Act of 1977 (Pub. L. 91–173, as amended by Pub. L. 95–164), involves conducting evaluations and tests on coal mine dust personnel sampling units (CMDPSUs) and issuing certifications for those CMDPSUs which meet or exceed all applicable requirements listed in 30 CFR Part 74. It also requires conducting audits of new ''off-the-shelf'' CMDPSUs certified under these regulations to determine compliance, evaluating those CMDPSUs sent to NIOSH as field problems, and responding to technical assistance requests. The total cost to respondents is estimated at $11,000.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Manufacturer	1	1	39	39
Total				39

3. Monthly Vital Statistics Report—(0920–0213)—Extension—The compilation of national vital statistics dates back to the beginning of this century and has been conducted since 1960 by the Division of Vital Statistics of the National Center for Health Statistics, CDC. The collection of the data is authorized by 42 USC 242k. The Monthly Vital Statistics Report provides estimates of monthly occurrences of births, deaths, infant deaths, marriages, and divorces following the end of each month. Similar data have been published since 1937, and are the sole source of these data at the national level. The data are widely used by the Department of Health and Human Services and by other government, academic, and private research organizations in tracking changes in trends of vital events. The data are essential to the U. S. Bureau of the Census as input to their various population estimates. They are also used each month by the Bureau of Economic Analysis, Department of Commerce, to extrapolate an element of the Gross National Product.

Respondents for the Monthly Vital Statistics Report and the Monthly Report on Marriages, Divorces and Annulments are registration officials in each state, the District of Columbia, and New York City. Respondents for the Monthly Marriage and Divorce Statistical Report forms are 60 local (county) officials in New Mexico who record marriages occurring and divorces and annulments granted in each county of New Mexico. The are no direct costs to respondents; the data are routinely available in each reporting office as a by-product of ongoing activities.

Respondents	No. of respondents	No. of responses/respondents	Avg. burden/response (in hrs.)	Total burden (in hrs.)
State registration officials: Monthly Vital Statistics Report	52	12	0.1	62.4
State registration officials: Monthly Report on Marriages, Divorces, and Annulments	52	12	0.1	62.4
County registration officials: New Mexico: Monthly Marriage and Divorce Statistical Report Forms	60	12	0.1	72
Total				197

4. Standardized Reporting System and Associated Epidemiologic Investigations of Occupationally Related Infection with Human Immunodeficiency Virus in Health Care and Public Safety Settings (0920–0286)—Extension—The Surveillance Branch, Division of HIV/AIDS Prevention, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention plans to continue surveillance of health care workers (HCWs) and public safety workers who may have occupationally acquired human immunodeficiency virus (HIV) infection. This reporting system, initiated September 1991, collects essential scientific information on workers with occupationally acquired HIV infection, the exposures that led to infection, and the natural history of HIV infection. State and local health departments will investigate reported cases of HCWs and others with HIV infection for whom HIV may have been transmitted through occupational exposures. With the consent of the infected worker, the health department will collect information including: HIV test results; whether the route of exposure was percutaneous, mucous membrane, or skin; the type of device and procedure associated with the exposure; use of postexposure chemoprophylaxis; and other behavioral and transfusion risk factors for HIV infection. Reports, without identifying information, will be forwarded from the health department to CDC. The total cost to respondents is estimated at $1,250.

Respondents	No. of respondents	No. of responses/respondent	Average burden /response (in hrs.)	Total burden (in hrs.)
Workers who may have occupation- ally acquired HIV infection	100	1	0.5	50
Total				50

5. Development and Implementation of a Comprehensive Evaluation for Project DIRECT (Diabetes Intervention: Reaching and Educating Communities Together—NEW—Diabetes mellitus is more prevalent among African-Americans than whites, and African-Americans with diabetes are more likely to suffer its devastating complications. Compared to whites, African-Americans are more likely to develop blindness and end-stage renal disease and are more likely to have amputations. In addition, cardiovascular risk factors are more prevalent among African-Americans than whites and African-Americans are more likely to die with diabetes than are whites. In response to this disparity, the Centers for Disease Control and Prevention (CDC) has launched a large-scale community intervention trial known as Project DIRECT (Diabetes Intervention: Reaching and Educating Communities Together). Based in Raleigh, North Carolina, and sponsored by CDC's Division of Diabetes Translation, Project DIRECT will serve as a model for multilevel community-based diabetes prevention and control programs for urban African-Americans.

This evaluation will determine the effect of (1) diabetes care; (2) outreach, and (3) health promotion interventions in the targeted community and compare this effect to a control community. The intervention activities focus on the African-American population of a geographically defined area of southeast Raleigh, North Carolina. The control community

is Greensboro, North Carolina. The populations consist primarily of African-Americans. Health care providers will be identified and solicited from practicing physicians in Raleigh and Greensboro.

The survey will be conducted in four phases. Phase I will randomly identify and solicit participation from household members with and without diabetes from the control and intervention communities. In Phase II, participants with and without diabetes will be randomly selected and administered the survey questionnaire upon granting informed consent. During Phase III, persons with diabetes will undergo a brief physical exam that will consist of physical measures for height, weight, blood pressure, and body mass index. In addition, collection of a venous blood sample and urine sample will be performed. In Phase IV, interviewers will administer a questionnaire to primary care physicians about their knowledge, attitude and practice patterns for caring for persons with diabetes. This study will undergo Institutional Review Board reviews and comply with human subject assurances in accordance with federal regulations. The total cost to respondents is estimated at $41,160.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Households	8,000	1	0.3333	2,666
Persons without diabetes	1,600	1	0.5	800
Persons with diabetes	600	1	0.5	300
Primary Care Physicians	140	1	0.5	70
Total				3,836

6. National Disease Surveillance Program I—(0920–0009)—Extension—Formal surveillance of 21 separate reportable diseases has been ongoing to meet the public demand and scientific interest for accurate, consistent epidemiologic data. The diseases include: HIV/AIDS, bacterial meningitis, dengue, idiopathic CD4+ T-lymphocytopenia, kawasaki syndrome, legionellosis, Hansen's Disease, lyme disease, malaria, pertussis, plague, poliomyelitis, psittacosis, Reye Syndrome, Rocky Mountain Spotted Fever, Tetanus, Toxic Shock Syndrome, toxocariasis, trichinosis, typhoid fever, and viral hepatitis. Case report forms enable CDC to collect demographic, clinical, and laboratory characteristics of cases of these diseases. This information is used to direct epidemiologic investigations, to identify and monitor trends in reemerging infectious diseases or emerging modes of transmission, to search for possible causes or sources of the diseases, and to develop guidelines for prevention and or treatment. It is also used to recommend target areas in most need of vaccinations for certain diseases and to determine development of drug resistance.

Because of the distinct nature of each of the diseases, the number of cases reported annually is different for each. The total cost to respondents is estimated at $818,184.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden response (in hrs.)	Total burden (in hrs.)
Health Care Workers	125,214	1	0.5	34,091
Total				34,091

Dated: April 22, 1996.

Wilma G. Johnson,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–10356 Filed 4–25–96; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

[Docket No. 96N–0010]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the Federal Register concerning each collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a survey of male and female consumers regarding various formats for presenting risk and benefit information in drug labeling.

DATES: Submit written comments by June 25, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Charity B. Smith, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–19, Rockville, MD 20857, 301–827–1686.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide 60-day notice in the Federal Register concerning each proposed collection of information. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c). To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of

information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology.

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. The Marketing Practices and Communications Branch of FDA's Division of Drug Marketing, Advertising, and Communications is studying the effectiveness of various formats for the presentation of risk and benefit information for over-the-counter (OTC) and prescription drugs to male and female patients through patient labeling. To gain information about the value and utility of benefit and risk information presented in several formats, three studies will be undertaken. In each study subjects will examine materials varied by one or more risk formatting variables for one prescription and one OTC drug. Subjects will be recruited at large shopping malls. They will be brought to a private interview room where they will examine the materials, and a structured interview will be conducted. Equal numbers of subjects of each gender will be included in each study. In addition, there will be a control group for each study that receives ''no-risk'' information labels for the drugs. There will be 2,160 experimental subjects and 540 control subjects, for a total of 2,700 respondents.

ESTIMATED ANNUAL REPORTING BURDEN

No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
2,700	1	1	.5	1,350

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: April 19, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–10302 Filed 4–25–96; 8:45 am]

BILLING CODE 4610–01–M

[Docket No. 96D–0132]

Guidance Concerning Demonstration of Comparability of Human Biological Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''FDA Guidance Concerning Demonstration of Comparability of Human Biological Products, Including Therapeutic Biotechnology-derived Products.'' Manufacturing process, equipment, and/or facilities changes have the potential to alter a product and affect its safety, identity, purity, and potency. Therefore, manufacturers should carefully assess such changes and should evaluate the product resulting from these changes for comparability to the pre-existing product. This guidance document is intended to address the concept of comparability and delineates those analyses that manufacturers should perform and which FDA will evaluate to allow more rapid implementation of manufacturing changes for these types of products.

DATES: Written comments may be submitted at any time, however, to ensure comments are considered for the next revision, they should be submitted by July 25, 1996.

ADDRESSES: *CBER Information*: Submit written requests for single copies of the document entitled ''FDA Guidance Concerning Demonstration of Comparability of Human Biological Products, Including Therapeutic Biotechnology-derived Products'' to the Division of Congressional and Public Affairs (HFM–44), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. The document may also be obtained by FAX by calling the CBER Voice Information System at 1–800–835–4709. Persons with access to the INTERNET may obtain the document in several ways. Users of ''Web Browser'' software, such as Mosaic, Netscape, or Microsoft Internet Explorer may obtain this document via the World Wide Web by using the following Uniform Resource Locators (URL's):http://www.fda.gov/cber/cberftp.htmlftp://ftp.fda.gov/CBER/

The document may also be obtained via File Transfer Protocol (FTP). Requesters should connect to the FDA FTP Server, FTP.FDA.GOV (192.73.61.21). The Center for Biologics Evaluation and Research (CBER) documents are maintained in a subdirectory called ''CBER'' on the server. Logins with the user name of anonymous are permitted, and the user's e-mail address should be sent as the password. The ''READ.ME'' file in that subdirectory describes the available documents which may be available as an ASCII text file (*.TXT), or a WordPerfect 5.1 or 6.x document (*.w51,wp6), or both. Finally, the document can be obtained by ''bounce-back e-mail''. A message should be sent to: ''comptest@a1.cber.fda.gov''.

CDER Information: For additional copies of this guidance, contact the Division of Communications Management (HFD–210), Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 5600 Fisher's Lane, Rockville, MD 20857, 301–594–1012. Send one self-addressed adhesive label to assist that office in processing your requests. An electronic version of this guidance is also available via Internet using FTP, Gopher or the World Wide Web (WWW). For FTP, connect to the CDER anonymous FTP server at cdvs2.cder.fda.gov and change to the ''guidance'' directory. For Gopher, connect to the CDER Gopher server at gopher.cder.fda.gov and select the ''Industry Guidance'' menu option. For WWW, connect to the FDA Home Page at http://www.fda.gov./fdahomepage.htlm.

Submit written comments on the document to the Dockets Managements Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Corporations should submit two copies of any comments and individuals may submit one copy. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the document and received comments are available for public examination in the

Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Annette Ragosta, Center for Biologics Evaluation and Research (HFM–630), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–3074.

SUPPLEMENTARY INFORMATION: FDA acknowledges that changes in product manufacture may occur during product development and subsequent to product approval. Manufacturers frequently upgrade and refine a product's production process as technology advances and as they gain experience with the product. Historically, because of the limited ability to characterize the identity and structure of the clinically active component(s) and measure its activity, a biological product was often defined by its manufacturing process, and manufacturers of biological products sought to minimize changes to the manufacturing process to avoid performing additional clinical studies to verify the safety, purity, and potency of the finished product. Due to advances in biologics research and manufacturing, including the ability to make well-characterized biotechnology-derived products, a manufacturer may change a manufacturing process without FDA requiring additional clinical studies if test data demonstrate that the product is comparable to the product manufactured before the change. Therefore, FDA is publishing this guidance document to further clarify situations in which sponsors may make manufacturing changes and perform comparability testing to assure that the approved product is pure, potent, and safe.

Manufacturers should perform comparability testing to demonstrate that identity, purity, potency, and safety of the product have not been affected by changes in the manufacturing process, equipment, or facilities. This guidance document discusses principles and categories of tests which may be performed to demonstrate product comparability, but does not discuss specific manufacturing changes. Comparability testing programs may include a combination of analytical testing, bioassays, preclinical animal studies, and clinical studies. Since each product may present unique concerns, the type of change, the relevance of validated analytical and biological assays used, the stage of product development, and the clinical program should be considered by manufacturers when designing a comparability program. FDA will take all of these into consideration when reviewing the comparability data that are submitted. Sponsors are encouraged to discuss proposed testing programs with FDA before implementing them, especially in those cases where they expect differences to result from the manufacturing changes. This document does not describe how changes are to be reported or which changes require prior approval. Manufacturers should consult current regulations and guidance documents regarding reporting and approval submissions.

As with other guidance documents, FDA does not intend this document to be all inclusive. The document is intended to provide information and does not set forth requirements. Manufacturers may follow the document or may choose to use alternative procedures that are not provided in this document. If a manufacturer chooses to use alternative procedures, that manufacturer may wish to discuss the matter further with FDA to prevent expenditure of resources to generate data on activities that FDA may later determine to be unacceptable.

Although this guidance document does not create or confer any rights for or on any person and does not operate to bind FDA or the public, it does represent the agency's current thinking on the demonstration of comparability of human biological products, including therapeutic biotechnology-derived products.

Interested persons may submit to the Dockets Management Branch (address above) written comments on the guidance document. FDA will review the comments received and if appropriate consider preparing a revised guidance document based upon that review. However, CBER notes that it has made comparability assessments when approving /products in the past and will continue to do so during the comment period. FDA will announce the availability of this revised guidance document in the Federal Register if FDA revises its comparability policy as a result of public comment.

Dated: April 22, 1996

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–10426 Filed 4–25–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Maternal and Child Health Services; Federal Set-Aside Program; Continuing Education and Development Cooperative Agreements

AGENCY: Health Resources and Services Administration (HRSA), PHS.

ACTION: Notice of availability of funds.

SUMMARY: The HRSA announces that applications will be accepted for fiscal year (FY) 1996 funds for Maternal and Child Health (MCH) Special Projects of Regional and National Significance (SPRANS) Continuing Education and Development (CED) cooperative agreements to support national education, information, and public policy projects in maternal and child health. Awards will be made under the program authority of section 502(a)(2)(A) of the Social Security Act, the training provision of the MCH Federal Set-Aside Program. SPRANS training projects may be awarded only to public or nonprofit private institutions of higher learning. Within the HRSA, MCH CED cooperative agreements are administered by the Maternal and Child Health Bureau (MCHB). Awards under this announcement are made for grant periods of up to 5 years in duration.

This program announcement is subject to the appropriation of funds. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. At this time, given a continuing resolution and the absence of FY 1996 appropriations for the SPRANS program, the amount of available funding for this specific grant program cannot be estimated.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The MCH Block Grant Federal Set-Aside Program addresses issues related to the Healthy People 2000 objectives of improving maternal, infant, child and adolescent health and developing service systems for children with special health care needs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the

Superintendent of Documents, Government Printing Office Washington, DC 20402–9325 (telephone: 202 783–3238).

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

ADDRESSES: Grant application materials for MCH CED cooperative agreements must be obtained from and submitted to: Chief, Grants Management Branch, Office of Operations and Management, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18–12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1440. Applicants will use Form PHS 6025–1, approved by OMB under control number 0915–0060. You must obtain application materials in the mail.

Federal Register notices and application guidance for MCHB programs are available on the World Wide Web via the Internet at address: http://www.os.dhhs.gov/hrsa/mchb. Click on the file name you want to download to your computer. It will be saved as a self-extracting (Macintosh or) Wordperfect 5.1 file. To decompress the file once it is downloaded, type in the file name followed by a <return>. The file will expand to a Wordperfect 5.1 file. If you have difficulty accessing the MCHB Home Page via the Internet and need technical assistance, please contact Linda L. Schneider at 301–443–0767 or ''lschneider@hrsa.ssw.dhhs.gov''.

DATES: The deadline for receipt of applications for CED cooperative agreements is June 7, 1996.

Applications will be considered to have met the deadline if they are either: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated receipt from a commercial carrier or the U.S. Postal Service, or obtain a legibly dated U.S. Postal Service postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications or those sent to an address other than specified in the **ADDRESSES** section will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to the contact persons identified below. Requests for information concerning business management issues should be directed to: Acting Grants Management Officer (GMO), MCHB, at the address specified in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Under Section 502 of the Social Security Act, 15 percent of the funds are to be set-aside by the Secretary to support (through grants, contracts, or otherwise) special projects of regional and national significance, including research, and training with respect to maternal and child health and children with special health care needs (including early intervention training and services development). The MCH SPRANS set-aside was established in 1981. Support for projects covered by this announcement will come from the SPRANS set-aside.

Continuing Education and Development (CED) training includes efforts conducted by an institution of higher learning such as short-term, non-degree programs, courses, workshops, conferences, symposia, institutes, and long distance learning strategies; and/or development or enhancement of curricula, guidelines, standards of practice, and educational tools/strategies. Continuing Education and Development focuses on increasing leadership skills of MCH professionals; facilitating timely transfer and application of new information, research findings, and technology related to MCH; and updating and improving the knowledge and skills of health and related professionals in programs serving mothers and children, including children with special health care needs (CSHCN). As a result of the CED, professionals and the public are more adequately prepared to provide comprehensive services and to provide leadership in advancing the field to better serve mothers and children.

The undertaking for which applications are being solicited in this notice is intended to expand on at least one similar project in resource and policy development—the National Education and Information Project—conducted since 1989 by the National Center for Education in Maternal and Child Health, Georgetown University. The general purpose of that project was to gather, classify, store, and disseminate information on maternal and child health. Major services included dissemination of information and education through workshops and conferences, and production of publications drawn from customized databases.

Special Concerns

In its administration of the MCH Services Block Grant, the MCHB places special emphasis on improving service delivery to women and children from racial and ethnic minority populations who have had limited access to care. This means that SPRANS projects are expected to serve and appropriately involve in project activities individuals from the populations to be served, unless there are compelling programmatic or other justifications for not doing so. The MCHB's intent is to ensure that project interventions are responsive to the cultural and linguistic needs of special populations, that services are accessible to consumers, and that the broadest possible representation of culturally distinct and historically underrepresented groups is supported through programs and projects sponsored by the MCHB. This same special emphasis applies to improving service delivery to children with special health care needs.

In keeping with the goals of advancing the development of human potential, strengthening the Nation's capacity to provide high quality education by broadening participation in MCHB programs of institutions that may have perspectives uniquely reflecting the Nation's cultural and linguistic diversity, and increasing opportunities for all Americans to participate in and benefit from Federal public health programs, a funding priority will be placed on projects from Historically Black Colleges and Universities (HBCU) or Hispanic Serving Institutions (HSI) in both categories in this notice. An approved proposal from a HBCU or HSI will receive a 0.5 point favorable adjustment of the priority score in a 5 point range before funding decisions are made.

Evaluation Protocol

An MCH discretionary project, including a SPRANS, is expected to incorporate a carefully designed and well planned evaluation protocol capable of demonstrating and documenting measurable progress toward achieving the project's stated goals. The protocol should be based on a clear rationale relating the project activities, the project goals, and the evaluation measures. Wherever possible, the measurements of progress toward goals should focus on health outcome indicators, rather than on intermediate measures such as process or outputs. A project lacking a complete and well-conceived evaluation protocol

as part of the planned activities will not be funded.

