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Monday
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WASHINGTON, DC

WHEN: May 14, 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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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

RIN 3206–AF99

Training

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations governing Federal employee training. The regulations implement provisions of the Federal Workforce Restructuring Act, dated March 30, 1994 and provisions of the Federal Reports Elimination and Sunset Act of 1995, dated December 21, 1995; incorporate former provisionally retained FPM Letters; and reflect OPM's response to agency requests to restructure 5 CFR part 410. The interim rules provide agencies additional flexibility by implementing the National Performance Review recommendations to reduce restrictions on training and make it a more responsive management tool.

DATES: This interim rule becomes effective on May 13, 1996. Comments must be received on or before June 12, 1996.

ADDRESSES: Send or deliver written comments to Allan D. Heuerman, Associate Director, Human Resources Systems Service, Office of Personnel Management, Room 7412, 1900 E Street, NW., Washington, DC, 20415–0001.

FOR FURTHER INFORMATION CONTACT: Judith Lombard, 202–606–2431, FAX 202–606–2394.

SUPPLEMENTARY INFORMATION: These interim regulations affect the training of Government employees. They incorporate (1) Public Law 103–226 amendments to chapter 41 of title 5, United States Code; (2) Public Law 104–66 amendments to chapter 41 of title 5, United States Code; (3) former provisionally retained FMP Letters; and (4) flexibilities requested by agencies. Decisions on what to include in the regulations were based on whether the requirement or authority was necessary to assure uniformity in training Federal employees and/or to protect employee rights.

Amendments to the Government Employees Training Act

The September 1993 Report of the National Performance Review (NPR) recommended (1) eliminating the distinction between Government and non-Government training to make training more market driven and (2) removing the restrictions on employee training to help develop a multi-skilled workforce in the Federal Government. These recommendations were included in Public Law 103–226 (Federal Workforce Restructuring Act of 1994) dated March 31, 1994, which amended 5 U.S.C. chapter 41 in the following ways.

In 5 U.S.C. 4101, the definition of training expands from training directly related to the performance of official duties to any training that improves individual and organizational performance and assists an agency in achieving its mission and performance goals.

5 U.S.C. 4103(a) requires the head of an agency to relate training programs and plans to agency mission and performance goals and to provide employees information about training selection and assignment and applicable training limitations and restrictions.

5 U.S.C. 4103(b)(1) allows agencies to train employees for placement in another agency when such training is in the interest of the Government.

5 U.S.C. 4105 eliminates the distinction between ''Government'' and ''non-Government'' training, thereby allowing managers to take full advantage of available training sources. Previously agencies had to use Government training facilities where possible.

5 U.S.C. 4106 is deleted, thereby eliminating both service requirements for non-Government training and restrictions on time-in-training. Previously, an employee had to have 1 year of current, continuous civilian service to be eligible for non-Government training. Previously, an employee could spend only 1 year in training for every 10 years of Government service.

Section 2181(c) of Public Law 104–66 (Federal Reports Elimination and Sunset Act of 1995), dated December 21, 1995, repealed section 4113 of title 5, United States Code, eliminating the requirements for agencies to review the training needs of employees and to report their training programs and plans to OPM at least once every 3 years.

These interim regulations revise 5 CFR part 410 to reflect the changes in 5 U.S.C. chapter 41.

Former Provisionally Retained FPM Letters

One of the recommendations of the September 1993 Report of the National Performance Review was that the Federal Personnel Manual (FPM) should be ''sunset.'' The Director of OPM abolished the FPM on December 31, 1993. Two FPM Letters on training were provisionally retained through December 31, 1994.

1. Training of Civilian Officials Appointed by the President

Provisionally retained FPM Letter 410–34, Training of Civilian Officials Appointed by the President, delegated to the heads of agencies the authority to designate Presidential appointees, other than themselves, for training. The interim regulation puts this delegation of authority into § 410.302(b).

2. Conferences as Training Activities

Provisionally retained FPM Letter 410–35, Conferences as Training Activities, implemented the February 10, 1993, Presidential memorandum and OMB Bulletin 93–11 on ''Government Fiscal Responsibility and Reducing Perquisites,'' and the Federal Travel Regulations on ''Conference Planning'' (41 CFR part 301–16). They require that agencies exercise strict fiscal responsibility when selecting conference sites to minimize costs and to keep employee attendance to a minimum consistent with serving the public's interest. The interim regulations put language into 5 CFR 410 to assist agencies in determining if a conference is a training activity (§ 410.404). This will reduce Government costs by limiting Federal employee attendance to appropriate training conferences where participation fosters the achievement of agency

missions while enhancing employees' professional growth.

Summary of Major Proposed Changes to Training Regulations

OPM also is revising its training regulations in other ways to provide additional flexibilities, eliminate burdensome requirements, and clarify ambiguous language. The following list summarizes the substantive changes, including those discussed above.

Added Flexibilities and Reduced Requirements

1. The head of an agency has increased flexibility and authority in planning, implementing and evaluating training to meet mission-related needs. (§ 410.101(4), § 410.201)
2. Each agency determines what constitutes its mission-related training needs. (§ 410.101(4))
3. Each agency has increased flexibility for training employees for placement in other agencies. (§ 410.308)
4. Each agency determines when continued service agreements will be required. (§ 410.310)
5. Constraints on the use of non-Government training are eliminated.
6. Limitations on training employees through non-Government facilities are eliminated.
7. Limitations on subsistence payments for extended training assignments are eliminated. (§ 410.403)
8. Annual reporting requirements are eliminated and other reporting requirements are significantly reduced. (§ 410.701)

New Provisions

1. Authority to approve training of Presidential appointees is delegated to heads of agencies. (§ 410.302(b))
2. Integrating employee training and development with agency mission and performance goals is added and clarified. (§ 410.202)
3. Training related career transition assistance for displaced and surplus employees is added and clarified. (§ 410.308(d))
4. Criteria for determining if a conference is a training activity is added. (§ 410.404)

Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(3)(b), I find that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived and the regulation is being made effective in less than 30 days. Inconsistencies between the law and the currently published regulations have caused confusion and led Federal managers, employees, and training officials to operate under outdated, and unnecessary, regulations. We find that delay in issuing updated regulations would be contrary to public interest and to National Performance Review recommendations.

Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because they affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 410

Education, Government employees.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, the Office of Personnel Management is revising 5 CFR part 410 as follows:

PART 410—TRAINING

Subpart A—General Provisions

Sec.
410.101 Definitions.