Project Review and Funding

Within the limit of funds determined by the Secretary to be available for the activities described in this announcement, the Secretary will review applications for funds as competing applications and may award Federal funding for projects which will, in her judgment, best promote the purpose of Title V of the Social Security Act, with special emphasis on improving service delivery to women and children from culturally distinct populations; best address achievement of Healthy Children 2000 objectives related to maternal, infant, child and adolescent health and service systems for children at risk of chronic and disabling conditions; and otherwise best promote improvements in maternal and child health.

Criteria for Review

The criteria which follow are used, as pertinent, to review and evaluate applications for awards under all SPRANS cooperative agreement categories announced in this notice. Further guidance in this regard is supplied in application guidance materials.

—The quality of the project plan or methodology.
—The need for the training.
—The extent to which the project will contribute to the advancement of maternal and child health and/or improvement of the health of children with special health care needs;
—The extent to which the project is responsive to policy concerns applicable to MCH grants and to program objectives, requirements, priorities and/or review criteria for specific project categories, as published in program announcements or guidance materials.
—The extent to which the estimated cost to the Government of the project is reasonable, considering the anticipated results.
—The extent to which the project personnel are well qualified by training and experience for their roles in the project and the applicant organization has adequate facilities and personnel.
—The extent to which, insofar as practicable, the proposed activities, if well executed, are capable of attaining project objectives.
—The strength of the project's plans for evaluation.
—The extent to which the project will be integrated with the administration of the MCH Block Grant, State primary care plans, public health, and prevention programs, and other related programs in the respective State(s).
—The extent to which the application is responsive to the special concerns and program priorities specified in this notice.

Award Categories

For FY 1996, CED cooperative agreements will be awarded in two categories: one concerned with resource, educational and analytic activities; and the other concerned with population-focused analytic and related activities.

There will be substantial Federal programmatic involvement in these cooperative agreements. This means that after award, awarding office staff provide technical assistance and guidance to, or coordinate and participate in, certain programmatic activities of award recipients beyond their normal stewardship responsibilities in the administration of grants. Federal involvement may include, but is not limited to, planning, guidance, coordination and participation in programmatic activities. Periodic meetings, conferences, and/or communications with the award recipient are held to review mutually agreed upon goals and objectives and to assess progress. Additional details on the scope of Federal programmatic involvement in cooperative agreements, consistent with HRSA grants administration policy, will be included in the application guidance for these cooperative agreements.

Purpose

The purpose of these cooperative agreements is to support a program of continuing education and development (CED) through interrelated national education, information and public policy projects in maternal and child health. This effort would build on the National Education and Information Project, which has been conducted by the National Center for Education in Maternal and Child Health, at Georgetown University. The cooperative agreements seek to improve the health status of mothers and children through:

—Development and dissemination of new information,
—Initiation or demonstration of new or improved ways of delivering care or otherwise enhancing the capacity of Title V and related programs to provide or assure the provision of appropriate services, or
—Advancing the knowledge, skills and leadership of personnel in specialities relevant to MCH.

Based on state-of-the-art analysis, the continuing education offered is intended to develop or improve standards, practices or delivery of health care for the MCH population, and may be provided through such activities as workshops, seminars, institutes, and other relevant activities.

Awardees for these cooperative agreements will be expected to work closely with a national maternal and child health clearinghouse and with each other in handling referrals of inquiries and requests for publications and other information.

Categories/Priorities

The following two categories of cooperative agreements will be funded through this announcement:

—Category I: Resource, educational, and analytic activities to assist in policy formulation and program development across target populations. These would focus on such functional areas as child health supervision, nutrition, oral health, injury prevention, immunizations, mental health, community systems, financing, and economics.
—Category II: Population-focused education and analytic, and related activities to assist in policy formulation and program development to advance a national agenda concentrating on the following maternal and child health subpopulations: perinatal and women, infancy and early childhood, and middle childhood and adolescence. These would focus on such issues as those relating to program content, systems development, accountability/quality improvement, and special concerns noted earlier.

Project Period

Project durations are up to 5 years.

Contact

For programmatic or technical information, contact Woodie Kessel, M.D., telephone 301–443–2340, or David Heppel, M.D., telephone 301–443–2250.

Public Comment

The categories, priorities, special considerations and preferences described above are not being proposed for public comment this year. In July 1993, following publication of the Department's Notice of Proposed Rulemaking to revise the MCH special project grant regulations at 42 CFR 51a, the public was invited for a 60-day period to submit comments regarding all aspects of the SPRANS application and

review process. In responding to those comments, the Department noted the practical limits on Secretarial discretion in establishing SPRANS categories and priorities owing to the extensive prescription in both the statute and annual Congressional directives.

Comments on this SPRANS notice which members of the public wish to make are welcome at any time and may be submitted to: Director, MCHB, at the address listed in the **ADDRESSES** section. Suggestions will be considered when priorities are developed for the next solicitation.

Eligible Applicants

MCH training awards may be made only to public or nonprofit private institutions of higher learning.

Executive Order 12372

The MCH Federal set-aside program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs.

The OMB Catalog of Federal Domestic Assistance number is 93.110.

Dated: April 22, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–10425 Filed 4–25–96; 8:45 am]

BILLING CODE 4160–15

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3778–N–82]

Office of the Assistant Secretary for Community Planning and Development; Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 19, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 96–10241 Filed 4–25–96; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Western Water Policy Review Advisory Commission Meeting

AGENCY: Department of the Interior.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Western Water Policy Review Advisory Commission (Commission), established by the Secretary of the Interior under the Reclamation Projects Authorization and Adjustment Act of 1992, will hold its second meeting. The meeting will be open to the public.

DATES: The meeting will be Thursday, May 16, 1996, from 1:00 to 5 p.m. and Friday, May 17, 1996, from 8:30 a.m. to 12:00 noon.

ADDRESSES: The Commission meeting will be at the Executive Tower Hotel, 1405 Curtis Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Western Water Policy Review Office, PO Box 25007, Denver, Colorado, 80225, (303) 236–6211.

SUPPLEMENTARY INFORMATION: The Reclamation Projects Authorization and Adjustment Act of 1992, Public Law 102–575, Section 30 directs the President to undertake a comprehensive review of Federal activities in the 19 Western States which affect the allocation and use of water resources, and to submit a report on the President's finding and recommendations to Congress. The Secretary of the Interior established the Commission to provide assistance regarding the President's report to Congress. The President's report is due to Congress by October 2, 1997.

At this meeting, the Commission will discuss the information obtained at a series of scoping of meetings held recently throughout the Western United States to obtain suggestions for the Commission's work plan. A final work plan will be proposed and discussed by the Commission. Members of the public may submit written statements to the Commission at the address listed above, or at the meeting. There will be an opportunity for public comment to the Commission on Friday morning, May 17, 1996. If you are interested in addressing the Commission, please notify the Commission office by May 10, 1996, to facilitate scheduling. Seating at the meeting will be limited and therefore on a first come basis.

Dated: April 22, 1996.

Lawrence J. MacDonnell,

Executive Director, Western Water Policy Review Advisory Commission.

[FR Doc. 96–10357 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–94–M

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability; request for comments.

Availability of an Environmental Assessment and Receipt of an Application for a Permit to Authorize Incidental Take of Threatened and Endangered Species by Port Blakely Tree Farms, L. P., on the Robert B. Eddy Tree Farm, Pacific and Grays Harbor Counties, Washington.

SUMMARY: This notice advises the public that Port Blakely Tree Farms, L. P., of Seattle, Washington (Applicant) has applied to the U.S. Fish and Wildlife Service (FWS) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number PRT–813744. The Applicant has also requested to enter into a consensual agreement with the U.S. National Marine Fisheries Service (NMFS) to address the needs of anadromous salmonids being considered for listing under the Act, and with the FWS to conserve other fish and wildlife species which may be associated with habitats on their Robert B. Eddy Tree Farm in Pacific and Grays Harbor Counties, Washington (Tree Farm). The requested permit would authorize the incidental take of northern spotted owls (*Strix occidentalis caurina*), marbled

murrelets (*Brachyramphus marmoratus marmoratus*), bald eagles (*Haliaeetus leucocephalus*), and American peregrine falcons (*Falco peregrinus anatum*) that may occur on the Applicant's Tree Farm. The proposed incidental take may occur as a result of timber harvest activities, and road construction and maintenance in the various habitat types that occur now, and will occur on the Tree Farm during the 50-year term of the proposed permit. The application includes a Habitat Conservation Plan (HCP), which the Applicant proposes to implement as a condition of the permit, and an Implementation Agreement (IA) which identifies the responsibilities of the parties under the HCP. The IA would provide for the issuance of additional permits under certain conditions for the incidental take of species not presently listed under the Act, but which may become listed during the term of the proposed permit, and which may occur in habitats on the Tree Farm.

The FWS, in conjunction with NMFS, announces the availability of an Environmental Assessment (EA) for the proposed issuance of the incidental take permit and signing of the IA. The agencies are also making draft permit conditions available for public review and comment should the permit be issued. The FWS is taking administrative responsibility for announcing the availability of the aforementioned documents. All comments received will become part of the public record and may be released. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA, and draft permit conditions should be received on or before May 28, 1996.

ADDRESSES: Comments regarding the application or EA should be addressed to Mr. Curt Smitch, Assistant Regional Director, U.S. Fish and Wildlife Service, 3704 Griffin Lane, SE, Suite 102 Olympia, Washington 98501 (360–753–9440). Please refer to permit PRT–813744 when submitting comments. Individuals wishing copies of the application, EA, or draft permit conditions, for review should immediately contact the above office.

FOR FURTHER INFORMATION CONTACT: Brian Bogaczyk, U.S. Fish and Wildlife Service at (360) 753–5824, or Matt Longenbaugh, National Marine Fisheries Service at (360) 753–7761, at the address listed above.

SUPPLEMENTARY INFORMATION:

Background

Under section 9 of the Act, and its implementing regulations, ''take'' of a threatened or endangered species is prohibited. However, the FWS and NMFS, under limited circumstances, may issue permits to take threatened and endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32 and in 50 CFR 17.22 for endangered species.

The Applicant proposes to implement the HCP containing conservation measures for the northern spotted owl, marbled murrelet, bald eagle, peregrine falcon, and other currently unlisted species, as a condition of the permit which would authorize the incidental take of listed species during timber harvest activities on the approximately 7,485-acre Tree Farm. The Applicant's proposed timber harvest may result in the take, as defined in the Act and its implementing regulations, of listed species. The term of the proposed HCP and permit is 50 years.

The Applicant proposes to mitigate for the impacts of any incidental take by maintaining the best late successional habitat (>80 years old) on the Tree Farm in harvest deferrals until ingrowth of additional older, higher quality habitat occurs. Measures to maintain important habitat structures such as wildlife trees, snags and downed logs would be implemented on all harvest units. Further, riparian measures designed to protect stream associated amphibians, and anadromous and resident fish would be implemented along streams. Additional benefits to these riparian species would be provided by improvements to road construction and maintenance techniques. Implementation of all measures would be initiated immediately upon issuance of the permit, and would continue for the term of the permit.

The EA considers the environmental consequences of 3 alternatives, including the proposed action and no-action alternatives. The proposed action alternative is the issuance of the permit under section 10(a) of the Act that would authorize incidental take of listed species, and signing of the IA to cover currently unlisted species, that may occur in the habitats on the Applicant's Tree Farm. The proposed action would require the Applicant to implement the HCP. Under the no-action alternative, the Applicant would continue to abide by section 9 take prohibitions under the Act; an incidental take permit would not be issued. The third alternative is to manage the Tree Farm according to the standards and guidelines described in the Northwest Forest Plan, which would maintain approximately 61 percent of the Tree Farm in reserves.

Dated: April 22, 1996.

Thomas Dwyer,

Deputy Regional Director, Region 1, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 96–10360 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–55–P

Receipt of Application for Incidental Take Permit for Surveying Black-Footed Ferrets in Chaves County, NM

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Scott Ellis has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(A)1(a) of the Endangered Species Act for the purpose of scientific research and enhancement of propogation and survival of the endangered black-footed ferret (*Mustela nigripes*), as prescribed by Service recovery documents. The applicant has been assigned permit number PRT–804124. The requested permit, which is for a period of 2 years, authorizes the incidental take of the black-footed ferret which may occur as a result of nocturnal surveys of a 150-acre black-tailed prairie dog colony in Chaves County, New Mexico.

DATES: Written comments on the application should be received on or before May 28, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by contacting to the Chief, Ecological Services/Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. The request must be received by the Chief, Ecological Services/Endangered Species within 30 days of the date of this publication. Please refer to permit number PRT–804124 when submitting comments.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the black-footed ferret. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such take is for scientific purposes. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Scott Ellis plans to conduct nocturnal black-footed ferret surveys on a 150-acre prairie dog colony. Permit number PRT–804124 has been assigned to this applicant, and this permit is valid for a period of 2 years.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–10325 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–55–P

Availability of a Revised Habitat Conservation Plan and Supplement to a Previously Circulated Environmental Assessment Evaluating Proposed Issuance of Incidental Take Permit PRT–803743 to the City of Poway and Its Redevelopment Agency in San Diego County, CA

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

SUMMARY: The City of Poway and its Redevelopment Agency (applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (PRT–803743) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application package includes a Subarea Habitat Conservation Plan (HCP) and Implementing Agreement (IA). The proposed incidental take would occur as a result of habitat disturbance associated with residential and limited municipal development in the City of Poway, San Diego County, California.

The requested permit would authorize the incidental take of 4 animal species listed as endangered and 2 animal species listed as threatened. The applicants also have requested coverage for an additional 37 unlisted, sensitive species (11 plant, 26 animal), including three proposed endangered species. Of these 43 species, 22 are known to occur within the City of Poway. The June 21, 1995, Notice of Availability (60 FR 32337) inadvertently omitted mention of the remaining 21 species. These 21 species either are not known to occur within Poway or the impacts of the HCP on the species were considered to be insignificant (discountable, minor in relationship to the species as a whole, or not reasonably expected to occur). The HCP proposes to conserve all 43 species according to standards required for listed species under the Act. The applicant has requested that all 43 species be included in the permit. In the event that any of the 43 species that are currently unlisted become listed in the future, the permit would take effect upon the listing of those species.

An Environmental Assessment/Initial Study Mitigated Negative Declaration (EA/IS) for the proposed permit issuance and draft Subarea HCP was circulated for public review in June, 1995, in accordance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act regulations (60 FR 32337). On August 15, 1995, the Poway City Council approved the Subarea HCP with the stipulation that participation in the HCP by private property owners would be optional, and not mandatory as originally proposed. Private property owners who do not wish to be included in the Subarea HCP and want to develop their property in a manner that would result in take of a listed species would obtain development approvals through the traditional endangered species permit process under either section 10 or section 7 of the Act. A supplemental EA has been prepared to evaluate the effects of changing the plan from mandatory to voluntary private landowner participation. The Subarea HCP also has been revised accordingly and an errata sheet prepared. This notice advises the public that the supplemental EA and revised HCP are available for review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

DATES: Written comments should be received on or before May 28, 1996.

ADDRESSES: Comments regarding the adequacy of the supplemental EA and revised HCP should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, CA 92008; FAX (619) 431–9618.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Gilbert, Fish and Wildlife Biologist, at the above address, telephone (619) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Copies of the Supplemental EA and HCP errata sheet will be sent to everyone on the original distribution list or who commented on the permit application during the initial public comment period. Other individuals who wish to receive copies of the supplemental EA or revised HCP for review should immediately contact Ms. Gilbert. Copies of the supplemental EA, Subarea HCP, HCP errata sheet, and original permit application also may be viewed by appointment, during normal business hours, at the above address.

Background

The EA/IS, circulated in June 1995, evaluated four alternatives including the proposed action (issuance of the incidental take permit). The three alternatives to the proposed action are summarized below and incorporated by reference in the supplemental EA, but analysis of these alternatives is not repeated in the supplemental EA. Under the No Action Alternative, the proposed HCP would not be implemented. The applicants would either avoid take of listed species within the planning area, or apply for individual 10(a)(1)(B) permits on a project-by-project basis. Existing land use and environmental regulations would apply to all projects proposed within the planning area. Existing regulatory practices require mitigation for impacts to sensitive species and habitats resulting in lands being set aside for open-space preservation; however, greater habitat fragmentation would likely occur under the No Action Alternative than the Proposed Alternative because the lands set aside for open-space preservation would not be assembled in a coordinated preserve system. Under a 100 Percent Preservation of Mitigation Area Alternative, all identified habitat and species within the Mitigation Area would be preserved. Development would be prohibited within the proposed Mitigation Area boundary except on already disturbed areas where such development would not impact the viability of the proposed Mitigation Area. Under the Modified Mitigation Area Alternative, the proposed Mitigation Area boundary would consist only of lands already preserved in Poway; i.e., cornerstone lands as identified in the Subarea HCP, parcels purchased for mitigation of the Scripps-Poway Parkway Extension project, and slopes over 45 percent within the Mitigation Area.

Under the Proposed Alternative, changing participation in the Subarea HCP from mandatory to optional for private property owners could modestly increase impacts to native vegetation and species, as well as fragmentation in biological core and linkage areas important to overall preserve design. However, existing regulations that afford protection to listed species would reduce these effects. In cases where private property owners choose not to participate in the Subarea HCP, preservation of open space and avoidance or mitigation for biological impacts would still occur in accordance

with local, State, and Federal regulations, but possibly in a less organized, more piece-meal fashion. Consistent standards may not be followed, and open space linkages may be more difficult to plan, assemble, and maintain. In many cases, however, participation in the voluntary HCP is likely to benefit landowners in terms of time and money relative to obtaining individual permits under the Act, resulting in a strong incentive for owners of parcels supporting listed species to participate in the Subarea HCP. Given the large amount of public land dedicated as biological open space in Poway, the relatively low level of habitat impacts expected on private lands, and the strength of existing local, State, and Federal environmental protection regulations, adverse effects on listed species of changing the Subarea HCP to optional participation for private property owners are expected to be minimal.

Dated: April 22, 1996.

Thomas J. Dwyer,

Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–10358 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Indian Affairs

Request for Public Comment on Indian Education Topics

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal Consultation on Indian Education Topics and Comment Period.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) will conduct tribal consultation meetings to obtain comments concerning potential issues in Indian education programs. In addition to issues which may be raised by tribes and tribal organizations, the BIA has identified the following issues to be addressed at these meetings: School Attendance Boundaries, Element 10 Formula, National Performance Review Project and School Reform Initiative.

DATES: The dates and locations of the tribal consultation meetings are listed below. All meetings will begin at 9:00 a.m. and continue until 3:00 p.m., local time.

Date	Location	BIA contact and telephone number
May 1, 1996	UTEC, Bismarck, North Dakota	Cherie Farlee, (605) 964–8722.
May 2, 1996	Rode Way Inn, Green Bay, Wisconsin	Terry Portra, (612) 373–1090.
May 2, 1996	Southern Pueblos Agency, Albuquerque, New Mexico	Benjamin Atencio, (505) 766–3034.
May 2, 1996	Holiday Inn, Gallup, New Mexico	Andrew Tah, (520) 283–2218.
May 7, 1996	Tribal Council, Cherokee, North Carolina	LaVonna Weller, (703) 235–3233.
May 9, 1996	Marriott, Oklahoma City, Oklahoma	Judy Littleman, (405) 945–6051.
May 10, 1996	Area Office, Billings, Montana	Larry Parker, (406) 247–7953.
May 13, 1996	Area Office, Anchorage, Alaska	Robert Pringle, (907) 271–4115.
May 14, 1996	Holiday Inn, Phoenix, Arizona	Angelita Felix, (520) 262–3557.
May 15, 1996	Area Office, Sacramento, California	Fayetta Babby, (916) 979–2560.
May 21, 1996	Red Lion, Pendelton, Oregon	John Reimer, (503) 872–2743.

All comments must be received by the close of business June 15, 1996. Written comments must be mailed to the Office of Indian Education Programs, MS–3512–MIB, OIE–32, 1849 C Street, NW, Washington, D.C. 20240, Attn: Mr. Goodwin K. Cobb III, or hand delivered to Room 3512 at the same address. Telefax responses may be transmitted to Mr. Cobb at (202) 273–0030.

FOR FURTHER INFORMATION CONTACT: Goodwin K. Cobb III or Dr. Jim Martin at the above address or call (202) 208–3550.

SUPPLEMENTARY INFORMATION: These tribal consultation meetings are a follow-up to similar meetings conducted by the BIA since 1990. The purpose of the tribal consultation, as required by 25 U.S.C. 2011(b), is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential issues raised during previous consultation meetings or being considered by the BIA regarding Indian education programs. A consultation booklet is being distributed to federally recognized Indian tribes, BIA Area and Agency Offices and BIA-funded schools. The booklets will also be available from local contact persons prior to and at each meeting.

Dated: April 17, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96–10303 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[MT–924–1430–01; MTM 83069]

Opening of Land in a Proposed Withdrawal; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of 1,800.10 acres of National Forest System land for the Cave Mountain Research Natural Area expires on June 15, 1996, and the land will be open to mining. It has been and remains open to surface entry and mineral leasing.

EFFECTIVE DATE: June 15, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2949.

SUPPLEMENTARY INFORMATION: A Notice of proposed withdrawal was published in the Federal Register, 59 FR 30951, June 16, 1994, which segregated the land described therein for up to 2 years from location and entry under the mining laws, subject to valid existing rights, but not from other forms of disposition which may by law be made of National Forest System land. The 2-year segregation expires June 15, 1996. The withdrawal application will continue to be processed, unless it is canceled or denied. The land is described as follows:

Principal Meridian, Montana

T. 10 S., R. 1 W.,
Sec. 31, lots 3 and 4, E½, and E½SW¼;
Sec. 32, NE¼, W½, NE¼SE¼, and W½SE¼.
T. 11 S., R 1 W.,
Sec. 5, W½NE¼ and NW¼;
Sec. 6, N½ and N½S½.

The area described contains 1,800.10 acres in Madison County.

At 9 a.m., on June 15, 1996, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights, the

provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights, since Congress has provided for such determinations in local courts.

Dated: April 18, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 96–10324 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–DN–P

[NV–943–1430:N–59594]

Notice of Realty Action: Non-Competitive Sale of Public Lands

ACTION: Notice.

SUMMARY: The following described public land in Clark County, Nevada, has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Sections 203 and 209 of Public Law 94–579, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719) and Public Law 101–67, the Apex Project, Nevada Land Transfer and Authorization Act of 1989.

Mount Diablo Meridian, Nevada

T. 19 S., R. 63 E.

Sec. 8: S½NE¼NW¼SE¼SE¼, S½NW¼SE¼SE¼, E½SE¼SE¼, SW¼SE¼SE¼, those portions lying southerly of U.S. Highway 15.

Sec. 9: S½S½SW¼NW¼SW¼, W½SW¼SW¼, those portions lying westerly of State Highway 604.

The parcels of land, situated in Clark County, NV, are being offered as a non-competitive sale to Clark County as part of the Apex Heavy Industrial Use Park.

The land is not required for any Federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals.

and will be subject to:

1. A right-of-way thereon to Williams Telecommunications Group-West., Inc., for a fiber-optics line, grant number N–43923 (090 STAT 2776; 43 U.S.C. 1761).

2. A right-of-way thereon to Nevada Department of Transportation for a Federal Aid Highway, grant number CC–018337 (042 STAT 0216).

3. A right-of-way thereon to Nevada Department of Transportation for a Federal Aid Highway, grant number Nev–057852 [072 STAT 0916; 23 U.S.C. 317(A)]. Upon publication of this notice in the Federal Register, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of publication, whichever occurs first. For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Las Vegas District, 4765 West Vegas Drive, Las Vegas, NV 89108. Any adverse comments will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94–579, or other applicable laws. The land will not be offered for sale until at least 60 days after the date of publication of this notice in the Federal Register.

Dated: April 11, 1996.

Michael F. Dwyer,

District Manager.

[FR Doc. 96–10326 Filed 4–25–96; 8:45 am]

BILLING CODE 1430–HC–P

[NV–930–1430–01; N–59007]

Partial Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates the segregative effect of a proposed withdrawal insofar as it affects 10 acres of public land requested by the Department of the Army, Corps of Engineers for flood control facilities in Clark County, Nevada. This action will open the 10 acres to surface entry and mining, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–785–6532.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the Federal Register, 59 FR 60998, November 29, 1994, which segregated the lands described therein from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights. The Corps of Engineers has determined that certain lands will not be needed in connection with the flood control facilities and has cancelled its application for those lands. The lands are described as follows:

Mount Diablo Meridian

T. 21 S., R. 60 E.,

Sec. 25, E½SW¼SE¼SE½ and W½SE¼SE¼SE¼.

The lands described aggregate 10 acres in Clark County.

1. At 9 a.m. on May 28, 1996, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on May 28, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

2. At 9 a.m. on May 28, 1996, the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, other segregation of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: April 16, 1996.

William K. Stowers,

Lands Team Lead.

[FR Doc. 96–10327 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

Revision of Handcraft Exemption Policy

AGENCY: National Park Service, Interior.

ACTION: Revision of Policy on the Exemption of Handcraft Sales from Franchise Fee Calculation.

SUMMARY: The National Park Service (NPS) authorizes private businesses known as concessioners to provide necessary and appropriate visitor facilities and services in areas of the National Park System. NPS is undertaking a review of its policies concerning concession management activities. Pending completion of a full review, NPS has amended its policy regarding the exemption of gross receipts from the sale of United States Indian and native handicrafts from franchise fee calculations.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Yearout, Chief, Concession Program Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127, Tele. (202) 343–3784.

SUPPLEMENTARY INFORMATION: On January 17, 1995, the National Park Service published for public comment in the Federal Register proposed amendments to certain concession policies. Two of these policy amendments were adopted under separate notice published on July 20, 1995. The remaining policy amendment proposed to eliminate the exemption from franchise fee computation of gross receipts from the sale of Native American handicrafts. In reviewing comments received on this proposal, NPS noted that the notice incorrectly limited this exclusion to Native American handicrafts, although the Standard NPS Concession Contract refers to ''genuine United States Indian and native handicraft.'' Because this is a much broader category than indicated in the January 17, 1995, Federal Register notice, NPS published a revised policy amendment for comment in the Federal Register of July 20, 1995.

NPS received 23 comments concerning its proposal to eliminate the handcraft exemption from gross receipts for the purpose of franchise fee calculation. Ten of these comments came from NPS concessioners or associated companies, 2 from associations representing groups of NPS concessioners, one from an interested environmental organization, one from an Indian Tribe, one from a State agency, one from an individual, and 7 from craftspersons or groups representing craftspersons.

Analysis of Comments

The following is an analysis of the comments received on the policy proposal NPS is adopting under this notice.

Sixteen commenters felt that elimination of the franchise fee exemption would diminish the extent to which handcrafts are marketed and sold within the parks, or that elimination of the exemption reflects a departure from a long-established objective of NPS to encourage handcrafts and merchandise appropriate to the park and region. One of these commenters felt that NPS should continue to do everything possible to continue to promote the sale of Native American handcrafts in the parks. Elimination of the exemption does not change the NPS objective of encouraging handcrafts and merchandise appropriate to the park and region. It is important to note that this policy revision is prospective in nature. Existing contracts which provide for the exemption will not be affected by this policy change. However, new contracts will contain a provision requiring that concessioners implement a plan to assure that all gift merchandise is theme oriented specifically to the park in which they operate. A wide range of specific local themes such as geology, wildlife, plant life, archaeology, applicable local or Native American culture, and themes which enhance the idea of conservation and national park values will be used to establish the types of merchandise to be sold. NPS believes that this is a more positive approach to assuring that appropriate merchandise of all types is offered for sale within the parks than simply exempting gross receipts from the sale of certain items from franchise fees. This approach was also supported by one commenter, who felt that concessioners should be encouraged to sell native handcrafts through other means.

Two commenters suggested that NPS should strengthen its policy by providing more attention to enforcement and implementation, by narrowing the scope of the exemption to encourage the sale in particular parks of genuine handcrafts native to their regions, and by prohibiting the sale, outright, of imitation arts and crafts within the national parks. Again, NPS feels that its planned approach to the sale of merchandise, including handcrafts, will accomplish these objectives to a much greater extent than the exemption has in the past.

Nine commenters expressed concern that elimination of the exemption may result in less sales of handcrafts, and that gains in franchise fees may be offset by increased costs in entitlement programs for craftspersons who lose sales. They also expressed concern about the effect this might have on artisans in rural communities. NPS intends to take an increased proactive role in encouraging the development and sale of theme-related handcrafts within the parks, and does not anticipate that the sale of handcrafted items will be significantly reduced or eliminated as a result of eliminating the exemption. Rather, the emphasis that will be placed on merchandise thematically related to the park and its resources is likely to increase the sale of handcrafts and related items in most areas.

Three commenters indicated that they felt that NPS efforts to extend franchise fees to concessioner sales from facilities outside the parks would be illegal. Elimination of the exemption has no effect on operations outside of park boundaries, and NPS does not intend to extend franchise fees to sales from facilities outside the parks.

One commenter stated that finding quality handcrafts and the individual selection required is costly and time-consuming, and that the proposal will penalize concessioners who endeavor to present the finest of American workmanship to park visitors. NPS believes that, in most cases, concessioners have already identified and selected sources for handcrafted, theme-related items and, consequently, the costs associated with finding suppliers of appropriate handcraft items have been incurred while the exemption was still in effect. As indicated previously, existing contracts which permit the exemption will not be affected by this policy change, and new contracts will provide for a more proactive approach to assuring that merchandise offered for sale is related to the park theme. Accordingly, existing concessioners will have the remainder of their existing contract terms with the exemption still in effect to refine their handcraft purchasing strategies.

Finally, one commenter suggested that NPS should postpone policy changes in view of the legislative proposals currently under consideration by the Congress. NPS disagrees, as none of these legislative proposals would directly affect this policy revision.

In consideration of the foregoing, the exclusion of gross receipts from the sale of United States Indian and native handicrafts for purposes of franchise fee calculation is hereby eliminated from NPS Management Policies, Chapter 10, Section 9(d)(1) of the standard concession contract language and Chapters 24 and 28 of NPS–48, the Concessions Guideline.

Dated: April 8, 1996.

John Reynolds,

Director, National Park Service.

[FR Doc. 96–10312 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–70–M

Delaware Water Gap National Recreation Area Citizens Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces three upcoming meetings of the Delaware Water Gap National Recreation Area Citizens Advisory Commission. Notice of these meetings is required under the Federal Advisory Committee Act (Pub. L. 92–463).

Meeting Date and Time: Thursday, June 6, 1996 at 7:00 p.m.

Address: Walpack Church, Walpack Center NJ 07881.

Meeting Date and Time: Thursday, September 5, 1996 at 7:00 p.m.

Address: Bushkill School, Bushkill PA 18324

Meeting Date and Time: Saturday, January 11, 1997 at 9:00 a.m.

Address: Walpack Church, Walpack Center NJ 07881.

Snow Date: January 18, 1997 at 9:00 a.m.

The agenda for the meeting consists of reports from Citizen Advisory Commission committees including: By-Laws, Natural Resources, Recreation, Cultural and Historical Resources, Intergovernmental and Public Affairs, Construction and Capital Project Implementation, as well as Special Committee Reports. Superintendent Roger K. Rector will give a report on various park issues.

SUPPLEMENTARY INFORMATION: The Delaware Water Gap National Recreation Area Citizens Advisory Commission was established by Public Law 100–573 to advise the Secretary of the Interior and the United States Congress on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the Recreation Area and its surrounding communities.

The meeting will be open to the public. Any member of the public may file a written statement concerning agenda items with the Commission. The statement should be addressed to The Delaware Water Gap National Recreation Area Citizens Advisory Commission, P.O. Box 284, Bushkill, PA 18324. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Delaware Water Gap National Recreation Area located on River Road 1 mile east of U.S. Route 209, Bushkill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Superintendent, Delaware Water Gap National Recreation Area, Buchkill, PA 18324, 717–588–2418.

Dated: April 16, 1996.

Warren D. Beach,

Associate Field Director, Northeast Field Area.

[FR Doc. 96–10309 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–10–M

Upper Delaware Scenic and Recreational River Citizens Advisory Council

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the meetings of the Upper Delaware Citizens Advisory Council for calendar year 1996.

Dates	Type of meeting	"Rain" date	Address
Apr. 9, 1996	Business	None	NPS Resource Management Office, River Road, Milanville, Pennsylvania.
June 11, 1996	Business	None	NPS Headquarters, River Road, Beach Lake, Pennsylvania.
Sept. 10, 1996	Business	None	NPS Headquarters, River Road, Beach Lake, Pennsylvania.
Nov. 12, 1996	Business	None	Zane Grey House and Museum, Delaware Drive, Lackawaxen, Pennsylvania.

Press Releases containing specific information regarding the subject of each meeting, as well as special informational programs, will be published in the following area newspapers:

The Sullivan County Democrat
The Times Herald Record
The River Reporter
The Tri-state Gazette
The Pike County Dispatch
The Wayne Independent
The Hawley News Eagle
The Weekly Almanac

Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, WJFF and WVOS.

FOR FURTHER INFORMATION CONTACT: Calvin F. Hite, Superintendent; Upper Delaware Scenic and Recreational River, RR2, Box 2428, Beach Lake PA 18405–9737; 717–729–8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704 (f) of the National Parks and Recreation Act of 1978, Public Law 95–625, 16 USC s1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware Region.

All meetings are open to the public. Any member of the public may file with the Council a written statement concerning agenda times. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Marrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: April 16, 1996.

Warren Beach,

Assistant Field Director, Northeast Field Area.

[FR Doc. 96–10310 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–70–M

Availability of Plan of Operations; Mining Operation; Jo Claim Group; Death Valley National Park; Inyo & San Bernardino Counties, CA and Esmeralda & Nye Counties, NV

Notice is hereby given in accordance with Section 9.17(a) of Title 36 of the Code of Federal Regulations, Part 9, Subpart A, that the National Park

Service has received from Mr. Joe Ostranger a Plan of Operations to remove a limited quantity of stockpiled ore from the JO claim group in Death Valley National Park.

The Plan of Operations is available for public review and comment for a period of 30 days from the publication of this notice. Analysis of the proposal will proceed from the date of its receipt. The document can be viewed during normal business hours at the Office of the Superintendent, Death Valley National Park, Death Valley, California, 92328.

Dated: April 7, 1996.

Richard H. Martin,

Superintendent.

[FR Doc. 96–10311 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–70–P

Notice of Intent to Repatriate Cultural Items in the Possession of the Connecticut State Museum of Natural History, University of Connecticut, Storrs, CT

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate cultural items from the Norris L. Bull Collection, Connecticut State Museum of Natural History, University of Connecticut, Storrs, CT which meet the definition of ''unassociated funerary objects'' and ''sacred object'' as defined in section 2 of the Act.

In 1961, the nineteen cultural items were donated by the family of Norris L. Bull to the Connecticut State Museum of Natural History. These nineteen cultural items include: one charm stone, one petroglyph, one faceted glass orange bead, one trade axe, one metal pestle, one trade snuff box, one copper kettle, one pewter medallion, one brass apostle trade spoon, one pewter trade pipe, one metal spike, one metal trade pipe, one pewter baluster, one stone pestle, one bellamine jug, one bone spearpoint, one black angular stone pipe, one paint pot with red stain, and one 2–faced effigy soapstone pipe.

Eighteen cultural items were found with human remains in seventeenth century Mohegan cemeteries, including Smith Farm, Elizabeth Street, Van Tassel Site, Yantic, and Yantic & Quinebaug. These sites are all known Mohegan cemeteries which have been disturbed through development and looting within the last 200 years. These unassociated funerary objects are consistent with grave goods of seventeenth-century Mohegan burials.

One item, the two-faced effigy soapstone pipe was found in the cellar of the Uncas Cabin. This site was the known residence of Uncas, a seventeenth-century Mohegan sachem still considered by the Mohegan as the single greatest culture hero in the post-contact period. Mohegan oral tradition indicates pipes of this form have been used long before the contact period, and are still in use within the Mohegan community. Mohegan traditional religious leaders have indicated that this pipe is needed for the practice of traditional Mohegan religion by present-day adherents.

Based on the above-mentioned information, officials of the Connecticut State Museum of Natural History have determined that, pursuant to 25 U.S.C. 3001(3)(C), the 2–faced effigy soapstone pipe is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Official of the Connecticut State Museum of Natural History have also determined that, pursuant to 25 U.S.C. 3001(3)(B), these nineteen cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Lastly, officials of the Connecticut State Museum of Natural History have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these items and the Mohegan Indian Tribe of Connecticut.

This notice has been sent to officials of the Mohegan Indian Tribe of Connecticut. Representatives of any other Indian tribe that believes itself to be culturally affiliation with these cultural items should contact Connecticut State Archaeologist Nicholas F. Bellantoni, Office of State Archaeology, U–23, University of Connecticut, Storrs, CT 06269, telephone (860) 486–5248 before May 28, 1996. Repatriation of these cultural items may begin after that date if no additional claimants come forward.

Dated: April 22, 1996

Francis P. McManamon

Departmental Consulting Archeologist

Chief, Archeology and Ethnography Program

[FR Doc. 96–10345 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–70–F

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Rome Historical Society, Rome, NY

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains and associated funerary objects in the possession of the Rome Historical Society, Rome, NY.

A detailed assessment of the human remains was made by Rome Historical Society professional staff and Hartgen Archeological Associates, Inc. professional staff in consultation with representatives of the Onondaga Indian Nation.

In the early 1960s, human remains representing 85 individuals were recovered from the Onondaga County Penitentiary Site (Pen Site) in Jamesville, NY under a Fort Stanwix Museum (now Rome Historical Society) and Rochester Museum of Science project. No known individuals were identified. The 598 associated funerary objects include pottery, metal and stone tools, metal pots, beads, shell (wampum), silver (ornaments, bracelets, earrings). The Rochester Museum of Science has additional human remains and associated funerary objects from the Pen Site, and is conducting a separate inventory and consultation for these human remains and associated funerary objects.

The Penn Site has been well-documented as the Onondaga Nation's capitol from c. 1682–1696 AD. The manner of internment and associated funerary objects are consistent with Onondaga practice during the late seventeenth century. Evidence presented by representatives of the Onondaga Indian Nation support the physical evidence.

Based on the above mentioned information, officials of the Rome Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 85 individuals of Native American ancestry. Officials of the Rome Historical Society have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 598 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Rome Historical Society have determined that, pursuant

to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Onondaga Indian Nation.

This notice has been sent to officials of the Onondaga Indian Nation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara L. Schafer, Curator of Collections, Rome Historical Society, 200 Church Street, Rome, NY 13440; telephone: (315) 336–5870, before May 28, 1996. Repatriation of the human remains and associated funerary objects to the Onondaga Indian Nation may begin after that date if no additional claimants come forward.

Dated: April 22, 1996

Francis P. McManamon

Departmental Consulting Archeologist

Chief, Archeology & Ethnography Program

[FR Doc. 96–10346 Filed 4–25–96; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of the Certificate of Medical Necessity (CM–893).