Subpart B—Planning for Training

Sec.
410.201 Responsibilities of the head of an agency.
410.202 Integrating employee training and development with agency strategic plans.
410.203 Assessing organizational, occupation, and individual needs.
410.204 Options for developing employees.

Subpart C—Establishing and Implementing Training Programs

Sec.
410.301 Scope and general conduct of training programs.
410.302 Responsibilities of the head of an agency.
410.303 Employee responsibilities.
410.304 Funding training programs.
410.305 Establihsing and using interagency training.
410.306 Selecting and assigning employees to training.
410.307 Training for promotion.
410.308 Training for placement in other agency positions, in other agencies, or outside Government.
410.309 Training to obtain an academic degree.
410.310 Agreements to continue in service.
410.311 Computing time in training.
410.312 Records.

Subpart D—Paying for Training Expenses

Sec.
410.401 Determining necessary training expenses.
410.402 Paying premium pay.
410.403 Subsistence payments for extended training assignments.
410.404 Determining if a conference is a training activity.
410.405 Protection of Government interest.
410.406 Records of training expenses.

Subpart E—Accepting Contributions, Awards, and Payments From Non-Government Organizations

Sec.
410.501 Scope.
410.502 Authority of the head of an agency.
410.503 Records.

Subpart F—Evaluating Training

Sec.
410.601 Responsibility of the head of an agency.
410.602 Records.

Subpart G—Reports

Sec.
410.701 Reports.

Authority: 5 U.S.C. 4101, *et seq.*; E.O. 11348, 3 CFR, 1967 Comp., p. 275.

Subpart A—General Provisions

§ 410.101 Definitions.

In this part:

(a) *Agency, employee, Government facility,* and *non-Government facility* have the meanings given these terms in section 4101 of title 5, United States Code.

(b) Exceptions to organizations and employees covered by this subpart include:

(1) Those named in section 4102 of title 5, United States Code, and

(2) The U.S. Postal Service and Postal Rate Commission and their employees, as provided in Public Law 91–375, enacted August 12, 1970.

(c) *Training* has the meaning given to the term in section 4101 of title 5, United States Code, and includes planned activities which support and improve individual and organizational performance and effectiveness, such as on-the-job training, career development programs, professional development activities, or developmental assignments.

(d) *Mission-related training* is training that supports agency goals by improving organizational performance at any appropriate level in the agency, as determined by the head of the agency. This includes training that:

(1) Supports the agency's strategic plan and performance objectives;

(2) Improves an employee's current job performance;

(3) Allows for expansion or enhancement of an employee's current job;

(4) Enables an employee to perform needed or potentially needed duties outside the current job at the same level of responsibility; or

(5) Meets organizational needs in response to human resource plans and re-engineering, downsizing, restructuring, and program changes.

(e) *Retraining* means training and development provided to address an individual's skills obsolescence in the current position and/or training and development to prepare an individual for a different occupation, in the same agency, in another Government agency, or in the private sector.

(f) *Continued service agreement* has the meaning given to service agreements in section 4108 of title 5, United States Code.

(g) *Interagency training* means training provided by one agency for other agencies or shared by two or more agencies.

(h) *State and local government* have the meanings given to these terms by section 4762 of title 42, United States Code.

Subpart B—Planning for Training

§ 410.201 Responsibilities of the head of an agency.

As stated in section 4103 of title 5, United States Code, and in Executive Order 11348, the head of each agency shall:

(a) Establish, budget for, operate, maintain, and evaluate a program or programs, and a plan or plans thereunder, for training agency employees by, in, and through Government and non-Government facilities;

(b) Determine policies governing employee training, including a statement of broad purposes for agency training, the assignment of responsibility for seeing that these purposes are achieved, and the delegation of training approval authority to the lowest possible level; and

(c) Establish priorities for training employees and provide for funds and staff according to these priorities.

§ 410.202 Integrating employee training and development with agency strategic plans.

(a) Agencies shall include training and development in agency strategic planning to ensure that:

(1) Agency training strategies and activities contribute to mission accomplishment; and

(2) Organizational performance goals are met.

(b) Agency human resource development programs and plans should:

(1) Improve employee and organizational performance; and

(2) Build and support an agency workforce capable of achieving agency mission and performance goals.

§ 410.203 Assessing organizational, occupational, and individual needs.

(a) Assessment. Executive Order 11348 specifies the responsibility of heads of agencies to assess agency training needs.

(b) Method. The method an agency uses to conduct training needs assessment shall meet the requirements of chapter 41 of title 5, United States Code, Executive Order 11348, and this subpart.

§ 410.204 Options for developing employees.

Agencies may use a full range of options to meet their organizational and employee development needs, including classroom training, on-the-job training, technology-based training, satellite training, employees' self-development activities, coaching, mentoring, career development counseling, details, rotational assignments, cross training, and developmental activities at retreats and conferences.

Subpart C—Establishing and Implementing Training Programs

§ 410.301 Scope and general conduct of training programs.

(a) Authority. The requirements for establishing training programs and plans are found in section 4103(a) of title 5, United States Code, and Executive Order 11348.

(b) Alignment with other human resource functions. Training programs established by agencies under chapter 41 of title 5, United States Code, should be integrated with other personnel management and operating activities, to the maximum possible extent.

§ 410.302 Responsibilities of the head of an agency.

(a) Specific responsibilities. (1) The head of each agency shall prescribe procedures to ensure that the selection of employees for training is made without regard to political preference, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights as provided by merit system principles set forth in 5 U.S.C. 2301(b)(2).

(2) The head of each agency shall prescribe procedures to ensure that the training facility and curriculum are accessible to employees with disabilities.

(3) The head of each agency shall not allow training in a facility that discriminates in the admission or treatment of students.

(b)(1) Training of Presidential appointees. The Office of Personnel Management delegates to the head of each agency authority to authorize training for officials appointed by the President. In exercising this authority, the head of an agency must ensure that the training is in compliance with chapter 41 of title 5, United States Code, and with this part. This authority may not be delegated to a subordinate.

(2) Records. When exercising this delegation of authority, the head of an agency must maintain records that include:

(i) The name and position title of the official;

(ii) A description of the training, its location, vendor, cost, and duration; and

(iii) A statement justifying the training and describing how the official will apply it during his or her term of office.

(3) Review of delegation. Exercise of this authority is subject to U.S. Office of Personnel Management review.

(c) Training for the head of an agency. Since self-review constitutes a conflict of interest, heads of agencies must submit their own requests for training to the U.S. Office of Personnel Management for approval.