A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before July 1, 1996. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 219–7601 (this is not a toll-free number), fax 202–219–6592.

SUPPLEMENTARY INFORMATION:

I. Background

30 U.S.C. 932 includes section 7 of Public Law 803, as amended, and stipulates that medical treatment including services and apparatus, as required, will be furnished to an eligible coal miner for such period as the nature of the illness or process of recovery may require. The implementing regulations stipulate that: there must be prior approval before ordering an apparatus where the purchase price exceeds $100.00; there must be ongoing supervision of the miner's medical care, including the necessity, character and sufficiency of care to be furnished; OWCP has the authority to request medical reports and the right to refuse payment for failing to submit any report required. The Certificate of Medical Necessity (CM–893) is the form devised for this purpose.

II. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to carry out its responsibility to determine eligibility for black lung medical benefits under the above provisions.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Certificate of Medical Necessity.

OMB Number: 1215–0113.

Agency Number: CM–893.

Affected Public: Businesses or other for-profit; Not-for-Profit Institutions.

Total Respondents: 7,000.

Frequency: On occasion.

Total Responses: 7,000.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 2,799.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Dated: April 21, 1996.

Cecily A. Rayburn,

Director, Division of Financial Management,

[FR Doc. 96–10376 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–27–M

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the

specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC, 20210.

Superseadeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their date of notice in the Federal Register is listed with each State. Supersedeas decision numbers are in parenthesis following the number of decisions to be superseded.

Volume III

Georgia
GA95–88 (Jan. 26, 1996) (GA96–88)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA960001 (Mar. 15, 1996)
MA960017 (Mar. 15, 1996)
MA960018 (Mar. 15, 1996)
New York
NY960003 (Mar. 15, 1996)
NY960007 (Mar. 15, 1996)
NY960012 (Mar. 15, 1996)
NY960020 (Mar. 15, 1996)

Volume II

Pennsylvania
PA960004 (Mar. 15, 1996)
PA960005 (Mar. 15, 1996)
PA960021 (Mar. 15, 1996)
Virginia
VA960022 (Mar. 15, 1996)

Volume III

None

Volume IV

Illinois
IL960009 (Mar. 15, 1996)
IL960018 (Mar. 15, 1996)
IL960020 (Mar. 15, 1996)
Indiana
IN960004 (Mar. 15, 1996)
IN960006 (Mar. 15, 1996)

Volume V

Oklahoma
OK960023 (Mar. 15, 1996)
OK960025 (Mar. 15, 1996)
OK960028 (Mar. 15, 1996)
OK960043 (Apr. 12, 1996)
Texas
TX960002 (Mar. 15, 1996)
TX960003 (Mar. 15, 1996)
TX960005 (Mar. 15, 1996)
TX960007 (Mar. 15, 1996)
TX960010 (Mar. 15, 1996)
TX960016 (Mar. 15, 1996)
TX960018 (Mar. 15, 1996)
TX960019 (Mar. 15, 1996)
TX960055 (Mar. 15, 1996)
TX960060 (Mar. 15, 1996)
TX960063 (Mar. 15, 1996)
TX960093

Volume VI

Alaska
AK960001 (Mar. 15, 1996)
California
CA960001 (Mar. 15, 1996)
CA960002 (Mar. 15, 1996)
CA960004 (Mar. 15, 1996)
CA960027 (Mar. 15, 1996)
CA960028 (Mar. 15, 1996)
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CA960044 (Mar. 15, 1996)
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CA960047 (Mar. 15, 1996)
CA960048 (Mar. 15, 1996)
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CA960089 (Apr. 12, 1996)
CA960090 (Apr. 12, 1996)
CA960091 (Apr. 12, 1996)
CA960092 (Apr. 12, 1996)
CA960093 (Apr. 12, 1996)
Colorado CO960011 (Mar. 15, 1996)
Montana MT960003 (Mar. 15, 1996)
MT960004 (Mar. 15, 1996)
MT960006 (Mar. 15, 1996)
MT960007 (Mar. 15, 1996)
MT960008 (Mar. 15, 1996)
Oregon OR960001 (Mar. 15, 1996)
OR960007 (Mar. 15, 1996)
Washington WA960001 (Mar. 15, 1996)
WA960008 (Mar. 15, 1996)

* Note: The dates of publications of General Wage Determinations reflected in the Federal Register of April 19, 1996, were shown as April 19, 1996, that date should have been March 15, 1996 in every instance.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 19th day of April 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–10066 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–22–M

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''Mass Layoff Statistics (MLS) Program Survey.''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 25, 1996.

BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumption used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue N.E., Washington, D.C. 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 462(e) of PL 97–300, the Job Training Partnership Act (JTPA), provides that the Secretary of Labor develop and maintain statistical data relating to permanent mass layoffs and plant closings and issue an annual report. The report is to include, at a minimum, the number of plant closings and mass layoffs, and the number of workers affected. The data are summarized by geographical area and industry.

The MLS program uses a standardized automated approach to identify, describe, and track the impact of major job cutbacks. The program utilizes, to the greatest degree possible, existing Unemployment Insurance (UI) records and computerized data files, supplemented by direct employer contact. Its major features include:

- The identification of major layoffs and closings through initial UI claims filed against the identified employer;
- The use of existing files on claimants to obtain basic demographic and economic characteristics on the individual;
- The telephone contact of those employers meeting mass layoff criteria to obtain specific information on the nature of the layoff and characteristics of the establishment;
- The identification of the continuing impact of the mass layoff on individuals by matching affected initial claimants with persons in claims status; and,
- The measurement of the incidence of the exhaustion of regular State UI benefits by affected workers.

In the program, State Employment Security Agencies (SESAs) submit a comprehensive report each quarter, and a preliminary, summary report each month. These computerized reports contain information from State administrative files and information obtained from those employers meeting the program criteria of a mass layoff.

Congress provided for the implementation of the MLS program by BLS through fiscal years 1984–1992 appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies. The program was not operational in fiscal years 1993 and 1994. Program operation resumed in fiscal years 1995 and 1996 with funds provided by the Employment and Training Administration (ETA).

At the present time, all States (including the District of Columbia and Puerto Rico) are participating in the program.

II. Current Actions

The information collected and compiled in the MLS program is used to satisfy the reporting requirement legislatively mandated by Section 462(e) of PL 97–300 (JTPA). The BLS annual reports from this program meet that statutory mandate, as well as provide economic analyses of these data.

In addition to the BLS uses of MLS data, such data are required by Congress, the Executive branch, business, labor, and academic communities, SESAs, and the Department of Labor for both macro- and micro-economic analysis, including specific labor market studies geared towards manpower assistance and

development. Moreover, Congress used these data in conjunction with the findings from a supplemental study of layoff actions in the development of the Worker Adjustment and Retraining Notification (WARN) Act that was enacted in August 1988. Furthermore, ETA uses MLS micro data in the evaluation of dislocated worker programs to assess the effectiveness of those activities and services.

A congressionally mandated use of mass layoff data is the Economic Dislocation and Worker Adjustment Assistance Act of 1988 (EDWAA), which amended Title III of JTPA. Section 302 of EDWAA provides for allocation of Title III funds to States on the basis of MLS data and encourages the use of MLS data in substate allocations.

State agencies use the MLS data in various ways, including the identification of: geographic areas in need of special manpower services; ailing or troubled industries; specific employers needing assistance; outreach activities for the unemployed; and workers in need of temporary health care services.

There is no other comprehensive source of statistics on either establishments or workers affected by mass layoffs and plant closings; therefore, none of the aforementioned data requirements could be fulfilled if this data collection did not occur.

Type of Review: Extension.

Agency: Bureau of Labor Statistics.

Title: Mass Layoff Statistics Program.

OMB Number: 1220–0090.

Affected Public: Business or other for profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Total Respondents: 15,652.

Frequency: State Employment Security Agencies (SESAs) will report quarterly and monthly. Affected employers will report on occasion.

Total Responses: 16,432.

Average Time Per Response: 60 Minutes for SESAs. 30 Minutes for employers.

Estimated Total Burden Hours: 73,320 Hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Signed at Washington, D.C., this 22nd day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–10377 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–24–M

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of the collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''Current Population Survey (CPS).''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 25, 1996.

BLS is particularly interested in comments which help to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue N.E., Washington, D.C. 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The CPS has been the principal source of the official Government statistics on employment and unemployment for 50 years. BLS and the Census Bureau share the responsibility for this survey and are submitting two separate clearance requests that reflect the joint funding provided by the two agencies for this survey and the way in which the Census Bureau and BLS divide the responsibilities for the analysis and dissemination of the data from the survey. The Census Bureau is submitting a request for clearance of the collection of the basic demographic information on the population being sampled, and BLS is requesting clearance for the collection of the labor force information which it analyzes and publishes monthly. The labor force information gathered through the survey is of paramount importance in keeping track of the economic health of the Nation. The survey is the only source of data on total employment and unemployment, with the monthly unemployment rate obtained through this survey being regarded as one of the most important economic indicators. Moreover, the survey also yields data on the basic status and characteristics of the persons not in the labor force. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which the various components of the American population are participating in the economic life of the Nation and with what success.

The labor force data gathered through the CPS are provided to users in the greatest detail possible, consistent with the demographic information obtained in the survey. In brief, the labor force data can be broken down by sex, age, race and ethnic origin, marital status, family composition, educational level, and various other characteristics. Through such breakdowns, one can focus on the employment situation of specific population groups as well as on the general trends in employment and unemployment. Information of this type can be obtained only through

demographically-oriented surveys such as the CPS.

The basic CPS also are used as an important platform on which to base the data derived from the various supplemental questions which are administered in conjunction with the survey. By coupling the basic data from the monthly survey with the special data from the supplements, one can get valuable insights on the behavior of American workers and on the social and economic health of their families.

II. Current Actions

There is wide interest in the monthly CPS data among Government policymakers, legislators, outside economists, the media, and the general public. While the data from the CPS are used in conjunction with data from other surveys in assessing the economic health of the Nation, they are unique in various ways. They provide a measurement of total employment, including self-employment and unpaid family work, while the other surveys are generally restricted to the nonagricultural sector. The CPS provides data on all jobseekers, and on all persons outside the labor force, while payroll-based surveys cannot, by definition, cover these sectors of the population. Finally, the CPS data on employment, unemployment, and on persons not in the labor force can be linked to the demographic characteristics of the many groups which make up the Nation's population, while the data from other surveys are usually devoid of demographic information.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Current Population Survey.

OMB Number: 1220–0100.

Affected Public: Individuals or households.

Total Respondents: 48,000 per month.

Frequency: Reporting Monthly.

Total Responses: 576,000.

Average Time Per Response: 7 Minutes.

Estimated Total Burden Hours: 67,200 Hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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

Signed at Washington, D.C., this 22nd day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–10378 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–24–M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Full Committee Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human services on matters relating to the administration of the Act, will meet on May 23, 1996, in Room N3437 A–D of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, DC. The meeting is open to the public and will begin at 9:00 a.m. lasting until approximately 4:00 p.m.

Agenda items will include an overview of current activities, including a legislative update, of both the Occupational Safety and Health administration (OSHA) and the National Institute for Safety and Health (NIOSH). Other subjects will include the National Occupational Research Agenda (NORA), an update on OSHA's regulatory and enforcement activities, and workgroup reports. The committee will also discuss the members interests and develop plans for future meetings, under the direction of the recently appointed Chair, Dr. Kathleen M. Rest, University of Massachusetts Medical Center, who has joined the committee as a Public Representative.

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify Ms. Goodell before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak to the extent time permits, at the discretion of the Chair of the Advisory Committee.

Individuals with disabilities who need special accommodations should contact Tom Hall one week before the meeting at the address indicated below.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of Labor Building (202–219–7500).

For additional information contact: Joanne Goodell, Directorate of Policy, Occupational Safety and Health Administration, Room N–3641, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202)219–8021, ext. 107.

Signed at Washington, D.C. this 19th day of April, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 96–10375 Filed 4–25–96; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before June 10, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copes of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National

Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of any agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Executive Office of the President, National Space Council (N1–429–93–02). Textual and audiovisual records.

2. Department of Energy (N1–434–96–6). Administrative and housekeeping records maintained by the Grand Junction Project Office.

3. Department of Health and Human Services, Administration on Aging (N1–439–96–1). Records of the White House Conference on Aging.

4. Department of Health and Human Services, Agency for Health Care Policy and Research (N1–510–96–1). Records of the AIDS Cost and Utilization Survey.

5. Environmental Protection Agency (N1–412–95–6). Superfund Site Specific Sampling and Analytical Data Files.

6. Farm Credit Administration (N1–310–96–1). Appointee Clearance and Vetting Files.

Dated: April 18, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–10322 Filed 4–25–96; 8:45 am]

BILLING CODE 7517–01–M

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for 16 May 1996 at 10:00 AM in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. 19 April 1996.

Charles H. Atherson,

Secretary.

[FR Doc. 96–10368 Filed 4–25–96; 8:45 am]

BILLING CODE 6330–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission: Revision.

2. The title of the information collection: General Assignment.

3. The form number: NRC Form 450.

4. How often the collection is required: Once during the closeout process.

5. Who is required or asked to report: Contractors, Grantees, and Cooperators.

6. An estimate of the number of responses: 150.

7. The estimated number of annual respondents: 150.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 300 hours (2 hours per response).

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: During the contract closeout process, the NRC requires the contractor to execute a NRC Form 450, General Assignment. Completion of the form grants the government all rights, titles, and interest to refunds arising out of the contract performance.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW, (lower level), Washington DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld at 703–321–3339. Members of the public who are located outside the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209, or within the Washington, DC, area at 202–634–3273.

Comment and questions should be directed to the OMB reviewer by May 28, 1996.

Peter Francis, Office of Information and Regulatory Affairs (3150–0114), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 18th day of April 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resource Management.

[FR Doc. 96–10347 Filed 4–25–96; 8:45 am]

BILLING CODE 7590–01–P

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: NRC Form 483, ''Registration Certificate—*In Vitro* Testing with Byproduct Material under General License.''

3. The form number if applicable: NRC Form 483.

4. How often the collection is required: There is a one-time submittal of information to receive a validated copy of NRC Form 483 with an assigned registration number. In addition, any changes in the information reported on NRC Form 483 must be reported in writing to the Commission within 30 days after the effective date of such change.

5. Who will be required or asked to report: Any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital which desires a general license to receive, acquire, possess, transfer, or use specified units of byproduct material in certain *in vitro* clinical or laboratory tests.

6. An estimate of the number of responses: 104 registration certificates from NRC licensees and 260 registration certificates from Agreement State licensees.

7. The estimated number of annual respondents: 104 NRC licensees and 260 Agreement State licensees.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 42 hours or approximately 7 minutes per NRC or Agreement State licensee.

9. An indication of whether Section 3507(d), Public Law 104–13 applies: Not applicable.

10. Abstract: Section 31.11 of 10 CFR establishes a general license authorizing any physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital to possess certain small quantities of byproduct material for *in vitro* clinical or laboratory tests not involving the internal or external administration of the byproduct material or the radiation therefrom to human beings or animals. Possession of byproduct material under 10 CFR 31.11 is not authorized until the physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital has filed NRC Form 483 and received from the Commission a validated copy of NRC Form 483 with a registration number.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209, or within the Washington, DC, area at 202–634–3273.

Comments and questions should be directed to the OMB reviewer by May 28, 1996.

Peter Francis, Office of Information and Regulatory Affairs (3150–0038), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 18th day of April 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–10348 Filed 4–25–96; 8:45 am]

BILLING CODE 7590–01–P

[IA 96–020]

Mr. Juan Guzman; Order Prohibiting Unescorted Access or Involvement in NRC-Licensed Activities Effective Immediately

I

Mr. Juan Guzman was employed as a contractor by the Baltimore Gas & Electric Company (BG&E) at the Calvert Cliffs facility (Licensee), which holds a license issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The license authorizes the operation of the Calvert Cliffs Nuclear Power Plant, Units 1 & 2 (facilities) in accordance with the conditions specified therein. The facility is located on the Licensee's site in Lusby, Maryland.

II

In a Licensee Event Report issued by BG&E on November 16, 1994, the NRC received information from BG&E indicating that BG&E had revoked Mr. Guzman's unescorted access authorization and removed him from the protected area in October 1994 after it became aware through an investigation by the Immigration and Naturalization Service and State Department, that Mr. Guzman was an illegal alien.

Mr. Guzman's unescorted access to the site initially had been granted by BG&E on February 23, 1993 based, in part, on his submittal of a ''green card'' and social security card during the initial interview process, both of which were represented as authentic when, in fact, they were not. In addition, when questioned on prior occasions by the Licensee regarding an arrest record obtained as a result of fingerprints submitted to the FBI, Mr. Guzman repeatedly denied that the arrest record belonged to him, even though it did. Mr. Guzman's falsification of background information, combined with his subsequent denials to the Licensee, constitute a significant regulatory concern.

The NRC regulations in 10 CFR 73.56 and 73.57 were established, in part, to provide high assurance that individuals granted unescorted access are trustworthy and reliable. Mr. Guzman's actions in this matter did not demonstrate that trustworthiness, and constitute a violation of the requirements of 10 CFR 50.5, ''Deliberate Misconduct,'' because Mr. Guzman deliberately submitted to the Licensee information that he knew was incomplete or inaccurate in some respect material to the NRC.

III

Although Mr. Guzman was terminated from employment at Calvert Cliffs in October 1994, his actions in this matter raise serious concerns as to whether he can be relied upon to comply with NRC requirements. Therefore, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, in order for the Commission to determine whether further enforcement action should be taken against Mr. Guzman to ensure compliance with NRC regulatory requirements, the NRC sent him a Demand for Information (DFI) on January 2, 1996. The DFI required Mr. Guzman to provide the NRC a response that: (1) Identifies whether he is currently employed by any company subject to NRC regulation and, if so, describes in what capacity; (2) describes why the NRC should permit him to be involved in licensed activities in the future or have confidence that he will comply with NRC requirements if currently employed in an NRC-regulated activity, including requirements to provide complete and accurate information; and (3) explains why the NRC should not conclude that his actions in providing false information to the Licensee were done deliberately.

In a letter dated February 7, 1996, Mr. Guzman responded to the DFI. In that response, Mr. Guzman stated that: (1) he was not currently employed by any company subject to NRC regulation; (2) at no time was he cited for a procedure or safety violation while employed at Calvert Cliffs; and (3) the sole reason he did not disclose that he was an illegal alien was his fear of deportation. He also admitted that he did deliberately, but without malice or intent, deceive the Licensee about his work background and experience, but did so solely out of fear of deportation; pointed out an inaccuracy in the DFI in that while he did apply for a passport under another name, he never pursued the document; requested that, if the NRC decided to prohibit him from working for an NRC licensee, consideration be given to the 15 months that had elapsed since his termination; and noted that the Immigration and Naturalization Service granted him legal resident status in the United States in January 1996.

IV

Notwithstanding his motives in providing false information to the Licensee, it is clear, as Mr. Guzman admitted in his response, that he provided false information to the Licensee, and did so deliberately. In doing so, Mr. Guzman engaged in deliberate misconduct in violation of 10 CFR 50.5(a)(2), in that he deliberately submitted to the Licensee information that he knew to be inaccurate in some respect material to the NRC. Such behavior cannot be tolerated by the NRC.

The NRC must be able to rely on its licensees and their employees, including contractor employees, to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Guzman's actions in knowingly falsifying background information and his identity in an attempt to avoid discovery and gain access to the Calvert Cliffs facility, and his false statements to Licensee officials when questioned about his background and identity, have raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC and its licensees.

Consequently, I lack the requisite reasonable assurance that: (1) Mr. Guzman will conduct NRC-licensed activities in compliance with the Commission's requirements; and (2) the health and safety of the public will be protected if Mr. Guzman is granted unescorted access to NRC-licensed facilities at this time. Therefore, I find that the public health, safety, and interest require that Mr. Guzman be prohibited from involvement in NRC-licensed activities for five years from the date of the termination of his unescorted access by BG&E on October 18, 1994. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the misconduct described above is such that the public health, safety, and interest require that this Order be immediately effective.

V

Accordingly, pursuant to sections 103, 161b, 161i, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 50.5, it is hereby ordered, effective immediately, that:

A. For a five-year period from October 18, 1994, the date of the termination of his unescorted access by BG&E, Mr. Juan Guzman is prohibited from engaging in NRC-licensed activities. For the purpose of this paragraph, NRC-licensed activities include licensed activities of: (1) an NRC licensee; (2) an Agreement State licensee conducting licensed activities in NRC jurisdiction pursuant to 10 CFR 150.20; and (3) an Agreement State licensee involved in distribution of products that are subject to NRC jurisdiction.

B. For a five-year period from October 18, 1994, the date of the termination of his unescorted access by BG&E, Mr. Juan Guzman is prohibited from obtaining unescorted access at a NRC-licensed facility.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Guzman of good cause.

VI

In accordance with 10 CFR 2.202, Mr. Guzman must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Guzman or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Mr. Guzman if the answer or hearing request is by a person other than Mr. Guzman. If a person other than Mr. Guzman requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Guzman or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Guzman or any other person adversely affected by this Order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this day of April 1996.

For the Nuclear Regulatory Commission.

James L. Milhoan,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research.

[FR Doc. 96–10349 Filed 4–25–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Docket No. A96–14; Order No. 1109]

Forest Grove, Montana 59441: (May A. Charbonneau, Petitioner); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued April 22, 1996.

Before Commissioners: Edward J. Gleiman, Chairman; W.H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.

Docket Number: A96–14.

Name of Affected Post Office: Forest Grove, Montana 59441.

Name(s) of Petitioner(s): May A. Charbonneau.

Type of Determination: Consolidate.

Date of Filing of Appeal Papers: April 15, 1996.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by April 30, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

April 15, 1996: Filing of Appeal letter

April 22, 1996: Commission Notice and Order of Filing of Appeal

May 10, 1996: Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)]

May 20, 1996: Petitioner's Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)]

June 10, 1996: Postal Service's Answering Brief [*see* 39 CFR 3001.115(c)]

June 24, 1996: Petitioner's Reply Brief should Petitioner choose to file one [*see* 39 CFR 3001.115(d)]

July 1, 1996: Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116]

August 20, 1996: Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 96–10340 Filed 4–25–96; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–10589]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (CII Financial, Inc., 7½% Convertible Subordinated Debentures Due 2001)

April 22, 1996.

CII Financial, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

Pursuant to an Indenture dated September 15, 1991 (the ''indenture''), the Company issued the Security. The Security was originally convertible into the Company's common stock, and both the Security and the common stock were listed on the Amex.

On October 31, 1995, Sierra Health Services, Inc., a Nevada corporation (''Sierra''), acting through a wholly-owned subsidiary, acquired the Company by a subsidiary merger (the ''Merger'') in which the Company became a wholly-owned subsidiary of Sierra. Sierra is a public company whose common stock is listed for trading on the New York Stock Exchange, Inc. and which is required to file reports under the Act. In connection with the Merger, each outstanding share of the Company's common stock was converted into 0.37 of a share of Sierra's common stock (the ''Exchange Ratio''). In November 1995, the Amex filed a Form 25 notifying the SEC that the Amex had removed the Company's common stock from listing and registration on the Amex.

At the effective time of the Merger, the Security ceased being convertible into the Company's common stock and became convertible into Sierra's common stock. Sierra has not otherwise assumed the Company's obligations under the Security and has not guaranteed the payment of principal, interest or premium, if any, thereon.

On March 22, 1996, Securities in the aggregate principal amount of $58,600,000 were outstanding and were held of record by fewer than 50 persons.

In making the decision to withdraw the Security from listing on the Amex,

the Company has informed the Commission that it considered the direct and indirect costs and expenses associated with maintaining the listing of the Securities on the Amex and complying with the reporting requirements of the Act. The Company also considered the limited number of recordholders of the Security, the availability of a market maker [1] for the Security and the fact that the Company no longer has other publicly traded equity securities. In addition, the Company considered that holders of the Security will benefit to the extent that any cost savings realized by delisting improves the credit worthiness of the Company.

The Company has complied with Rule 18 of the Amex by filing with the Amex a certified copy of preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of the Security from listing on the Amex, and by setting forth in detail to the Amex the reasons for such proposed withdrawal and the facts in support thereof. The Amex has informed the Company that it has no objection to the withdrawal of the Security from listing on the Amex. Pursuant to Amex's request and Amex Rule 18(2)(b), the Company mailed notice of its intention to file this application to the registered holders of the Security on or about March 5, 1996.

In response, the Company received three comment letters written by two holders of the Security concerning the Company's application to delist the Security.[2]

The first commentor objected to the proposed delisting of the Security on the basis that it destroys an open market for the Security, thereby allowing the Company to set the value of the Security. In a second letter, this commentor also requested information regarding the nature of the cost savings due to the delisting of the Security, the name of the news service that will publish the quotation for the Security and asked why Sierra would not be liable to the holders of the Security. In response to the commentor's first letter, the Company stated that Bear, Stearns & Co., Inc. has confirmed that it intends to act as a market-maker for the Security and, moreover, the value of the Security will be set by the market place and not by the Company. In response to the commentor's second letter, the Company stated that delisting the Security would alleviate accounting fees, legal fees, listing fees, and filing fees associated with the maintenance of a listing on the Amex. The Company also stated that brokers should be able to ascertain the quotation for the Security by contacting Bear, Stearns & Co., Inc. Lastly, the Company stated that the Securities are a debt obligation of the Company and are not automatically assumed or guaranteed by anyone, in this case Sierra, who becomes a shareholder of the Company after the issuance of the Security.

The second commentor objected to the proposed delisting of the Security on the basis that there are more than 50 holders of the Security. The Company responded that the indenture trustee has confirmed that there are fewer than 50 record holders of the Security.

Any interested person may, on or before May 13, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–10316 Filed 4–25–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Bear, Stearns & Co. Inc. has indicated that it will act as a market maker for the Security upon the delisting of such Security from the Amex. *See* letter from Stephen M. Parish, Managing Director, Bear, Stearns & Co. Inc. to James L. Starr, Chief Financial Officer, Sierra Health Services, Inc. dated Feb. 15, 1995. Bear, Stearns & Co. Inc. also indicated, however, that it reserves the right to cease acting as a market maker for the Security at any time and for any reason. *Id.*

[2] The Company provided the Commission with copies of the three comment letters as well as the Company's responses thereto.

[Investment Company Act Release No. 21908; 811–3702]

Prudential Strategist Fund, Inc.; Notice of Application for Deregistration

April 22, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Prudential Strategist Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on January 26, 1996 and amended on April 15, 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 17, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, One Seaport Plaza, New York, New York 10292, Attention: S. Jane Rose, Esq.

FOR FURTHER INFORMATION CONTACT: Mercer E. Bullard, Staff Attorney, (202) 942–0565, or Alison E. Baur, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified management investment company incorporated under Maryland law. On March 31, 1983, applicant registered under the Act and filed a registration statement pursaunt to Section 8(b) of the Act and the Securities Act of 1933. The registration statement was declared effective on June 6, 1983. Applicant commenced an initial public offering of its shares on June 13, 1983. Applicant initially registered under the name Prudential-Bache Research Fund, Inc., changed its name to Prudential Growth Fund, Inc. on October 24, 1991, and again changed its name to Prudential Strategist Fund, Inc. on June 23, 1994. Applicant offers three classes of shares: Class A, Class B and Class C.

2. On March 7, 1995, applicant's Board of Directors (the ''Board'') authorized the execution of an Agreement and Plan of Rorganization and Liquidation (the ''Agreement'')

between the applicant and the Prudential Multi-Sector Fund, Inc. (the ''Multi-Sector Fund''). The Multi-Sector Fund was incorporated under Maryland law and SEC records indicate that it is registered as an open-end, non-diversified management investment company.

3. The Board approved the reorganization because declining assets had resulted in increased expense ratios and the reorganization was expected to achieve economies of scale by eliminating duplicative expenses.

4. The Multi-Sector Fund and applicant have the same investment adviser, Prudential Mutual Fund Management, Inc., and applicant and the Multi-Sector Fund accordingly may be deemed to be affiliated persons. Applicant therefore relied on the exemption provided by rule 17a–8 under the Act to effect the merger.[1] In accordance with the rule, the directors of applicant determined that the sale of applicant's assets to the Multi-Sector Fund was in the best interest of applicant and that the interests of the shareholders of applicant would not be diluted by the exchange of Class A shares, Class B shares and Class C shares of applicant for Class A shares, Class B shares and Class C shares of the Multi-Sector Fund, respectively.

5. Proxy materials were filed with the SEC on April 27, 1995 and distributed to applicant's shareholders on or about that date. On June 9, 1995, applicant's shareholders approved the Agreement.

6. On June 23, 1995, the effective date of the merger, applicant had total net assets of $180,586,169, comprising 8,583,943 Class A shares at a rounded net asset value of $16.31 per share, 2,524,094 Class B shares at a rounded net asset value of $16.06 per share and 4,337 Class C shares at a rounded net asset value of $16.05 per share.

7. Pursuant to the Agreement, on June 23, 1995 the applicant transferred all of its assets to the Multi-Sector Fund, and the Multi-Sector Fund assumed all of applicant's liabilities, in exchange for 10,248,304.170 Class A shares, 3,001,830.667 Class B shares and 5,157.037 Class C shares of the Multi-Sector Fund. Such Class A shares, Class B shares and Class C shares of the Multi-Sector Fund were distributed *pro rata* to the Class A, Class B and Class C shareholders of applicant. The number of shares of the Multi-Sector Fund distributed to shareholders of the Strategist Fund was determined by dividing the net asset value of each share of each class of the Strategist Fund by the net asset value of each share of each class of the Multi-Sector Fund.

8. Total expenses of the merger were $110,550 for printing expenses, $48,000 for solicitation expenses, $99,500 for legal fees and expenses, and $74,100 for mailing expenses. The expenses will be paid by applicant and the Multi-Sector Fund in proportion to their respective asset levels. Because applicant has no assets and the Multi-Sector Fund has assumed all applicant's liabilities, these expenses will be satisfied from the assets of the Multi-Sector Fund.

9. As of the date of the application, applicant had no shareholders, assets, or liabilities. There are no shareholders to whom distributions in complete liquidation of their interests have not been made. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

10. Applicant intends to file Articles of Dissolution with the Department of Assessments and Taxation of the State of Maryland as soon as practicable.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–10355 Filed 4–26–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Rule 17a–8 provides relief from the affiliated transaction prohibition of section 17(a) of the Act for a merger of investment companies that may be affiliated person of each other solely by reason of having a common investment adviser, common directors, and/or common officers.

[Release No. 34–37134; File No. SR–BSE–96–03]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Boston Stock Exchange, Incorporated Relating to Stopping Stock in Minimum Variation Markets

April 22, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on April 19, 1996, the Boston Stock Exchange, Incorporated (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and grant accelerated approval.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks permanent approval of its rule, as proposed be to amended, regarding stopping stock in minimum variation markets.[1]

II. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to eliminate those provisions of the current pilot program regarding the execution of stopped orders in minimum variation markets that provide for the execution of stopped orders ahead of same priced limits with priority through the execution of 500 shares on the book. The Exchange seeks permanent approval of all other aspects of the rule regarding stopping stock in minimum variation markets.

The proposed rule will require the execution of stopped orders in minimum variation markets (a) after a transaction takes place on the primary market at the stopped price or higher in the case of a buy order (lower in the case of a sell order) or (b) at an improved price after the applicable Exchange share volume at that improved price has been exhausted. In no event will a stopped order be

[1] The Commission initially approved the BSE's proposal to codify procedures for stopping stock and to establish a separate pilot program for stopping stock in minimum variation markets in Securities Exchange Act Release No. 35068 (Dec. 8, 1994), 59 FR 64717 (Dec. 15, 1994) (File No. SR–BSE–94–09) (''1994 Pilot Approval Order''). The Commission subsequently extended the pilot program in Securities Exchange Act Release Nos. 35474 (Mar. 10, 1995), 60 FR 14471 (Mar. 17, 1995) (File No. SR–BSE–95–03) (''March 1995 Pilot Approval Order''); 36004 (July 21, 1995), 60 FR 38872 (July 28, 1995) (''July 1995 Pilot Approval Order''). This pilot program expires after April 21, 1996. In this filing, the Exchange proposes a modified version of its pilot program for stopping stock in minimum variation markets.

executed at a price inferior to the stop price. The Exchange states that, as in the case of greater than minimum variation markets, the proposed rule will continue to benefit customers because they might receive a better price than the stop price, yet it also protects prior-entered same-price limit orders on the book.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it furthers the objectives to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–BSE–96–03 and should be submitted by May 17, 1996.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission has determined to approve permanently the proposed rule change. For the reasons discussed below, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) [2] and Section 11(b) [3] of the Act.

Historically, the Commission has had mixed reactions about the practice of stopping stock. The 1963 Report of the Special Study of the Securities Markets found that unexecuted customer limit orders on the specialist's book might be bypassed by the stopped orders.[4] The Commission, nevertheless, has allowed the practice of stopping stock in markets where the spread is at least twice the minimum variation because the possible harm to orders on the book is offset by the reduced spread that results and the possibility of price improvement. Although the procedures for stopping stock in minimum variation markets do not reduce the spread between the quotes, the Commission has allowed, on a pilot basis, the practice on the Exchange in limited circumstances.[5]

The Exchange now proposes procedures for stopping stock in minimum variation markets that have been modified from its pilot program. The BSE's pilot program allowed BSE specialists to elect to fill a stopped order at a better price before the limit order interest on the Exchange was exhausted provided that the specialists adhered to certain procedures. [6] In approving this portion of the BSE's pilot program, the Commission noted its serious concerns that limit orders on the same side of the market as the stopped orders may be bypassed when such stopped orders are execute at an improved price. [7] The stopping stock program currently being proposed, however, would only allow specialists to execute stopped stock when volume equal to all the pre-existing limit orders ahead of the stopped order prints in the primary market. Specifically, the specialist would be required to execute stopped market orders in minimum variation markets either (1) at the stopped price after a transaction takes place on the primary market at the bid price or lower for a sell order (or the offering price or higher for a buy order) on the primary market or (2) at an improved price after the displayed BSE share volume has been exhausted.

The Commission believes that the Exchange's proposed procedures for stopping stock in minimum variation markets are consistent with the Act in that they will assist specialists in providing an opportunity for primary market price protection to the customer whose order is stopped, without requiring that specialists execute all pre-existing bids or offers when such executions otherwise would not be required under Exchange rules. Moreover, the Exchange's currently proposed procedures for stopping stock in minimum variation markets eliminate the potential for bypassing prior-entered limit orders on the specialist's book on the same side of the market as the

[2] 15 U.S.C. § 78f.

[3] 15 U.S.C. § 78k.

[4] *See* SEC, Report of the Special Study of Securities Markets of the Securities and Exchange Commission, H.R. Doc. No. 95, 88th Cong., 1st Sess., Pt. 2 (1963).

When stock is stopped, limit book orders on the opposite side of the market do not receive an immediate execution. Consequently, if the stopped order then receives an improved price, limit orders at the stop price are bypassed and, if the market turns away from that limit, may never be executed.

[5] Recently, the Commission permanently approved other exchanges' programs for stopping stock in minimum variation markets, which did not raise the concerns that the BSE's pilot program raised with respect to limit orders on the same side of the market as the stopped orders. In this filing, the BSE amends its program to alleviate such concerns. *See* Securities Exchange Act Release Nos. 36399 (Oct. 20, 1995), 60 FR 54900 (Oct. 26, 1995) (permanently approving New York Stock Exchange's pilot program for stopping stock in minimum variation markets); 36400 (Oct. 20, 1995), 60 FR 54886 (Oct. 26, 1995) (permanently approving American Stock Exchange's pilot program for stopping stock in minimum variation markets); 36401 (Oct. 20, 1995), 60 FR 54893 (Oct. 26, 1995) (permanently approving Chicago Stock Exchange's pilot program for stopping stock in minimum variation markets).

[6] The BSE's pilot had a unique provision regarding the execution of stopped orders at an improved price before pre-existing limit order interest at the price is exhausted.

[7] As a result, in the orders approving the BSE's pilot procedures, the Commission asked the Exchange to study the effects of stopping stock in minimum variation markets. In the July 1995 Pilot Approval Order, the Commission requested that the BSE calculate data based on twenty stocks chosen by the Commission during three different days showing (1) how many orders and shares were stopped in each stock, (2) the average number of limit orders and the average number of shares on the book ahead of the stopped stock, (3) how many orders and shares received price improvement, and (4) how many orders and shares were on the limit order book at the time each order was stopped and the number of such limit orders and shares that were not executed by the end of the trading day. After submitting the data to the Commission, the Exchange proposed to amend its procedures for stopping stock in minimum variation to disallow specialists from filling stopped stock at the better price before the pre-existing limit orders ahead of the stopped order.

stopped orders. The BSE's program, as currently proposed, would be substantially similar to the program already in place in the Chicago Stock Exchange, Incorporated (''CHX'').[8]

For the above reasons, the Commission believes that the BSE proposal is consistent with Section 6(b)(5) of the Act. Moreover, the Commission also believes that the proposal is consistent with the Rule 11b–1(a)(2)(ii) of the Act.[9] Rule 11b–1(a)(2)(ii) requires that a specialist engage in a course of dealings for his own account that assist in the maintenance, so far as practicable, of a fair and orderly market. The Commission believes that the proposal is consistent with the objectives of this Rule because the implementation of the proposal should help the specialist to provide an opportunity for price improvement to the customer whose stop order is granted, without placing a burden on specialists by requiring that specialists execute other pre-existing bids or offers when such executions would not be otherwise required under Exchange rules.

The Commission also believes that the proposal is consistent with the prohibition in Section 11(b) against providing discretion to a specialist in the handling of an order.[10] Section 11(b) was designed, in part, to address potential conflicts of interest that may arise as a result of the specialist's dual role as agent and principal in executing stock transactions. In particular, Congress intended to prevent specialists from unduly influencing market trends through their knowledge of market interest from the specialist's book and their handling of discretionary agency orders.[11] The Commission has stated that, pursuant to Section 11(b), all orders other than market or limit orders are discretionary and therefore cannot be accepted by specialists.[12]

The Commission believes that it is appropriate to treat stopped orders as equivalent to limit orders. A limit order is an order to buy or sell a stated amount of security at a specified price, or better if obtainable. The Commission believes that stopped orders are equivalent to limit orders, in this instance, because the orders would be automatically elected after a transaction takes place on the primary market at the stopped price. The Commission, therefore, believes that the requirements imposed on the specialist for granting stops in minimum variation markets provide sufficiently stringent guidelines to ensure that the specialist will implement the proposed rule change in a manner consistent with his market making duties and Section 11(b).[13]

In permanently approving the Exchange's proposal, the Commission expects the Exchange to continue monitoring the practice of stopping stock in minimum variation markets and to take appropriate action in the event BSE identifies any instances of specialist non-compliance with the program's procedures.