§ 410.303 Employee responsibilities.

Employees are responsible for self-development, for successfully completing and applying authorized training, and for fulfilling continued service agreements. In addition, they share with their agencies the responsibility to identify training needed to improve individual and organizational performance and identify methods to meet those needs, effectively and efficiently.

§ 410.304 Funding training programs.

Section 4112 of title 5, United States Code, provides for agencies paying the costs of their training programs and plans from applicable appropriations or funds available. Training costs associated with program accomplishment may be funded by appropriations applicable to that program area. In addition, section 4109(a)(2) of title 5, United States Code, provides authority for agencies and employees to share the expenses of training.

§ 410.305 Establishing and using interagency training.

An agency may extend training programs developed for its employees to employees of other agencies (and to employees of Federal organizations excepted by section 4102 of title 5, United States Code) when this would result in better training, improved service, or savings to the Government.

§ 410.306 Selecting and assigning employees to training.

(a) Each agency shall establish criteria for the fair and equitable selection and assignment of employees to training consistent with merit system principles specified in 5 U.S.C. 2301(b) (1) and (2).

(b) Persons on Intergovernmental Personnel Act mobility assignments may be assigned to training if that training is in the interest of the Government.

(c) Under the provisions of § 410.309(a) of this part, an agency may pay all or part of the training expenses of students hired under the Student Career Experience Program (see 5 CFR 213.3202(d)(10)).

§ 410.307 Training for promotion.

Under the authority of 5 U.S.C. 4103, and consistent with merit system principles set forth in 5 U.S.C. 2301(b) (1) and (2), an agency may provide training to career or career-conditional employees that in certain instances may lead to promotion. An agency must follow its competitive procedures under part 335 of this chapter when selecting a career or career-conditional employee for training that permits noncompetitive promotion after successful completion of the training.

§ 410.308 Training for placement in other agency positions, in other agencies, or outside Government.

(a) Under the authority of 5 U.S.C. 4103 and 5 U.S.C. 5364, an agency may train an employee to meet the qualification requirements of another position in the agency if the new position is at or below the grade the employee held before grade or pay retention.

(b) Under the authority of 5 U.S.C. 4103(b), and consistent with merit system principles set forth in 5 U.S.C. 2301, an agency may train an employee to meet the qualification requirements of a position in another agency if the head of the agency determines that such training would be in the interests of the Government.

(1) Before undertaking any training under this section, the head of the agency shall obtain verification that there exists a reasonable expectation of placement in another agency.

(2) When selecting an employee for training under this section, the head of the agency shall consider:

(i) The extent to which the employee's current skills, knowledge, and abilities may be utilized in the new position;

(ii) The employee's capability to learn skills and acquire knowledge and abilities needed in the new position; and

(iii) The benefits to the Government which would result from retaining the employee in the Federal service.

(c) Displaced or surplus employees as defined in 5 CFR 330.604 (b) and (f) may be eligible for training or retraining for positions outside Government through programs provided under 29 U.S.C. 1651, or similar authorities. An agency may use its appropriated funds for training displaced or surplus employees for positions outside Government only when specifically authorized by legislation to do so.

(d) Under 5 CFR 330.602, agencies are required to establish career transition assistance plans (CTAP) to provide career transition services to displaced and surplus employees.

(1) Under the authority of 5 U.S.C. 4109, an agency may:

(i) Train employees in the use of the CTAP services;

(ii) Provide vocational and career assessment and counseling services;

(iii) Train employees in job search skills, techniques, and strategies; and

(iv) Pay for training related expenses as provided in 5 U.S.C. 4109(a)(2).

(2) Agency CTAP's will include plans for retraining displaced or surplus employees covered by this part.

§ 410.309 Training to obtain an academic degree.

(a) Prohibition. (1) Under 5 U.S.C. 4107(a), an agency may not authorize training for an employee to obtain an academic degree, except for shortage occupations as defined in § 410.309(b).

(2) An agency may assign employees to academic training on a course-by-course basis. If, in the accomplishment of this training, an employee receives an academic degree, the degree is an incidental by-product of the training.

(b) Degree training to relieve recruitment and retention problems. (1) An agency may authorize academic degree training if the training:

(i) Is necessary to assist in recruiting or retaining employees in occupations in which the agency has or anticipates a shortage of qualified personnel, especially in occupations which it has determined involve skills critical to its mission, and

(ii) Meets the conditions of this section.

(2) In reviewing the need to provide training under this section, an agency shall give appropriate consideration to any special salary rate, student loan repayment, retention allowance, or other monetary inducement authorized by law already provided or being provided which contributes to the alleviation of the staffing problem in the occupation targeted by that training.

(3) In exercising the authority in this section, an agency shall, consistent with the merit system principles set forth in 5 U.S.C. 2301(b) (1) and (2), take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in the agency.

(4) The authority in this section shall not be exercised on behalf of any employee occupying, or seeking to qualify for appointment to, any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.

(5) An agency's policies established under § 410.201 of this part shall cover decisions to authorize training under this section, to ensure that:

(i) The determination to pay for degree training is made at a sufficiently high level so as to protect the Government's interest; and

(ii) The authority is used to address the agency's recruitment and retention problems expeditiously through appropriate delegations of authority.

(c) Determining recruitment and retention problems. For the purposes of this section, a recruitment or retention problem exists if the criteria for a recruitment bonus under 5 CFR § 575.104(c)(2) or for a retention allowance under 5 CFR § 575.305(c)(3) applies.

(1) Recruitment problem. Before determining that an agency has or anticipates a problem in the recruitment of qualified personnel for a particular position, an agency shall make a reasonable recruitment effort, including factors in 5 CFR § 575.104(c)(2). In making a reasonable recruitment effort, an agency will consider the following:

(i) For a position in the competitive service, the results of requests for referral of eligibles from the appropriate competitive examination. For a position in the excepted service, the agency's objectives and staffing procedures.

(ii) Contacts with State Employment Service office(s) serving the locality concerned.

(iii) Contacts with academic institutions, technical and professional organizations, and other organizations likely to produce qualified candidates for the position, including women's and minority-group organizations.

(iv) The possibility of relieving the shortage through broader publicity and recruitment.

(v) The availability of qualified candidates within the agency's current work force.

(vi) The possibility of relieving the shortage through job engineering or training of current employees.