Finally, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Accelerating the approval of the proposal would allow the BSE specialists to continue stopping stock in minimum variation markets although they will no longer be able to execute stopped stock ahead of prior-entered same priced limit orders. Moreover, the BSE's program, as currently proposed, is substantially similar to the CHX's procedures, which were published in the Federal Register for the full comment period and were approved by the Commission on October 20, 1995.[14]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–BSE–96–03) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Jonathan G. Katz,

Secretary.

[FR Doc. 96–10317 Filed 4–25–96; 8:45 am]

BILLING CODE 8010–01–M

[8] In permanently approving the CHX's pilot program for stopping stock in minimum variation markets, the Commission noted that unintended consequences may arise from the interplay between a regional exchange's price protection rules and its procedures for stopping stock. In this regard, the Commission believed that the benefits of stopping stock in minimum variation markets sufficiently offset the possible harm to the limit orders on the book. For similar reasons, the Commission is approving the BSE program, as proposed to be amended, on a permanent basis. *See* Securities Exchange Act Release No. 36401 (Oct. 20, 1995), 60 FR 54893 (Oct. 26, 1995).

[9] 17 CFR 240.11b–1(a)(2)(ii).

[10] Section 11(b) permits a specialist to accept only market or limit orders.

[11] *See* H. Rep. No. 1383, 73d Cong. 2d Sess. 22, S. Rep. 792, 73d Cong. 2d Sess. 18 (1934).

[12] *See* Special Study, *supra* note 4.

[13] Moreover, stopped orders as ''limit orders'' would not bypass pre-existing limit orders on the same side of the market. Under the BSE's new procedures being approved herein, specialists may not execute a stopped order before the limit order interest on the Exchange (at the same price as the stopped order) is exhausted.

[14] *See supra* note 7.

[15] 15 U.S.C. § 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

[Release No. 34–37133; File No. SR–PSE–96–11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange Incorporated, Relating to the FLEX Equity Options

April 19, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 5, 1996, the (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reduce from five to three the minimum number of market makers who must be qualified to trade flexible exchange options (''FLEX Options'') on an underlying equity security (''FLEX Equity Option'') before such options may be traded on that security. The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On February 14, 1996, the Commission approved an Exchange proposal to list and trade FLEX Equity Options.[3] Pursuant to that rule change, if the Exchange trades FLEX Equity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 36841 (February 14, 1996), 61 FR 6666 (February 21, 1996).

Options on a security, then market participants would be able to designate certain contract terms for options of such securities, including: exercise price; exercise style (i.e., American, European or capped); expiration date; and option type (i.e., put, call or spread).

PSE Rule 8.109(a) currently provides for the selection of ''FLEX Qualified Market Makers,'' i.e., market makers whom the Exchange deems to be qualified to trade Exchange Equity Options based on the following factors: (1) The preference of the registrants; (2) the maintenance and enhancement of competition among market makers; and (3) the assurance that the market maker will have adequate financial resources.[4] In addition, pursuant to Rule 8.115(a), FLEX Qualified Market Makers may not effect any transactions in FLEX Equity Options unless one of more letter(s) of guarantee has been issued by a clearing member and filed with the Exchange pursuant to Rule 6.36(a). In connection with these letters of guarantee, a clearing member must accept financial responsibility for all FLEX transactions made by such market makers.

PSE Rule 8.109(a) currently provides that the Exchange shall appoint five or more FLEX Qualified Market Makers to each FLEX Equity Option prior to its listing.[5] The Exchange proposes to reduce the minimum number of FLEX Qualified Market Makers required under Rule 8.109(a) from five to three. The Exchange is proposing this change in order to enhance its ability to trade FLEX Equity Options on the Exchange. The Exchange believes that no undue financial risk to the Exchange would result from this change because each transaction of FLEX Qualified Market Makers will be backed by a clearing member, which will accept financial responsibility for all FLEX transactions made by such market makers pursuant to a letter of guarantee.[6] The Exchange also believes that three FLEX Qualified Market Makers will be a sufficient number of traders to provide quotations in response to requests for quotes because the Exchange expects that FLEX Equity Options will be traded in the same trading crowd as Non-FLEX Options on the same underlying securities. In this regard, the Exchange notes that under the current rules, two FLEX Appointed Market Makers may be designated in lieu of five FLEX Qualified Market Makers to trade FLEX Equity Options.[7]

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination among customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PSE–96–11 in the caption above and should be submitted by May 17, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 96–10315 Filed 4–25–96; 8:45 am]

BILLING CODE 8010–01–M

[4] By contrast, under Rules 8.100 *et seq.*, ''FLEX Appointed Market Makers'' are those individuals who have been designated by the Exchange to trade FLEX options on a specific underlying index (''FLEX Index Option'') that has been approved by the Commission for FLEX Options trading. *See* PSE Rules 8.100(a)(1) and 8.109(a).

[5] With respect to FLEX Index Options, two FLEX Appointed Market Makers must be approved to trade FLEX Options on a given index before the Exchange may list FLEX Options on that index. FLEX Appointed Market Makers must also meet the capital requirements of Rule 8.114 (i.e., they must maintain $1 million net liquidating equity and/or $1 million net capital (as defined by SEC Rule 15c3–1 under the Act)), and they must also meet the account equity requirements of Rule 8.113(a) (i.e., the net liquidating equity maintained in their individual or joint accounts must be least $100,000).

[6] *See* PSE Rule 8.115(a).

[7] *See* PSE Rule 8.109(a).

[8] 17 CFR 200.30–3(a0912).

SMALL BUSINESS ADMINISTRATION

Minneapolis Advisory Council Meeting

The U.S. Small Business Administration, Minneapolis, St. Paul District Advisory Council will hold a public meeting on Friday, May 24, 1996 at 11:30 am at the Decathlon Club, 1700 East 79th Street, Bloomington, Minnesota, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Edward A. Daum, District Director, U.S. Small Business Administration, 610–C Butler Square, 100 North Sixth Street, Minneapolis, Minnesota 55403, (612) 370–2306.

Dated: April 22, 1996.

Bill Combs,

Associate Administrator for Office of Communication and Public Liaison.

[FR Doc. 96–10401 Filed 4–25–96; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that

have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collections listed below, which were published in the Federal Register on February 26 and March 1, 1996, have been submitted to OMB.

(Call Reports Clearance Officer on (410) 965–4123 for copies of package.)

OMB Desk Officer: Laura Oliven.

SSA Reports Clearance Officer: Charlotte S. Whitenight.

1. Missing & Discrepant Wage Reports Letter & Questionnaire—0960–0432. The information collected on forms SSA–L93, SSA–95 and SSA–97 will be used by the Social Security Administration to contact employers reporting more wages to IRS than they reported to SSA. Employers' compliance with the SSA request will enable SSA to properly post employees' wage records. The respondents are employers with missing or discrepant wage reports.

Number of Respondents: 385,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 192,500 hours.

2. Letter to Landlord Requesting Rental Information—0960–0454. The information collected on form SSA–L5061 is used to determine if a rental subsidy agreement exists between a landlord and an applicant for, or recipient of, Supplement Security Income benefits. The affected public is landlords who may be subsidizing such a rental arrangement.

Number of Respondents: 49,000.

Frequency of Response: As needed to verify subsidy arrangements.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 8,167 hours.

3. Farm Arrangement Questionnaire—0960–0064. The information collected on form SSA–7157 is used to determine if farm rental income may be considered self-employment income for Social Security coverage purposes. The respondents are individuals alleging self-employment income from the activity of renting land for farming activities.

Number of Respondents: 38,000.

Frequency of Responses: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 19,000 hours.

4. Request for Hearing By Administrative Law Judge—0960–0269. The information on form HA–501 is used by the Social Security Administration to document an individual's request for a hearing on an unfavorable determination concerning his or her benefits. The respondents are such individuals who request a hearing.

Number of Respondents: 625,563.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 104,260.

5. Petition to Obtain Approval of a Fee for Representing a Claimant before the Social Security Administration—0960–104. The information on form SSA–1560 is used to determine if a representative is asking for a reasonable fee for representing a claimant before the Social Security Administration (SSA). The respondents are attorneys or other persons representing claimants before SSA.

Number of Respondents: 30,492.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 15,246.

6. State Mental Institution Policy Review—0960–0110. The information collected on form SSA–9584 is used by the Social Security Administration to determine whether the institutions' policies and practices conform with SSA's regulations in the use of benefits, and whether the institution is performing other duties and responsibilities required of a representative payee. The information also provides the basis for conducting the actual onsite review and is used in the preparation of the subsequent report of findings and recommendations which is provided to the institutions. The respondents are state mental institutions which serve as representative payees for Social Security beneficiaries.

Number of Respondents: 183.

Frequency of Response: 1 per year.

Average Burden per Response: 1 hour.

Estimated Annual Burden: 183 hours.

Social Security Administration

Written comments and recommendations regarding these information collections should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Charlotte S. Whitenight, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Date: April 19, 1996.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 96–10203 Filed 4–25–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Pierce County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA, Washington State Department of Transportation (WSDOT), and Pierce County are issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed new roadway project in Pierce County, Washington between Interstate 5 and State Route 7 (Pacific Avenue).

FOR FURTHER INFORMATION CONTACT: Jim Leonard, Area Engineer FHWA, Olympia, Washington 98501 Phone Number (360) 753–9558.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with WSDOT and Pierce County, will prepare an EIS on a proposal to build a new roadway between Interstate 5 at the Thorne Lane interchange and State Route 7 (Pacific Avenue) at 176th Street South. The proposed roadway corridor passes through a residential area in the City of Lakewood known as American Lake Gardens and portions of the Fort Lewis Military Reservation and McChord Air Force Base. The EIS will include a Major Investment Study (MIS) that examines the overall need for the project and alternative means of reducing or meeting the demand for additional transportation capacity.

The purpose of the proposed facility is to reduce congestion on existing arterial streets and highways and to provide a more direct connection for the movement of goods and people between Interstate 5 and mid-Pierce County. The corridor must also maintain security and accommodate existing and planned operations on both military installations. Recent and planned residential and industrial development in the Lakewood, Spanaway, Fredrickson, American Lake, and

Dupont areas is creating traffic volumes in excess of current system capacity. Under current land use plans, the areas on the east and west ends of the corridor are expected to become major new employment centers within the next 20 years. At present, the only connections between these areas and Interstate 5 are SR 512, SR 507 and SR 510, and Perimeter Road. Roads connecting mid-Pierce County to SR 512 are already congested (LOS E/F at many intersections during peak hours), and peak hour LOS on SR 512 is currently LOS D and projected to be LOS E/F by 2017 if additional east-west capacity is not added. Reaching Interstate 5 from mid-Pierce County via SR 507 and SR 510 requires over 30 miles of travel, compared to 13 miles via SR 512. Perimeter Road is owned by McChord Air Force Base and may be closed whenever necessary to maintain military security.

The alternatives under consideration include roadway alternatives, transportation system management, transportation demand management, and the no-action alternative. The roadway alternatives corridor is approximately six miles long. The proposed roadway would be four to six lanes with limited access. Access would be considered at two locations in the American Lake Gardens area (possible locations include 150th Street SW, Spring Street [76th Avenue SW], Woodbrook Road, and the Fort Lewis Logistics Center), A Street, and Spanaway Loop Road.

Roadway alternatives to be considered include three alignments in the American Lake Gardens area. One alignment follows Murray Road and turns east to follow the northern border of Fort Lewis on military property. The second alignment passes diagonally through American Lake Gardens from the Thorne Lane interchange, across 150th Street SW, reaching the northern edge of Fort Lewis west of Woodbrook Road and continuing east on military property. The third alignment also passes diagonally through American Lake Gardens from the Thorne Lane interchange, and follows 150th Street SW east past Lake Mondress where it turns south to join the other alignments. Between American Lake Gardens and the Spanaway Lake area, the Corridor passes through Fort Lewis and McChord Air Force Base. In this area, only one alignment will be evaluated. This is because the proposed corridor is constrained by the need to maintain security at both installations, to accommodate existing and proposed military operations including the McChord Air Force Base runway, and to avoid sensitive environmental areas. On the east end of the corridor, the alignment follows south of 176th Street South on Fort Lewis property. This alignment allows 176th Street South to continue as local access and avoids direct impacts to adjacent residential areas.

The MIS/EIS will consider Transportation System Management (TSM) and Transportation Demand Management (TDM) methods as part of all roadway alternatives. These methods would include dedicated lanes for high-occupancy vehicles (HOV) and intelligent transportation systems (such as variable message signs, incident response systems, and emergency telephones). Additional strategies to be evaluated include employer-based TDM programs such as subsidized transit passes, vanpools, ridesharing, and alternative work schedules.

A newsletter describing the proposed roadway was mailed to all postal patrons and residential and non-residential property owners in the project vicinity in January, 1996. Public informational (pre-scoping) meetings on the proposed project were held on February 15, 1996 in American Lake Gardens and February 20, 1996 in the Spanaway Lake area. At these meetings, information was provided on six alternative alignments through the American Lake Gardens area, including the three described above. Two alignments on 176th Street South near Pacific Avenue were described, also including the alignment described above. In addition, maps and descriptive information on the entire corridor were provided. Comments on the project, and especially on which alternatives should be evaluated in the MIS/EIS were taken orally and in writing. These public comments were considered in selecting the three American Lake Garden alignments and 176th Street South alignment that will be evaluated in the MIS/EIS. Announcements for the meetings and the information distributed stated that comments received would be considered part of the MIS/EIS scoping process.

The scoping process for the MIS/EIS will include press releases and advertisements in local newspapers inviting further comments on the proposed alternatives and their potential impacts. Agencies and organizations potentially interested in or with jurisdiction over specific environmental features related to the project will be contacted by letter and offered briefings upon their request. Additional newsletters will be distributed to continue to inform the public about the project and invite further comment. To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address listed above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 19, 1996.

José M. Miranda,

Environmental Program Manager, Olympia, Washington.

[FR Doc. 96–10323 Filed 4–25–96; 8:45 am]

BILLING CODE 4910–22–M

Environmental Assessment/Finding of No Significant Impact; Barney Circle Freeway Modification Project, Washington, DC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of finding of no significant impact.

SUMMARY: The FHWA is issuing this notice to advise the public that a Finding Of No Significant Impact (FONSI) was signed by the FHWA's District of Columbia Division Administrator on April 16, 1996, after reviewing and analyzing the Environmental Assessment (EA) and associated public comments for the Barney Circle Freeway Modification Project in Washington, DC .

After reviewing and analyzing currently available data and information on existing conditions, project impacts, measures to mitigate those impacts, and comments from the public and governmental agencies, the FHWA has determined that there are no new significant impacts that would require the FHWA to prepare a Supplemental Environmental Impact Statement (SEIS) or to modify the 1984 FHWA Record of Decision (ROD) to construct the Selected Alternative, as proposed in the 1983 Final Environmental Impact Statement (FEIS) for the Barney Circle Freeway Modification Project. This FONSI is based on the 1995 EA and Public Review and Comment Record, both of which are summarized in the FONSI. These documents have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need for the proposed project, the environmental changes, issues, and impacts that have

occurred since preparation of the 1983 FEIS, and the appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that a SEIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the 1995 EA, Public Review and Comment Record, and the FONSI document. The FHWA reiterates its determination that there is no feasible and prudent alternative to the use of land from Anacostia and Garfield Parks, and that the proposed action includes all possible planning to minimize harm to these properties resulting from such use.

FOR FURTHER INFORMATION CONTACT: Walt Adams, Assistant Division Administrator, Federal Highway Administration, 820 First Street, N.E., Suite 750, Washington, DC 20002, (202) 523–0163. Office hours are 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The basis for the 1996 FONSI for the proposed Barney Circle Freeway Modification Project is discussed in the document. It has been developed in compliance with the National Environmental Policy Act (NEPA). The Barney Circle Freeway Modification Project, as proposed by the District of Columbia Department of Public Works (DCDPW), completes a portion of the Interstate highway system in the southeast area of the District of Columbia. It would connect the Eisenhower Freeway (I–295) at Barney Circle with a logical terminus, via a 1.4-mile four-lane freeway and bridge, at the Anacostia Freeway. The goal of the project is to provide a direct link between central Washington, D.C., and areas to the northeast and east, and to divert through traffic from local streets to higher-capacity roadways. The 1995 Barney Circle Freeway Modification Project EA was prepared to determine if any new conditions, changes in government policy, or new environmental issues have occurred, since completion of the 1983 FEIS and the subsequent re-evaluations of the FEIS in 1989 and 1993, that would affect or modify the basis for FHWA's 1984 Record of Decision (ROD).

The FHWA has reviewed and analyzed available data and information on existing conditions, project impacts, and measures to mitigate those impacts, and the comments from the public and governmental agencies. The FHWA has determined that there are no new significant impacts that would require the FHWA to prepare a SEIS or to modify the 1984 ROD to construct the Selected Alternative, as proposed in the 1983 FEIS.

Major concerns addressed in the EA include: (1) the discovery of contaminated materials in the western section of the proposed freeway, (2) environmental justice, (3) cumulative impacts, and (4) the federal ecological management initiative. A summary discussion of each of these issues is presented in the FONSI document, which is available to the public for review. Comments or questions concerning the FONSI should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program.)

Authority: 23 U.S.C. 315, 49 CFR 1.48.

Issued on: April 19, 1996.

Walt Adams,

Assistant Division Administrator.

[FR Doc. 96–10371 Filed 4–25–96; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Request for Temporary Identification Card

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Request for Temporary Identification Card. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Request for Temporary Identification Card.

OMB Number: 1515–0128.

Form Number: N/A.

Abstract: Cartmen, Lightermen, and airport employers may request a temporary identification card to be issued to their employees if they can show that a hardship to their business would result pending the issuance of a permanent identification card.

Current Actions

There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 150.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annualized Cost on the Public: $1,200.

Dated: April 18, 1996.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10410 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Entry and Manifest of Merchandise Free of Duty

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Entry and Manifest of Merchandise Free of Duty. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Entry and Manifest of Merchandise Free of Duty.

OMB Number: 1515–0051.

Form Number: Customs Form 7523.

Abstract: Customs Form 7523 is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain condition and by Customs to authorize the entry of such merchandise. It is also used by carriers to show that the articles being imported are to be released to the importer or consignee.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 4,950.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 8,247.

Estimated Total Annualized Cost on the Public: $123,700.

Dated: April 18, 1996.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10411 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Disclosure of Information on Inward and Outward Vessel Manifest

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Disclosure of Information on Inward and Outward Vessel Manifest. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Disclosure of Information on Inward and Outward Vessel Manifest.

OMB Number: 1515–0124.

Form Number: N/A.

Abstract: This information is used to grant a domestic importer's, consignee's, and exporter's request for confidentially of its identy from public disclosure.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 578.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 289.

Estimated Total Annualized Cost on the Public: $1,400.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10412 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and

Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Foreign Trade Zone Annual Reconciliation Certification and Record Keeping Requirement.

OMB Number: 1515–0151.

Form Number: N/A.

Abstract: Each Foreign Trade Zone Operator will be responsible for maintaining its inventory control in compliance with statue and regulations. The operator will furnish Customs an annual certification of their compliance.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 171.

Estimated Time Per Respondent: 70 minutes.

Estimated Total Annual Burden Hours: 199

Estimated Total Annualized Cost on the Public: $855.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10413 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Documents Required Aboard Private Aircraft

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Documents Required Aboard Private Aircraft. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Documents Required Aboard Private Aircraft.

OMB Number: 1515–0175.

Form Number: N/A.

Abstract: The documents required by Customs regulations for private aircraft arriving from foreign countries pertain only to baggage declarations. Customs also requires that the pilots present documents required by FAA to be on the plane.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 144,000.

Estimated Time Per Respondent: 1 minute.

Estimated Total Annual Burden Hours: 2,390.

Estimated Total Annualized Cost on the Public: $38,240.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10414 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Automotive Products Trade Act of 1965

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Automotive Products Trade Act of 1965. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize

the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Automotive Products Trade Act of 1965.

OMB Number: 1515–0178.

Form Number: N/A.

Abstract: The documents required by Customs regulations for private aircraft arriving from foreign countries pertain only to baggage declarations. Customs also requires that the pilots present documents required by FAA to be on the plane.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 210.

Estimated Time Per Respondent: 12 hours.

Estimated Total Annual Burden Hours: 27,510.

Estimated Total Annualized Cost on the Public: $290,850.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10415 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Line Release Regulations

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Line Release Regulations. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Line Release Regulations.

OMB Number: 1515–0181.

Form Number: N/A.

Abstract: Line release was developed to release and track high volume and repetitive shipments using bar code technology and PCS. An application is submitted to Customs by the filer and a common commodity classification code (C4) is assigned to the application.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 168.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 4,200.

Estimated Total Annualized Cost on the Public: $285,000.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10416 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Inward Cargo Manifest for Vessels

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Inward Cargo Manifest for Vessels. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Inward Cargo Manifest for Vessels

OMB Number: 1515–0049

Form Number: Customs Form 7533

Abstract: Vessels under five tons and any vehicle carrying merchandise and arriving from contiguous country must report their arrival in the U.S. and produce a manifest on Customs Form

7533 listing merchandise being conveyed.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 41,650.

Estimated Annualized Cost to the Public: $499,800.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10417 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Petition for Remission or Mitigation

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Petition for Remission or Mitigation. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

In this document Customs is soliciting comments concerning the following information collection:

Title: Petition for Remission or Mitigation.

OMB Number: 1515–0052.

Form Number: Customs Form 4609.

Abstract: Persons whose property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. This form gives the violator the opportunity to claim mitigation and provides a record of such administrative appeals.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 28,000.

Estimated Time Per Respondent: 19 minutes.

Estimated Total Annual Burden Hours: 8,834.

Estimated Annualized Cost to the Public: N/A.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10418 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Master's Oath of Vessel in Foreign Trade

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Master's Oath of Vessel in Foreign Trade. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Master's Oath of Vessel in Foreign Trade.

OMB Number: 1515–0060.

Form Number: Customs Form 1300.

Abstract: CF–1300 is used by the master of a vessel to attest to the truthfulness of all other forms associated with the manifest. The form also serves to record information on the tonnage tax to prevent overpayment of that tax.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 12,000.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 21,991.

Estimated Annualized Cost to the Public: $285,820.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10419 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Certificate of Origin

AGENCY: Customs Service , Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Certificate of Origin. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Certificate of Origin.

OMB Number: 1515–0055.

Form Number: Customs Form 3229.

Abstract: This certification is required to determine whether an importer is entitled to duty-free for goods which are the growth or product of a U.S. insular possession and which contain foreign materials representing no more than 70 percent of the goods total value.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 113.

Estimated Total Annualized Cost on the Public: $1,030.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10420 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Immediate Delivery Application

AGENCY: Customs Service, Department of the Treasury

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Immediate Delivery Application. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal Agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Immediate Delivery Application.

OMB Number: 1515–0069.

Form Number: Customs Form 3461 and 3461 Alternate.

Abstract: Customs Form 3461 and 3461 Alternate are used by importers to provide Customs with the necessary information in order to examine and release imported cargo.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 6,100.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 838,158.

Estimated Annualized Cost to the Public: $11,440,860.

John Turner,

Acting Leader, Printing and Records Services Group

[FR Doc. 96–10421 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request; Automated Surety Interface

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Automated Surety Interface. This request for

comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

In this document Customs is soliciting comments concerning the following information collection:

Title: Automated Surety Interface.

OMB Number: 1515–0196.

Form Number: N/A.

Abstract: This rule is to implement the Automated Surety Interface, a module of the Automated Commercial System (ACS) through which participating sureties will electronically provide to Customs acknowledgement that they are liable for transactions identified under their bonds.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 600,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 10,155.

Estimated Total Annualized Cost on the Public: Unknown.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10422 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request Application for Identification Card

AGENCY: Customs Service, Department of the Treasury

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Identification Card. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Identification Card.

OMB Number: 1515–0026.

Form Number: Customs Form 3078.

Abstract: Customs Form 3078 is used by licensed Cartmen, Lightermen, Warehousemen, brokerage firms, foreign trade zones, container station operators, their employees, and employees requiring access to Customs secure areas to apply for an identification card so that they may legally handle merchandise which is in Customs custody.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 7,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 5,250.

Estimated Total Annualized Cost on the Public: $63,000.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10423 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Proposed Collection; Comment Request Entry Summary and Continuation Sheet

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Entry Summary and Continuation Sheet. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions

should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 6216, 1301 Constitution Avenue NW., Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Entry Summary and Continuation Sheet.

OMB Number: 1515–0065.

Form Number: Customs Form 7501, 7501A.

Abstract: Customs Form 7501 is used by Customs as a record of the impact transaction, to collect proper duty, taxes, exactions, certifications and enforcement endorsements, and to provide copies to Census for statistical purposes.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 2,700.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 3,454,852.

Estimated Annualized Cost to the Public: $79,461,596.

John Turner,

Acting Leader, Printing and Records Services Group.

[FR Doc. 96–10424 Filed 4–25–96; 8:45 am]

BILLING CODE 4820–02–P

Internal Revenue Service

Proposed Collection; Comment Request for Form 6251

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6251, Alternative Minimum Tax—Individuals.

DATES: Written comments should be received on or before June 25, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Alternative Minimum Tax—Individuals.

OMB Number: 1545–0227.

Form Number: Form 6251.

Abstract: Form 6251 is used by individuals with adjustments, tax preference items, taxable income above certain exemption amounts, or certain credits. Form 6251 computes the alternative minimum tax which is added to regular tax. The information is needed to ensure the taxpayer is complying with the law.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 273,396.

Estimated Time per Respondent: 5hr. 37 min.

Estimated Total Annual Burden Hours: 1,533,752.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: April 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–10397 Filed 4–25–96; 8:45 am]

BILLING CODE 4830–01–P

Proposed Collection; Comment Request for Form 8689

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8689, Allocation of Individual Income Tax to the Virgin Islands.

DATES: Written comments should be received on or before June 25, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Allocation of Individual Income Tax to the Virgin Islands.

OMB Number: 1545–1032.

Form Number: Form 8689.

Abstract: This form is used by U.S. citizens or residents as an attachment to Form 1040 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1040 for taxes paid to the Virgin Islands. *Current Actions:* There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses or other for-profit organizations.

Estimated Number of Respondents: 800.

Estimated Time per Respondent: 2hr. 10 min.

Estimated Total Annual Burden Hours: 1,736.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: April 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–10398 Filed 4–25–96; 8:45 am]

BILLING CODE 4830–01–P

Proposed Collection; Comment Request for Form 8801

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8801, Credit For Prior Year Minimum Tax—Individuals, Estates, and Trusts.

DATES: Written comments should be received on or before June 25, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Credit For Prior Year Minimum Tax—Individuals, Estates, and Trusts.

OMB Number: 1545–1073.

Form Number: Form 8801.

Abstract: Form 8801 is used by individuals, estates, and trusts to compute the minimum tax credit, if any, available from a tax year beginning after 1986 to be used in the current year or to be carried forward for use in a future year.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 38,744.

Estimated Time per Respondent: 3hr. 53 min.

Estimated Total Annual Burden Hours: 150,714.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: April 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–10399 Filed 4–25–96; 8:45 am]

BILLING CODE 4830–01–U

Proposed Collection; Comment Request for Form 2555

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2555, Foreign Earned Income.

DATES: Written comments should be received on or before June 25, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Foreign Earned Income

OMB Number: 1545–0067.

Form Number: Form 2555.

Abstract: This form is used by U.S. citizens and resident aliens who qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. This information is used by the Service to determine if a taxpayer qualifies for the exclusion(s) or deduction.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 181,626.

Estimated Time per Respondent: 5hr. 5 min.

Estimated Total Annual Burden Hours: 924,476.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: April 19, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–10400 Filed 4–25–96; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Meeting of the Advisory Board for Cuba Broadcasting

The Advisory Board for Cuba Broadcasting will conduct a meeting at the Doral Golf Resort and Spa, 4400 NW 87th Avenue, Miami, Florida, on Friday, April 26, 1996, at 8:30 a.m.

The intended agenda is listed below.

Advisory Board for Cuba Broadcasting Meeting

Friday, April 26, 1996

Agenda

Part One—Closed to the Public

Technical Operations Update
  A. Radio Martí
  B. T.V. Martí

Part Two—Open to the public

I. Technical Operations Update
  A. Watts and Frequencies
II. Update on Radio and T.V. Martí
III. Relocation Update
  A. Card Sound Road Site
IV. Inspector General USIA Update
V. Focus Group Report
VI. Legislative Report
VII. International Broadcasting Bureau
  A. Firewall Issue
VIII. Old Business
IX. New Business
X. Adjournment

Members of the public interested in attending the open portion of the meeting should contact Ms. Angela R. Washington, at the Advisory Board Office. Ms. Washington can be reached at (202) 401–2178.

Determination To Close a Portion of the Advisory Board Meeting of April 26, 1996

Based on information provided to me by the Advisory Board for Cuba Broadcasting, I hereby determine that the 8:30 a.m. to 9:00 a.m. portion of this meeting should be closed to the public.

The Advisory Board has requested that part one of the April 26, 1996, meeting be closed to the public. Part one will involve information the premature disclosure of which would likely frustrate implementation of a proposed Agency action. Closing such deliberations to the public is justified by the Government in the Sunshine Act under 5 U.S.C. 522b(c)(9)(B).

Part one of the agenda consists of a discussion of technical matters, which include TV Martí transmissions, frequencies, alternate channels and new technologies for Radio Martí.

Dated: April 22, 1996.

Joseph Duffey,

Director, United States Information Agency.

[FR Doc. 96–10304 Filed 4–25–96; 8:45 am]

BILLING CODE 8230–02–M

Corrections

Federal Register
Vol. 61, No. 82
Friday, April 26, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Estimates of the Voting Age Population for 1995

Correction

In notice document 96–8025, beginning on page 15460, in the issue of Monday, April 8, 1996, make the following corrections:

1. On page 15460, in the second column, ''Iowa 2,177'' should read ''Iowa 2,117.''

2. On the same page, in the third column, ''Washington 1,013'' should read ''Washington 4,013.''

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-1430-01; N-60630]

Notice of Realty Action: Non-Competitive Sale of Public Lands

Correction

In notice document 96–6612 appearing on page 11427 in the issue of Wednesday, March 20, 1996, make the following correction:

On the same page, in the 3rd. column, in the land description for Mount Diablo Meridian, Nevada, in the 3rd line, ''S½NW¼S¼'' should read ''S½NW¼SW¼''.

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 656

RIN 1205-A152

Labor Certification Process for the Permanent Employment of Aliens; Researchers Employed by Colleges and Universities

Correction

In proposed rule document 96–9911 beginning on page 17610 in the issue of Monday, April 22, 1996, make the following correction:

§ 656.40 [Corrected]

On page 17614, in the second column, in § 656.40(c), in the fourth line, after ''universities'' insert ''means 'researchers employed by colleges and universities in the area of intended employment.'.''

BILLING CODE 1505–01–D

federal register

Friday
April 26, 1996

Part II

Department of Housing and Urban Development

Sale of HUD-Held Multifamily Mortgage Loans; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4071–N–01]

Office of the Assistant Secretary for Housing-Federal Housing Commissioner; Notice of Sale of HUD-Held Multifamily Mortgage Loans

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

ACTION: Notice of sale of mortgage loans.

SUMMARY: This notice announces the Department's intention to sell approximately 157 unsubsidized multifamily mortgage loans [1] without Federal Housing Administration (FHA) insurance. Almost all of the mortgages are secured by partially assisted projects, defined as projects that receive Section 8 project-based rental subsidies for up to 50% of the units. The mortgages will be offered through a trust to eligible institutional investors on a private placement basis. The form of the disposition will be a structured financing.

DATES: Bidding Materials are available to eligible bidders. Closing is expected in the middle of June, 1996.

ADDRESSES: Bidding Materials are available from FHA's Financial Advisor, Hamilton Securities Advisory Services, Inc. (''Hamilton'') 7 Dupont Circle, N.W., 2nd Floor, Washington, DC 20036. Bidding Materials will be made available only to parties who complete a Confidentiality Agreement and a Bidder Qualification Statement and are deemed eligible bidders by Hamilton, pursuant to criteria established by FHA. To obtain a Confidentiality Agreement and a Bidder Qualification form, contact Hamilton at (202) 496–6700. Hamilton will forward Bidding Materials to eligible bidders via overnight delivery service. Asset Review Files (ARFs) for the mortgage loans included in the Partially Assisted Sale are available for review by eligible bidders who visit the due diligence facility located at 1140 Connecticut Avenue, N.W., Suite 302, Washington, DC 20036. Alternatively, ARFs can be ordered from Williams, Adley & Company, LLP at the above address. To schedule a visit to the due diligence facility or to order ARFs, eligible bidders should contact Mr. Ray Curtis (or Mr. Henry Kiema) at (202) 496–0965. The due diligence facility will be open between the hours of 9:00 a.m. and 6:00 p.m., Monday though Friday. The facility will close on May 14, 1996. (The above telephone numbers are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Audrey Hinton, Associate Director for Program Operations, Office of Multifamily Asset Management and Disposition, Office of Housing, Room 6160, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410; telephone (202) 708–3730, Ext. 2691. Hearing or speech-impaired individuals may call (202) 708–4594 (TTY). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Department announces its intention to dispose of approximately 157 mortgage loans (''Mortgage Loans''), almost all of which are secured by multifamily projects that are subject to project-based Section 8 Housing Assistance Payments (''HAP'') contracts, providing rental assistance, on behalf of eligible low-income households, for up to 50% of the units in each project (''Partially Assisted Projects''). Almost all of the Mortgage Loans have experienced varying levels of delinquency; some are subject to provisional workout agreements.

The Mortgage Loans will be sold to a special purpose Delaware business trust (''Trust'') without FHA insurance. The Trust will be formed by the successful Trust Certificate/Servicer bidder and an Owner Trustee. The Trust will issue debt in the form of floating rate bonds (''Bonds'') and equity interests in the form of a Class A Trust Certificate and Class B Trust Certificates. Eligible bidders will be afforded an opportunity to bid competitively on the Bonds and the Class A Trust Certificate, each of which will be sold separately to a single bidder. The successful Class A Trust Certificate Bidder, an affiliate thereof, or a non-affiliated entity having a contractual relationship with the Class A Trust Certificate Bidder will act as Servicer for the Trust. The Servicer must be approved by the participating rating agencies, Standard & Poor's Ratings Group and Fitch Investors Services.

The Department will transfer all right, title and interest to the Mortgage Loans to the Trust and will have no control over the servicing or disposition of the Mortgage Loans by the Trust. In consideration for the sale of the Mortgage Loans to the Trust, the Department will receive the proceeds from the issuance of the Bonds and Class A Trust Certificate, net of certain amounts, and the Class B Trust Certificates, representing beneficial interests in the Trust. The Department may transfer all or part of the Class B Trust Certificates to one or more investors in the future, and without further notice. Holders of Class B Trust Certificates will have a passive role with respect to the Trust.

The Bidding Process

The Bidding Materials describe in detail the procedure for participating in the Partially Assisted Sale and include summary information, bid forms, drafts of proposed transaction documents, information on each of the Mortgage Loans, such as the unpaid principal balance and interest rate, and a Preliminary Private Placement Memorandum for the Bonds. Also, the Bidding Materials include a computer diskette with general portfolio information and selected data fields on each Mortgage Loan.

Hamilton will distribute the Bidding Materials over a period of approximately 8 weeks prior to the sale. The Bidding Materials will be supplemented periodically, up to the sale. Bidding Materials are available to eligible bidders from Hamilton, as described above.

Bidders must be eligible institutional investors in order to have their bids considered. FHA's Financial Advisor will determine whether a bidder is qualified on the basis of the information provided by each bidder in its Qualification Statement. Bidders interested in purchasing the Bonds will be required to submit two bids: an Indicative Bond Bid and a Final Bond Bid, in accordance with the Bid Instructions contained in the Bidding Materials. Bidders on the Class A Trust Certificate will be provided with information regarding the Indicative Bond Bids, prior to submitting their bids. Eligible Final Bond Bidders will be informed of the identity of the successful Class A Trust Certificate Bidder (and thus the Servicer) and its winning bid prior to the date that the Final Bond Bids are due.

The Bidding Materials require Bond and Certificate bidders to make certain deposits, and provide for the retention of deposits, in whole or in part, by FHA under various circumstances described in the Bidding Materials. Further, the Bidding Materials require the winning Bond bidder and Class A Certificate bidder to pay various settlement expenses and other transaction costs.

FHA Reservation of Rights

The Department reserves the right to delete any Mortgage Loan from the Partially Assisted Sale, as provided for in the Bidding Materials, for any reason and without prejudice to its right to

[1] None of the mortgage loans in this sale are subject to the settlement agreements in *Walker v. Kemp*, No. C–87–2628 (N.D. Cal.). *See generally, Walker v. Pierce*, 665 F. Supp. 831 (N.D. Cal. 1987) (granting preliminary injunction).

include any deleted Mortgage Loan in a future sale.

The Department reserves the right, at its sole discretion and for any reason whatsoever, to reject any and all bids. The Department reserves the right to terminate the Partially Assisted Sale at any time prior to the Class A Trust Certificate bid date.

Timely Bids and Deposits

Each bidder assumes all risk of loss relating to its failure to deliver, or cause to be delivered, on a timely basis and in the manner specified in the Bidding Materials, each bid form and deposit required.

Winning Bids

The winning Class A Trust Certificate bid will be based upon the highest dollar price per percentage interest in the Trust. The winning Bond bid will be based on the lowest ''weighted-average spread.'' If there are two bids with the same dollar price percentage, the successful bid will be the bid that provides the greater amount of proceeds to FHA. In the event of a tie, i.e., there is more than one winning bidder on the Bonds or the Class A Trust Certificate, a ''best and final'' round will be held. If all of the bidders involved in the tie situation are unwilling to change their bids or they remain tied after the ''best and final'' round, FHA will determine the winning bidder by lottery, provided, however, that with respect to tie Bond bids, FHA reserves the right to choose a single-class bid over any multiple-class bid if such circumstances exist.

Due Diligence Facility

During the distribution period for Bidding Materials, the due diligence facility will be open to eligible bidders. The address of the facility is specified above. A non-refundable $720 fee is required, which entitles an eligible bidder to access to the facility, and can be applied toward the cost of an individual ARF. The files contain title information, mortgage and financial documents, Section 8 Housing Assistance Payments (HAP) contracts, site inspection reports and environmental reports, among other pertinent information. The cost of each ARF is $180, plus shipping costs ($20 for the first ARF and $7 for each additional ARF ordered). The Department reserves the right to revise this fee schedule, without prior notice, to recover its copying, shipping and handling costs.