(2) Retention problem. Before determining that an agency has or anticipates a problem in the retention of qualified personnel in a particular occupation, an agency shall consider the factors in 5 CFR § 575.305(c)(3) and:

(i) The ease with which an agency could replace the employee with someone of comparable background;

(ii) The current and projected vacancy rates in the occupation;

(iii) The rate of turnover in the occupation; and

(iv) Technological changes affecting the occupation and long-range predictions affecting staffing for the occupation.

(d) Assessing continuing problems. A reassessment of a ''continuing'' recruitment or retention problem shall be made periodically.

(e) Authorizing training. (1) An agency may authorize full or part-time training to address a recruitment problem if—

(i) The training qualifies an employee for a shortage position identified under paragraph (c)(1) of this section; and

(ii) The agency expects to place the employee in the shortage position after the training.

(2) Training may be authorized under this section for the purpose of retaining an employee in a shortage occupation identified under paragraph(c)(2) of this section, if it involves a course of study selected mainly or its potential contribution to effective performance in that occupation.

(3) Agencies shall select employees for academic degree training according to competitive procedures as specified in § 410.307.

(f) Monitoring training. An Agency shall assess the contribution of training assignments under this section to resolving recruitment or retention problems in its shortage occupations.

(g) Documentation. (1) In exercising the authority in this section, an agency shall retain for a reasonable period:

(i) A record of employees assigned to training under this section and

(ii) A record of findings that the recruitment or retention problem is a continuing one.

(2) As a separate record, the servicing personnel office shall keep the following information for each employee assigned to training under this section:

(i) Nature and justification for the shortage determination;

(ii) Kind of training (e.g., career experience program, continuing professional and technical education, retraining for occupational change); a description of the field of study; and the nature of any degree pursued under the training program; and

(iii) A written continued service agreement, if required.

§ 410.310 Agreements to continue in service.

(a) Authority. Continued service agreements are provided for in section 4108 of title 5, United States Code. Agencies have the authority to determine when such agreements will be required.

(b) Requirements. (1) The Head of the agency shall establish written procedures which cover the minimum requirements for continued service agreements. These requirements shall include procedures the agency considers necessary to protect the Government's interest should the employee fail to successfully complete training.

(2) An employee selected for training subject to an agency continued service agreement must sign an agreement to continue in service after training prior to starting the training. The period of service will equal three times the length of the training.

(c) Failure to fulfill agreements. With a signed agreement, the agency has a right to recover training costs, except for pay or other compensation, if the employee voluntarily separates from Government service. The agency shall provide procedures to enable the employee to obtain a reconsideration of the recovery amount or to appeal for a waiver of the agency's right to recover.

§ 410.311 Computing time in training.

For the purpose of chapter 41 of title 5, United States Code, and this subpart:

(a) An employee on an 8-hour day work schedule assigned to training is counted as being in training for the same number of hours he or she is in pay status during the training assignment. If the employee is not in pay status during the training, the employee is counted as being in training for the number of hours he or she is granted leave without pay for the purpose of the training.

(b) For any employee on an alternative work schedule, the agency is responsible for determining the number of hours the employees is in pay status during the training assignment. If the employee is not in pay status during the training, the employee is counted as being in training for the number of hours he or she is granted leave without pay for the purpose of the training.

(c) An employee on a 8-hour or an alternative work schedule assigned to training on less than a full-time basis is counted as being in training for the number of hours he or she spends in class, in formal computer-based training, in satellite training, in formal self-study programs, or with the training instructor, unless a different method is determined by the agency.

§ 410.312 Records.

Agencies shall keep a record of training events authorized for each employee under this subpart.

Subpart D—Paying for Training Expenses

§ 410.401 Determining necessary training expenses.

(a) The head of an agency determines which expenses constitute necessary training expenses under section 4109 of title 5, United States Code.

(b) An agency may pay, or reimburse an employee, for necessary expenses incurred in connection with approved training as provided in section 4109(a)(2) of title 5, United States Code. Necessary training expenses do not include an employee's pay or other compensation.

§ 410.402 Paying premium pay.

(a) Prohibitions. Except as provided by paragraph (b) of this section, an agency may not use its funds, appropriated or otherwise available, to pay premium pay to an employee engaged in training by, in or through Government or non-government facilities.

(b) Exceptions. The following are excepted from the provision in paragraph (a) of this section prohibiting the payment of premium pay:

(1) Continuation of premium pay. An employee given training during a period of duty for which he or she is already receiving premium pay for overtime, night, holiday, or Sunday work shall continue to receive that premium pay. This exception does not apply to an employee assigned to full-time training at institutions of higher learning.

(2) Training at night. An employee given training at night because situations that he or she must learn to handle occur only at night shall be paid night pay.

(3) Cost savings. An employee given training on overtime, on a holiday, or on a Sunday because the costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours shall be paid the applicable premium pay.

(4) Availability pay. An agency shall continue to pay availability pay during agency-sanctioned training to a criminal investigator who is eligible for it under

5 U.S.C. 5545(a) and implementing regulations. Agencies may, at their discretion, provide availability pay to investigators during periods of initial, basic training. (See 5 CFR § 550.185 (b) and (c).)

(5) Standby and administratively uncontrollable duty. An agency may continue to pay annual premium pay for regularly scheduled standby duty or administratively uncontrollable overtime work, during periods of temporary assignment for training as provided by 5 CFR § 550.162(c).

(6) Agency exemption. An employee given training during a period not otherwise covered by a provision of this paragraph may be paid premium pay when the employing agency has been granted an exception to paragraph (a) of this section by the U.S. Office of Personnel Management.

(c) An employee who is excepted under paragraph (b) of this section is eligible to receive premium pay in accordance with the applicable pay authorities.

(d) Overtime pay under the Fair Labor Standards Act (FLSA). (1) Time spent in training or preparing for training outside regular working hours shall be considered hours of work for the purpose of computing FLSA overtime if an agency requires the training to bring performance up to a fully successful, or equivalent, level or to provide knowledge or skills to perform new duties and responsibilities in the employee's current position. (Also see 5 CFR § 551.423.)

(2) The requirement of paragraph (d)(1) of this section does not pertain to training or preparing for training to:

(i) Improve a nonexempt employee's performance in his or her current position above a fully successful, or equivalent, level, provided such training is undertaken with the knowledge that the employee's performance or continued retention in his or her current position will not be adversely affected by nonenrollment in the training program; or

(ii) Provide a nonexempt employee with additional knowledge or skills for reassignment to another position or advancement to a higher grade. This includes any developmental training, even if such training is directed by the agency.

§ 410.403 Subsistence payments for extended training assignments.

An agency has the authority to pay all or part (if agreed to by the employee) of actual subsistence expenses of an employee assigned to training at a temporary duty station lasting more than 30 calendar days. The agreed rate of payment shall be applicable from the 1st day of the assignment. An agency may adjust an agreed rate of payment when circumstances so justify, provided the employee agrees to any decrease. If the fees paid to the training institution include lodging or meal costs, an appropriate reduction shall be made from any standardized subsistence payments.

§ 410.404 Determining if a conference is a training activity.

Agencies may sponsor an employee's attendance at a conference as a developmental assignment under section 4110 of title 5, United States Code, when—

(a) The content of the conference is germane to improving individual and/or organizational performance, and

(b) Developmental benefits will be derived through the employee's attendance.

§ 410.405 Protection of Government interest.

The head of an agency shall establish such procedures as he or she considers necessary to protect the Government's interest when employees fail to complete, or to successfully complete, training for which the agency pays the expenses.

§ 410.406 Records of training expenses.

An agency shall maintain records of payments made for travel, tuition and fees, and other necessary training expenses.

Subpart E—Accepting Contributions, Awards, and Payments From Non-Government Organizations

§ 410.501 Scope.

(a) Section 4111 of title 5, United States Code, describes conditions for employee acceptance of contributions, awards, and payments made in connection with non-Government sponsored training or meetings which an employee attends while on duty or when the agency pays the training or meeting attendance expenses, in whole or in part.

(b) This subpart does not limit the authority of an agency head to establish procedures on the acceptance of contributions, awards, and payments in connection with any training and meetings that are outside the scope of this subpart in accordance with laws and regulations governing Government ethics and governing acceptance of travel reimbursements from non-Federal sources.

§ 410.502 Authority of the head of an agency.

(a) In writing, the head of an agency may authorize an agency employee to accept a contribution or award (in cash or in kind) incident to training or to accept payment (in cash or in kind) of travel, subsistence, and other expenses incident to attendance at meetings if

(1) The conditions specified in section 4111 of title 5, United States Code, are met; and

(2) In the judgment of the agency head, the following two conditions are met:

(i) The contribution, award, or payment is not a reward for services to the organization prior to the training or meeting; and

(ii) Acceptance of the contribution, award, or payment:

(A) Would not reflect unfavorably on the employee's ability to carry out official duties in a fair and objective manner;

(B) Would not compromise the honesty and integrity of Government programs or of Government employees and their official actions or decisions;

(C) Would be compatible with the Ethics in Government Act of 1978, as amended; and

(D) Would otherwise be proper and ethical for the employee concerned given the circumstances of the particular case.

(b) Delegation of authority. An agency head may delegate authority to authorize the acceptance of contributions, awards, and payments under this section. The designated official must ensure that—

(1) The policies of the agency head are reflected in each decision; and

(2) The circumstances of each case are fully evaluated under conditions set forth in § 410.502(a).

(c) Acceptance of contributions, awards, and payments. An employee may accept a contribution, award, or payment (whether made in cash or in kind) that falls within the scope of this section only when he or she has specific written authorization.

(d) When more than one non-Government organization participates in making a single contribution, award, or payment, the ''organization'' referred to in this subsection is the one that:

(1) selects the recipient; and

(2) administers the funds from which the contribution, award, or payment is made.

§ 410.503 Records.

An agency shall maintain, in such form and manner as the agency head considers appropriate, the following records in connection with each

contribution, award, or payment made and accepted under authority of this section: The recipient's name; the organization's name; the amount and nature of the contribution, award, or payment and the purpose for which it is to be used; and a copy of the written authorization required by § 410.502(a).

Subpart F—Evaluating Training

§ 410.601 Responsibility of the head of an agency.

Under provisions of chapter 41 of title 5, United States Code, and Executive Order 11348, the agency head shall evaluate training to determine how well it meets short and long-range program needs by occupations, organizations, or other appropriate groups. The agency head may conduct the evaluation in the manner and frequency he or she considers appropriate.

§ 410.602 Records.

An agency head shall keep records of these evaluations as he or she considers appropriate.

Subpart G—Reports

§ 410.701 Reports.

Each agency shall maintain records of its training plans, expenditures and activities and report its plans, expenditures and activities to the Office of Personnel Management and at such times and in such form as the Office prescribes.

[FR Doc. 96–11863 Filed 5–10–96; 8:45 am]
BILLING CODE 6325–01–M

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5 CFR Parts 831 and 842

RIN 3206–AG16

Retirement; Alternative Forms of Annuity

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations on alternative forms of annuity. The regulations establish a new standard for determining what constitutes a critical medical condition and implement the changes made by the Omnibus Budget Reconciliation Act of 1993. Under this law the alternative form of annuity was repealed for employees whose annuities commence on or after October 1, 1994, except for employees who have a life-threatening affliction or other critical medical condition. The regulations also revise the list of critical medical conditions that are qualifying.

EFFECTIVE DATE: June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 606–0299.

SUPPLEMENTARY INFORMATION: On October 25, 1995, we published (at 60 FR 54585) interim regulations on alternative forms of annuity to change the standard for determining what constitutes a critical medical condition. Our previous regulations used a 1-year-or-less life expectancy as the standard, but the interim regulations adopted a 2-year-or-less standard. The interim regulations also make effective the previously proposed regulations (published on November 4, 1994, at 59 FR 55211) on alternative forms of annuity (AFA) to implement the changes in sections 8343a and 8420a of title 5, United States Code, made by the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103–66. The Act included a provision terminating this benefit for employees whose annuities commence on or after October 1, 1994, except for employees who have a life-threatening affliction or other critical medical condition. The interim regulations also made effective a revised list of critical medical conditions. This revised list was included in the 1994 general notice of proposed rulemaking. We received no comments on the interim regulations. We addressed the one comment that we received on the 1994 proposed regulations in the supplementary information section of the interim regulations.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal employees and agencies and retirement payments to retired Government employees and their survivors.

List of Subjects in 5 CFR Parts 831 and 842

Administrative practice and procedure, Air traffic controllers, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,

Director.

Accordingly, under authority of 5 U.S.C. 8347 and 8467, OPM is adopting its interim rules amending 5 CFR parts 831 and 842, published on October 25, 1995, at 60 FR 54585, as final rules without change.