Ineligible Bidders

Notwithstanding a bidder's qualification as an eligible institutional investor and approved servicer, the following individuals and entities (either alone or in combination with others) are ineligible to bid on the Class A Trust Certificate and Bonds:

(1) An entity debarred from doing business with the Department pursuant to 24 CFR part 24;

(2) An entity controlled by an FHA employee or by a member of such employee's household;

(3) An entity which employs or uses the services of an FHA employee involved in the Partially Assisted Sale other than in such employee's official capacity;

(4) An entity employing the services of an FHA employee to assist in the preparation of a bid for the Class A Trust Certificate or Bond;

(5) Any contractor, subcontractor and/or consultant (including any agent of the foregoing) who performed or is performing services for, or on behalf of, FHA in connection with the Partially Assisted Sale or any affiliate of such contractor, subcontractor, consultant or agent;

(6) An entity using the services for its Class A Trust Certificate bid or Bond Bid, of an employee or former employee of an entity listed in (5) above; and

(7) In addition to the entities described in (1) through (6) above, the following entities are ineligible to bid on the Class A Trust Certificate:

(a) An entity that served as a loan servicer or performed other services for, or on behalf of, FHA, with respect to any of the Mortgage Loans at any time during the two-year period prior to May 13, 1996, or any affiliate thereof;

(b) Any Mortgagor of any of the Mortgage Loans or an entity affiliated with any such Mortgagor.

Mortgage Sale Policy

General

Pursuant to Section 203(k)(4) of the 1978 Housing and Community Development Amendments of 1978, as amended, 12 U.S.C. 1701z–11(k)(4), the Secretary is expressly authorized to sell mortgages on unsubsidized projects (which include partially assisted projects) on any terms and conditions the Secretary prescribes. The mortgage sale rules are codified at 24 CFR part 290, subpart B (*see* final rule published March 21, 1996 at 61 FR 11684, 11690–11691 for effect on April 22, 1996[2]). That final rule includes mortgage sale-related amendments to part 290 made by an interim rule published February 6, 1996 at 61 FR 4580 for effect on March 7, 1996. These amendments apply to the Partially Assisted Sale, among other mortgage sales. Interested parties are advised to review these rules.

This notice describes the implementation of the Department's statutory authority and its regulations in the context of the Partially Assisted Sale. For the reader's convenience, parallel citations are provided to subpart I (including the interim rule published on February 6, 1996 and made effective March 7, 1996) and subpart B (the mortgage sale rules as republished and renumbered on March 21, 1996).

Tenant Protections in Partially Assisted Sale

The interim rule, published on February 6, 1996, prescribes certain loan sale terms which are designed to safeguard tenant interests, and assure the continuation of project-based and tenant-based Section 8 rental subsidy contracts.

With respect to Mortgage Loans that are delinquent at the time the Department offers them for sale to the Trust, the transaction documents will impose certain affirmative obligations on the Trustee and Servicer. 24 CFR 290.112 and 290.114(d) (renumbered as 24 CFR 290.37 and 290.39(d) in the March 21, 1996 final rule). The transaction documents will provide that certain covenants, running with the land, will be executed and recorded as a condition of a loan restructuring or a discounted pay-off of the mortgage indebtedness, or will be incorporated in a foreclosure deed as well as in any deed-in-lieu of foreclosure that may be accepted. The first covenant will obligate a future project owner (including the Trust) to assume any outstanding project-based Section 8 HAP contract. (However, the assignment of a Section 8 contract will continue to be subject to HUD or the Section 8 HAP contract administrator's prior approval, as applicable.) A related covenant will obligate a future project owner (including the Trust) to assume tenant-based federal rental subsidies (vouchers or certificates) in use at the property at the time of sale or other transfer of ownership of a property. Both covenants will expire on the date the last executed Section 8 HAP contract for the project expires. A third covenant will prohibit current and future owners from discriminating against certificate and voucher holders. The nondiscrimination covenant will expire on the original maturity date of the Mortgage Loan.

To implement § 290.114(c) of the interim rule (renumbered as § 290.39(c) in the March 21, 1996 final rule), the

[2] The March 21, 1996 final rule revised 24 CFR part 290 in its entirety, and it amended and renumbered the mortgage sale regulations.

Department is conditioning its assignment of Mortgage Loans on Partially Assisted Projects that are current when the Department offers them for sale to the Trust. Owners of such projects will be prohibited from discriminating against certificate and voucher holders. This condition will expire on the date the Mortgage Loan is satisfied. With respect to current Mortgage Loans on Partially Assisted Projects, § 290.114(c) does not compel or necessitate covenants that are recorded and run with the land.

The nondiscrimination obligation with respect to delinquent Mortgage Loans on all projects and current Mortgage Loans on Partially Assisted Projects will be enforceable by certificate and voucher holders, as well as by public housing authorities that are Section 8 HAP contract administrators for relevant projects. The covenant regarding assumption of project-based and tenant-based Section 8 HAP contracts will be enforceable by the Section 8 HAP contract administrator for the project.

Further, with respect to Mortgage Loans on Partially Assisted Projects that are delinquent at the time they are offered for sale to the Trust, the transaction documents will prohibit the Trust and the Servicer, and their successors and assigns, from foreclosing in a manner that interferes with existing residential leases. This condition will also be incorporated into the assignment of individual Mortgage Loans with respect to these projects. Section 290.112(b) of the interim rule (renumbered as § 290.37(b) in the March 21, 1996 final rule) limits this lease protection to Section 8 assisted tenants. The Department invited comment on a proposal to add protections for unassisted tenants. (*See* preamble discussion at 61 FR 4582, February 6, 1996.) For the Partially Assisted Sale, the transaction documents will include a non-interference obligation with respect to both assisted and unassisted tenants. For unassisted tenants, however, this protection will continue for the lesser of the remaining term of the tenant's lease or one year.

Other Mortgage Sale Rule Provisions

Pursuant to § 290.110 (*see* 24 C.F.R. part 290, revised April 1, 1995; renumbered as § 290.35 in the March 21, 1996 final rule) loans on unsubsidized projects (which include the partially assisted portfolio) may be sold without FHA insurance. The Department has decided to sell the Mortgage Loans in the Partially Assisted Sale to the Trust without FHA insurance.

Section 290.110 (renumbered as § 290.35 in the March 21, 1996 final rule) also provides for the exclusion of certain delinquent unsubsidized mortgages from sale where it appears that: (1) foreclosure is unavoidable, and (2) the project is occupied by very low-income tenants who are not receiving housing assistance and would be likely to pay rent in excess of 30 percent of their adjusted monthly income if the mortgage were to be sold and foreclosed. The Department's interpretation of this provision is set forth in the preamble to the February 6, 1996 interim rule (*see* 61 FR 4580–4581). The Department has made an administrative determination that the Mortgage Loans to be offered in the Partially Assisted Sale do not meet the criteria for exclusion.

Other Federal Requirements

As part of the reinvention process, the Department is streamlining its regulations by removing redundant and, therefore, unnecessary regulations. For this reason, the Department removed a mortgage sale rule provision, 24 C.F.R. 290.102 (published on March 2, 1995), in the final part 290 regulations published on March 21, 1996.

Any recipient of federal financial assistance, such as Section 8 rental assistance, is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1, *see also* 24 CFR part 1; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, *see also* 24 CFR *part* 8; and executive orders pertaining to civil rights. All multifamily rental housing owners and lenders, among others, must comply with Title VIII of the Civil Right Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3600–3620, *see also* 24 CFR part 100.

Competitive Sale Method; Structured Finance Disposition

The Department will use competitive methods for recovering the value of the Mortgage Loans to be transferred to the Trust, through an auction of debt securities secured by the cash flow of the Mortgage Loans and beneficial equity interests in the Trust. This is consistent with § 290.100 (renumbered as 290.30 in the March 21, 1996 final rule) which provides that mortgages on unsubsidized projects (which include the partially assisted portfolio) shall be sold on a competitive basis.

In light of the experience of other agencies, including the Resolution Trust Corporation, and its own analysis, the Department believes that a structured finance disposition will maximize recovery on the Mortgage Loans in the Partially Assisted Sale to the benefit of the American taxpayer. A structured finance is expected to yield a higher return than a whole loan sale for a variety of reasons. Capital markets provide greater liquidity, and should enhance the Department's proceeds from the Bonds and Class A Certificate. Also, HUD's capture of a percentage of the residual value of these assets through the Class B Certificates mitigates any losses in the portfolio's value arising from market discounting due to the future expiration of project-based Section 8 HAP contracts or because of the market's unfamiliarity with the Section 8 program generally, or partially assisted projects in particular. Moreover, HUD's retention of this passive interest will enable it to share any increase in the loan portfolio's value after the sale due to favorable market conditions.

In addition, a structured finance disposition advances the Department's public policy goals without adding administrative burdens. The Department has an opportunity to develop a set of transactional documents that create accountability by the mortgage purchaser and its agents for compliance with the mortgage sale rules. (*See* Mortgage Sale Policy, *Tenant Protections in Partially Assisted Sale*.) In this transaction, the Servicer will be responsible for the project owner's execution and recordation of the covenants required in connection with a loan restructuring or discounted pay-off of a delinquent mortgage. The Servicer also must use a deed that incorporates the covenants required in the event of foreclosure or acceptance of a deed-in-lieu of foreclosure. The Trustee will oversee the Servicer's performance of such duties. If the Servicer fails to carry out these duties, the Trustee will have a contractual remedy of reducing the Servicer's fees by fifty thousand dollars ($50,000) for each breach, which sum will be paid to HUD. This remedy, which creates financial disincentives for non-compliance with the rules, would not be available in a whole loan sale without allocation of the Department's limited resources. The foregoing is in addition to any other remedies that may be available to enforce the Servicer's duties.

A further advantage of a structured finance is the unique opportunity it presents for interaction between the Section 8 HAP contract administrators and the Servicer with respect to Section 8 matters. The transactional documents will obligate the Servicer to report to the Section 8 HAP contract administrator on project sales, loan restructurings, refinancings, and foreclosures, among other events. The Servicer will receive

from the HAP contract administrator any standard notices of an owner's breaches of Section 8 HAP contracts, and have an opportunity to cure. Further, the Servicer will be required to report periodically to the Trustee and the holders of the Class A and Class B Certificates on violations of Section 8 HAP contracts and on the recordation of required covenants. A whole loan sale would not lend itself to such a portfolio-based system of reporting and interaction with respect to Section 8 HAP contracts.

In sum, a structured finance, through the Servicer and the Trust, provides the opportunity not available in a whole loan sale to engineer accountability for compliance with the mortgage sale rules designed to protect tenants, and to maximize the Department's financial return.

Disposition of Project Reserves and Escrows

The mortgagor's obligation to make monthly payments to a replacement reserve account is required by the FHA Regulatory Agreement, which will be terminated at the time the Mortgage Loans are sold to the Trust (although the Regulatory Agreement will be reinstated in the event a Mortgage Loan is repurchased by FHA from the Trust). The Department will review the status of reserve for replacement accounts and other miscellaneous escrows and accounts it controls for each Mortgage Loan and related project, and make a disposition decision prior to the Partially Assisted Sale. Fund balances will either be: (i) transferred to the Trust; (ii) applied toward any outstanding delinquency under the Mortgage Loan; (iii) paid out to the mortgagor, or (iv) in the case of certain Section 8 replacement reserves, maintained by the Section 8 HAP contract administrator as described below.

In general, real estate tax and hazard insurance escrows, if any, will be transferred to the Trust at closing and administered by the Servicer. With respect to delinquent Mortgage Loans, fund balances in reserve for replacement accounts generally will be applied to the amounts owed to the Department under the Mortgage Loans. Repair reserves independently created by provisional workout agreements will be transferred to the Trust at closing.

Certain HAP Contracts for certain Section 8 New Construction and Substantial Rehabilitation projects (''New Regulation Projects'') independently require the funding and maintenance of a replacement reserve (''Section 8 Reserve''). With respect to these projects, Section 8 reserves will continue to be required after the sale in accordance with the HAP contracts. The Department does not plan to apply available Section 8 Reserve funds held for such projects, in the case of delinquent Mortgage Loans, or release these funds to the mortgagor, in the case of current Mortgage Loans. The Section 8 HAP contract administrator (which presently is HUD) will retain and administer such accounts for after the sale.

Scope of Notice

This notice applies to the FHA Partially Assisted Sale, and does not establish the Department's policy for the sale of any other mortgage loans.

Dated: April 23, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–10444 Filed 4–25–96; 8:45 am]

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federal register

Friday
April 26, 1996

Part III

Department of Justice

Bureau of Prisons

28 CFR Part 524

Intensive Confinement Center Program; Interim Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

[BOP–1006–I]

RIN 1120–AA11

Intensive Confinement Center Program

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this document, the Bureau of Prisons is adopting regulations on the operation of the Intensive Confinement Center Program. This is a specialized program for non-violent offenders combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons. This placement is followed by extended participation in community-based programs and possible reduction in sentence. The goal of the intensive confinement center program is to promote in the inmate values of personal development, self control, and discipline, thereby helping to reduce the potential for future incarceration of the inmate.

DATES: Effective May 28, 1996; comments due by June 25, 1996.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is adopting interim regulations on the Intensive Confinement Center Program. The purpose of this program is to place non-violent offenders in a highly structured, no frills environment as a means of promoting personal development, self control, and discipline, thereby helping to reduce the potential for future incarceration of the inmate. Participation in the program is contingent upon length of sentence and upon the determination of Bureau staff that the inmate is serving his or her first period of incarceration or has a minor history of prior incarcerations, is not serving a term of imprisonment for a crime of violence, is properly classified as appropriate for housing in minimum security, and is physically and mentally capable of participating in the program. Participation in the program is voluntary.

Placement in the program is to be made by Bureau staff in accordance with sound correctional judgment and the availability of Bureau resources. The determination of a non-violent offense is based upon the definition in 18 U.S.C. 924(c)(3).

The institution-based component of the program ordinarily is six months in duration, and consists of strict discipline and daily regimen of physical conditioning, labor-intensive work assignments, literacy program, vocational training, and drug and alcohol counseling. The program also offers the inmate assistance on stress management, life coping skills, positive personal attitude and self-esteem. In addition, there may be other activities available which are consistent with the total wellness program. Amenities such as access to television and radio are extremely limited (for example, television access may be limited to a specified period of national news broadcasts). Smoking is not permitted. The six day work week and the long work day leave little free time, and visiting and telephone access are very limited. Non-issue clothing and commissary privileges (except for monthly purchases by female inmates of sanitary hygiene items in addition to those provided by the Bureau) are not permitted.

An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program (for example, in a community correction center or in home detention). An inmate who fails to complete this component or who subsequently fails participation in a community-based program may forfeit further involvement in the program. An eligible inmate with a sentence of not more than thirty months who successfully completes the institution-based component, who maintains successful participation in a community-based program, and who has supervised release to follow is eligible for up to a six month reduction in sentence. The length of the reduction is proportional to the amount of time remaining to be served. Authority for a reduction in sentence for such inmates is contained in 18 U.S.C. 4046. The Bureau has piloted operation of this program for the purpose of placing graduates in community-based programs for both male and female inmates. Under the interim rule, consideration for reduction in sentence may be given to an inmate who successfully completes an intensive confinement center pilot program if staff confirm that the inmate meets appropriate eligibility criteria.

The Bureau is publishing this regulation as an interim rule in order to provide for public comment while maintaining continuity between pilot program operation and full implementation of 18 U.S.C. 4046. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered before the rule is finalized.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12886. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant economic impact on a substantial number of small entities, as defined by the Act.

List of Subjects in 28 CFR Part 524

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 524—CLASSIFICATION OF INMATES

1. The authority citation for 28 CFR part 524 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; Title V, Pub. L. 91–452, 84 Stat. 933 (18 U.S.C. Chapter 223); 28 CFR 0.95–0.99.

2. Subpart D, consisting of § 524.30 through 524.33, is added to read as follows:

Subpart D—Intensive Confinement Center Program

Sec. 524.30 Purpose and scope.
Sec. 524.31 Eligibility and placement.
Sec. 524.32 Institution-based component procedures.
Sec. 524.33 Program failure.

Subpart D—Intensive Confinement Center Program

§ 524.30 Purpose and scope.

The intensive confinement center program is a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons,

followed by extended participation in community-based programs. The goal of this program is to promote personal development, self-control, and discipline.

§ 524.31 Eligibility and placement.

(a) Eligibility for consideration of placement in the intensive confinement center program requires that the inmate is:

(1)(i) Serving a sentence of more than 12, but not more than 30 months (see 18 U.S.C. 4046), or

(ii) Serving a sentence of more than 30, but not more than 60 months, and is within 24 months of a projected release date.

(2) Serving his or her first period of incarceration or has a minor history of prior incarcerations;

(3) Is not serving a term of imprisonment for a crime of violence;

(4) Appropriate for housing in minimum security;

(5) Physically and mentally capable of participating in the program;

(6) A volunteer.

(b) Placement in the intensive confinement center program is to be made by Bureau staff in accordance with sound correctional judgment and the availability of Bureau resources.

§ 524.32 Institution-based component procedures.

(a) An eligible inmate who volunteers for participation in an institution-based intensive confinement center program must agree to forego opportunities which may be otherwise available to inmates in Bureau institutions. Opportunities that may be affected include, but are not limited to, visitation, telephone use, legal research time, religious practices, commissary, smoking, and grooming preferences.

(b) The institution-based component of the intensive confinement center program ordinarily is six months in duration.

(c) Disciplinary procedures to be followed in the institution-based intensive confinement center program are set forth in subpart B of part 541 of this chapter.

(d)(1) An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program.

(2) An inmate eligible for participation in the program under § 524.31(a)(1)(i) who successfully completes the institution-based component, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence.

(3) An inmate who completes or has completed the institution-based component of an intensive confinement center pilot program, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence if staff confirm that the inmate has met the requirements of § 524.31(a)(1)(i), (2), (3) and (4).

§ 524.33 Program failure.

An inmate who fails to complete the institution-based component or who subsequently fails participation in a community-based program may forfeit his or her further involvement in the program.

[FR Doc. 96–10350 Filed 4–25–96; 8:45 am]

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REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

AGRICULTURE DEPARTMENT
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Perishable Agricultural Commodities Act:
Oil-blanched fresh and frozen fruits and vegetables, including frozen french fried potato products; coverage extension; published 3-27-96

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Business and industrial loan program; audit requirements; published 4-26-96

AGRICULTURE DEPARTMENT
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Business and industrial loan program; audit requirements; published 4-26-96

AGRICULTURE DEPARTMENT
Rural Utilities Service
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Land disposal guidelines; CFR part removed; published 4-26-96
Superfund program:
National oil and hazardous substances contingency plan--
National priorities list update; published 4-26-96

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HEALTH AND HUMAN SERVICES DEPARTMENT
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Interstate land sales registration program; Federal regulatory review; published 3-27-96
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TRANSPORTATION DEPARTMENT
Research and Special Programs Administration
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Federal regulatory reform; published 4-26-96

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Acquisition regulations:
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Antidumping and countervailing duties; comments due by 4-29-96; published 2-27-96

COMMERCE DEPARTMENT
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Atlantic striped bass and weakfish; comments due by 4-29-96; published 3-28-96
Atlantic swordfish; comments due by 5-2-96; published 4-12-96
North Pacific fisheries research plan; implementation; comments due by 4-29-96; published 3-28-96

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Privacy Act; implementation; comments due by 4-30-96; published 3-1-96

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Approved application changes reporting; guidance availability; comments due by 4-29-96; published 1-29-96

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LIST OF PUBLIC LAWS

This is a list of public bills from the 104th Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.J. Res. 175/P.L. 104–131

Making further continuing appropriations for the fiscal year 1996, and for other purposes. (Apr. 24, 1996; 110 Stat. 1213)

S. 735/P.L. 104–132

Antiterrorism and Effective Death Penalty Act of 1996 (Apr. 24, 1996; 110 Stat. 1214)

Last List April 11, 1996