[FR Doc. 96–11864 Filed 5–10–96; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ASO–7]

Amendment to Class D and E2 Airspace and Establishment of Class E4 Airspace; Jackson, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class D and E2 Airspace and establishes Class E4 Airspace at Jackson, TN, for the McKellar-Sipes Regional Airport. This amendment is necessary because the arrival extension, which is currently part of the Class D surface area airspace, is greater than 2 miles and must, by regulation, be designated as Class E4 airspace.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, PO Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

On March 18, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying Class D and E2 and establishing Class E4 airspace at Jackson, TN 61 FR 10908). This action would provide adequate Class E airspace for IFR operations at the McKellar-Sipes Regional Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class D airspace designations, Class E airspace designations for airspace areas designated as a surface area for an airport and Class E airspace designations for airspace areas designated as an extension to a Class D surface area are published in Paragraphs 5000, 6002 and 6004, respectively, of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995,

which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class D and E2 and establishes Class E4 airspace at Jackson, TN, for the McKellar-Sipes Regional Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ASO TN D Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN
(lat. 35°35′59″ N, long. 88°54′56″ W)

That airspace extending upward from the surface to and including 2900 feet MSL within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ASO TN E2 Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN
(lat. 35°35′59″ N, long. 88°54′56″ W)

Within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

* * * * *

ASO TN E4 Jackson, TN [New]

McKellar-Sipes Regional Airport, TN
(lat. 35°35′59″ N, long. 88°54′56″ W)
McKellar VOR/DME
(lat. 35°36′13″ N, long. 88°54′38″ W)

That airspace extending upward from the surface within 3.1 miles each side of the McKellar VOR/DME 206° radial, extending from the 4.2-mile radius of the McKellar-Sipes Regional Airport to 7 miles southwest of the VOR/DME. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on April 25, 1996.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–11931 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 10 and 140

Change of Address; Change in Titles of Office and Personnel

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is amending its regulations to reflect changes in office titles, personnel titles and address in its regulations.

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT:

Stacy Yochum, Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418–5157.

SUPPLEMENTARY INFORMATION: On October 26, 1995, the Commission published in the Federal Register a notice to execute certain office and personnel name changes in Part 10. (60 FR 54801) Specifically, the changes implemented 1984 title changes making the Office of Hearings and Appeals part of the Office of Proceedings and changing the title of the Hearing Clerk to Proceedings Clerk. The purpose of this release is to change these titles in section 10.102(e)(2) which was inadvertently omitted from the previous release. The previous release also reflected the reassignment of the duties of the vacant position of Chief Administrative Law Judge to the Director of the Office of Proceedings. Section 10.84(b) was inadvertently omitted in the previous release.

In addition, the Commission's Office of Personnel has changed its name to the Office of Human Resources. The Director of the Office of Human Resources serves as the Commission's security officer. This release changes references in Part 140 from ''Personnel Security Officer'' to ''Security Officer'' and from ''Director of Personnel'' to ''Director of Human Resources.''

List of Subjects in 17 CFR Parts 10 and 140

Administrative practice and procedure, Commodity Futures Trading Commission.

Based upon the foregoing, pursuant to its authority contained in section 2(a)(11) of the Commodity Exchange Act, 7 U.S.C. 4a(j), the Commission hereby amends 17 CFR Chapter I of the Code of Federal Regulations as follows:

PART 10—[AMENDED]

1. The authority for part 10 continues to read as follows:

Authority: Pub. L. 93–463, sec. 101(a)(11), 88 Stat. 1391; 7 U.S.C. 4a(j), unless otherwise noted.

§ 10.84 [Amended]

2. Section 10.84, paragraph (b) is amended by removing ''Chief Administrative Law Judge'' and adding in its place ''Director of the Office of Proceedings.''

§ 10.102 [Amended]

3. Section 10.102, paragraph (e)(2) is amended by removing ''Office of Hearings and Appeals'' and adding ''Office of Proceedings'' in its place and

by removing ''Hearing Clerk'' and adding ''Proceedings Clerk'' in its place.

PART 140—[AMENDED]

1. The authority citation for part 140 continues to read as follows:

7 U.S.C. 4a and 12a.

§ 140.20 [Amended]

2. Section 140.20, paragraph (a) is amended by removing ''Personnel Security Officer'' and adding ''Security Officer'' in its place.

§ 140.24 [Amended]

3. Section 140.24, paragraph (a)(6) is amended by removing ''Personnel Security Officer'' and adding ''Security Officer'' in its place.

§ 140.735–8 [Amended]

4. Section 140.735–8, paragraph (a)(3) is amended by removing ''Director of Personnel'' and adding ''Director of Human Resources'' in its place.

5. Section 140.735–8, paragraph (c)(2) is amended by removing ''Director of Personnel'' and adding in its place ''Director of Human Resources.''

6. Section 140.735–8, paragraphs (e) and (f) are amended by removing ''Director of Personnel'' and adding in its place ''Director of Human Resources.''

The foregoing rules shall be effective May 13, 1996. The Commission finds that the amendments relate solely to agency organization, procedure or practice and that the public procedures and publication prior to the effective date of the amendments, in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, DC, on May 6, 1996, by the Commission.

Jean Webb,

Secretary of the Commission.

[FR Doc. 96–11923 Filed 5–10–96; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8670]

RIN 1545–AU20

Revision of Section 482 Cost Sharing Regulations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to qualified cost sharing arrangements under section 482 of the Internal Revenue Code. These regulations reflect technical changes to the requirements for qualification as a controlled participant under the final cost sharing regulations published in the Federal Register on December 20, 1995.

DATES: These regulations are effective May 13, 1996.

These regulations are applicable for taxable years beginning on or after January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Sams of the Office of Associate Chief Counsel (International), IRS (202) 622–3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 482 was amended by the Tax Reform Act of 1986, Public Law 99–514, 100 Stat. 2085, 2561, et. seq. (1986–3 C.B. (Vol. 1) 1, 478). On January 30, 1992, a notice of proposed rulemaking concerning the section 482 amendment in the context of cost sharing was published in the Federal Register (INTL–0372–88, 57 FR 3571).

Written comments were received with respect to the notice of proposed rulemaking, and a public hearing was held on August 31, 1992.

On December 20, 1995, final regulations were published in the Federal Register (INTL–0372–88, 60 FR 65553) as Treasury Decision 8632. These final regulations amend the regulations contained in Treasury Decision 8632 by making technical changes to the requirements for qualification as a controlled participant contained in § 1.482–7(c).

The agency has decided not to issue a second notice of proposed rulemaking with respect to the modifications to TD 8632 contained in these final regulations. The rules to which the modifications relate (concerning qualification as a controlled participant) were the subject of the notice of proposed rulemaking published on January 30, 1992, and comments on those rules were received in connection with those proposed regulations. Therefore, a further comment period on these rules is unnecessary. Taxpayers need prompt guidance on how to conform their arrangements to the rules set forth in TD 8632, which is effective for taxable years beginning on or after January 1, 1996, and which provides a one year transition period for amending arrangements. The modifications contained in these final regulations will aid taxpayers in that regard, and any delay caused by a second notice of proposed rulemaking would be impracticable and contrary to the public interest. Unsolicited comment letters were received in connection with TD 8632 and are available for public inspection in the FOIA reading room.

Explanation of Provisions

The purpose of these regulations is to rectify problems in qualifying as a controlled participant caused by the technical requirements of the active conduct rule of § 1.482–7(c). This rule provided that a controlled taxpayer may be a controlled participant only if it uses or reasonably expects to use covered intangibles in the active conduct of a trade or business.

Under the 1992 proposed cost sharing regulations, a member of a group of controlled taxpayers could participate in a qualified cost sharing arrangement on behalf of, and could satisfy the active conduct rule based on activities performed by, one or more other members of the group (a cost sharing subgroup). The participating subgroup member would then transfer or license the intangibles developed under the arrangement to the nonparticipating subgroup member(s). The proposed regulations would have measured benefits in such case on the basis of the benefits of the entire subgroup from exploiting the intangibles. TD 8632, in streamlining the participation rules, omitted the subgroup rules. Taxpayers commented that the change would force them to amend existing arrangements to include as a participant every operating company that predictably would be using covered intangibles.

These regulations further streamline the participation rules. The principal reason for the active conduct rule was to ensure that a controlled participant stands to benefit from the use of covered intangibles in a manner that can be reliably measured. The Treasury and Service have concluded that this purpose can be accomplished without the active conduct rule. No distinction need be made based on the nature of a participant's use of covered intangibles, so long as its benefits from such use (whether from directly exploiting the intangibles or from transferring or licensing them to others) can be reliably measured.

Accordingly, these regulations eliminate the active conduct rule of § 1.482–7(c) as a requirement for qualification as a controlled participant in a qualified cost sharing arrangement. Section 1.482–7(c)(1) of these regulations substitutes a general rule that a controlled taxpayer may be a controlled participant in a cost sharing arrangement only if it reasonably anticipates that it will derive benefits

from the use of covered intangibles. In addition, § 1.482–7(f)(3)(ii) provides that if a controlled participant transfers covered intangibles to another controlled taxpayer, the participant's benefits will be measured with reference to the transferee's benefits rather than with reference to any consideration paid by the transferee. (This gives rise to results similar to those under the subgroup rules of the proposed regulations by different mechanics.) Finally, § 1.482–7(f)(3)(ii) continues to provide that the amount of benefits that each of the controlled participants is reasonably anticipated to derive from covered intangibles must be measured on a basis that is consistent for all such participants.

These changes ensure that a controlled participant must benefit from the arrangement, that the basis for measuring benefits must be consistent for all controlled participants, and that, in the event of intragroup transfers, there will be ''look through'' treatment for reliably measuring benefits. These rules allow a participant to exploit covered intangibles itself or through transferring or licensing them to others, so long as the benefits to be derived can be consistently and reliably measured for all controlled participants.

These regulations also clarify that the documentation requirements of § 1.482–7(j)(2) will satisfy the principal document requirement of § 1.6662–6(d)(iii)(B) with respect to a qualified cost sharing arrangement.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Lisa Sams, Office of Associate Chief Counsel (International), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.482–0 is amended by revising the entries for §§ 1.482–7 (c) and (j) to read as follows:

§ 1.482–0 Outline of regulations under 482.

* * * * *

§ 1.482–7 Sharing of costs.

* * * * *

(c) Participant.
(1) In general.
(2) Treatment of a controlled taxpayer that is not a controlled participant.
(i) In general.
(ii) Example.
(3) Treatment of consolidated group.

* * * * *

(j) Administrative requirements.
(1) In general.
(2) Documentation.
(i) Requirements.
(ii) Coordination with penalty regulation.
(3) Reporting requirements.

* * * * *

Par. 3. Section 1.482–7 is amended as follows:

a. By revising paragraph (c)(1)(i).

b. By adding paragraph (c)(1)(iv).

c. By removing paragraphs (c)(2) and (c)(3) and redesignating paragraphs (c)(4) and (c)(5) as paragraphs (c)(2) and (c)(3), respectively.

d. By revising newly designated paragraph (c)(2)(ii).

e. By adding a sentence after the second sentence in paragraph (f)(3)(ii).

f. By revising *Example 8* of paragraph (f)(3)(iii)(E).

g. By redesignating the text of paragraph (j)(2) following the heading as paragraph (j)(2)(i) and adding a heading for newly designated paragraph (j)(2)(i).

h. By removing the language ''(j)(2)'' and adding ''(j)(2)(i)'' in its place in the first sentence of newly designated paragraph (j)(2)(i).

i. By adding a paragraph (j)(2)(ii).

The additions and revisions read as follows:

§ 1.482–7 Sharing of costs.

* * * * *

(c) * * * (1) * * *

(i) Reasonably anticipates that it will derive benefits from the use of covered intangibles;

* * * * *

(iv) The following example illustrates paragraph (c)(1)(i) of this section:

Example. Foreign Parent (FP) is a foreign corporation engaged in the extraction of a natural resource. FP has a U.S. subsidiary (USS) to which FP sells supplies of this resource for sale in the United States. FP enters into a cost sharing arrangement with USS to develop a new machine to extract the natural resource. The machine uses a new extraction process that will be patented in the United States and in other countries. The cost sharing arrangement provides that USS will receive the rights to use the machine in the extraction of the natural resource in the United States, and FP will receive the rights in the rest of the world. This resource does not, however, exist in the United States. Despite the fact that USS has received the right to use this process in the United States, USS is not a qualified participant because it will not derive a benefit from the use of the intangible developed under the cost sharing arrangement.

(2) * * *

(ii) *Example.* The following example illustrates this paragraph (c)(2):

Example. (i) U.S. Parent (USP), one foreign subsidiary (FS), and a second foreign subsidiary constituting the group's research arm (R+D) enter into a cost sharing agreement to develop manufacturing intangibles for a new product line A. USP and FS are assigned the exclusive rights to exploit the intangibles respectively in the United States and the rest of the world, where each presently manufactures and sells various existing product lines. R+D is not assigned any rights to exploit the intangibles. R+D's activity consists solely in carrying out research for the group. It is reliably projected that the shares of reasonably anticipated benefits of USP and FS will be 66⅔% and 33⅓, respectively, and the parties' agreement provides that USP and FS will reimburse 66⅔% and 33⅓%, respectively, of the intangible development costs incurred by R+D with respect to the new intangible.

(ii) R+D does not qualify as a controlled participant within the meaning of paragraph (c) of this section, because it will not derive any benefits from the use of covered intangibles. Therefore, R+D is treated as a service provider for purposes of this section and must receive arm's length consideration for the assistance it is deemed to provide to USP and FS, under the rules of § 1.482–4(f)(3)(iii). Such consideration must be treated as intangible development costs incurred by USP and FS in proportion to their shares of reasonably anticipated benefits (i.e., 66⅔% and 33⅓%, respectively). R+D will not be considered to bear any share of the intangible development costs under the arrangement.

* * * * *

(f) * * *

(3) * * *

(ii) * * * If a controlled participant transfers covered intangibles to another

controlled taxpayer, such participant's benefits from the transferred intangibles must be measured by reference to the transferee's benefits, disregarding any consideration paid by the transferee to the controlled participant (such as a royalty pursuant to a license agreement).
* * *

(iii) * * *

(E) * * *

Example 8. U.S. Parent (USP), Foreign Subsidiary 1 (FS1) and Foreign Subsidiary 2 (FS2) enter into a cost sharing arrangement to develop computer software that each will market and install on customers' computer systems. The participants divide costs on the basis of projected sales by USP, FS1, and FS2 of the software in their respective geographic areas. However, FS1 plans not only to sell but also to license the software to unrelated customers, and FS1's licensing income (which is a percentage of the licensees' sales) is not counted in the projected benefits. In this case, the basis used for measuring the benefits of each participant is not the most reliable because all of the benefits received by participants are not taken into account. In order to reliably determine benefit shares, FS1's projected benefits from licensing must be included in the measurement on a basis that is the same as that used to measure its own and the other participants' projected benefits from sales (e.g., all participants might measure their benefits on the basis of operating profit).

* * * * *

(j) * * *

(2) *Documentation*—(i) *Requirements.*
* * *

(ii) *Coordination with penalty regulation.* The documents described in paragraph (j)(2)(i) of this section will satisfy the principal documents requirement under § 1.6662–6(d)(2)(iii)(B) with respect to a qualified cost sharing arrangement.

* * * * *

Approved: May 2, 1996.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 96–11781 Filed 5–9–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 96–016]

RIN 2115–AF31

First and Fifth District Boundaries, Marine Inspection and Captain of the Port Zone Boundaries

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the boundary between the First and Fifth Districts and revising the descriptions of several Marine Inspection and Captain of the Port Zone boundaries in the First and Fifth Districts. The Marine Inspection Zone that covers the New York and Long Island Sound Captain of the Port Zones is being split into two Marine Inspection Zones, each of which will be the same geographic area as its respective Captain of the Port Zone. These changes clarify Coast Guard geographic area responsibilities both in the First and Fifth Coast Guard Districts. These changes are administrative and will impact Coast Guard services.

EFFECTIVE DATE: This rule is effective on April 15, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001, between 8 a.m. and 3 p.m., Monday through Friday, except Federal Holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Richard Schaefer, Project Manager, Program Branch, Search Rescue Division (G–NRS–1), (202) 267–1089.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard is revising 33 CFR part 3 to reflect a change in the boundaries of the First and Fifth Districts. The First District, headquartered in Boston, includes New England and the State and City of New York and is located immediately to the north of the Fifth District which includes the mid-Atlantic area and is headquartered in Portsmouth, Virginia. The Coast Guard has moved the boundary between the districts approximately 21 miles north, thereby enlarging the area of the Fifth District and reducing the area of the First District.

Portions of the area transferred from the First to the Fifth District which are currently part of the New York Captain of the Port Zone become part of the Philadelphia Marine Inspection Zone and Captain of the Port Zone, and the Hampton Roads Marine Inspection Zone and Captain of the Port Zone. The boundaries of the Philadelphia and Hampton Roads Zones are amended to reflect this additional area.

Additionally, within the First District, two new Marine Inspection Zones are being established. Previously, the New York and Long Island Captain of the Port Zones together comprised a single Marine Inspection Zone. This single Marine Inspection Zone is being divided into two new zones. One new Marine Inspection Zone will have the same boundaries as the New York Captain of the Port Zone, and the other new Marine Inspection Zone will have the same boundaries as the Long Island Sound Captain of the Port Zone.

Discussion of Changes

The current descriptions do not reflect the changes in these District and Marine Inspection and Captain of the Port Zone boundaries. This rule revises these descriptions. The Coast Guard is proceeding directly to a final rule under section 553(b)(3)(A) of the Administrative Procedures Act (5 U.S.C. 551 et seq.) which excludes rulemakings relating to agency organization, procedure, or practice from the requirements of public notice and comment. These changes are administrative and will not impact Coast Guard services.

Section 3.05–1. This section is revised to describe the First District's new boundaries. Portions of northern New Jersey which were formerly in the First District are now in the Fifth District. The new boundary line between the districts in New Jersey moves approximately 21 miles north from 39°57′ N. latitude at the Toms River to 40°18′ N. latitude, just south of the Shrewsbury River. The offshore boundary in the Atlantic Ocean moves north an equal distance.

Section 3.05–25. This section, describing the New York Marine Inspection Zone, is removed.

Section 3.05–30. This section, describing the New York Captain of the Port Zone, is revised to describe the boundaries of the new New York Captain of the Port Zone and the new New York Marine Inspection Zone, both of which have the same boundaries.

Section 3–05–35. This section, describing the Long Island Sound Captain of the Port Zone, is revised to describe the boundaries of the new Long Island Sound Captain of the Port Zone and the new Long Island Sound Marine Inspection Zone, both of which have the same boundaries.

Section 3–25–1. This section, describing the Fifth District boundaries, is revised to add those portions of New Jersey and adjacent offshore waters of the Atlantic Ocean which previously were in the First District. All of Ocean County, NJ, the southern half of

Monmouth County, NJ, north of 40°18′ N. latitude and Atlantic Ocean waters adjacent will be within the boundaries of the Fifth District.

3.25–05. This section, describing the Philadelphia Marine Inspection Zone and Captain of the Port Zone, is revised to add those portions of New Jersey and adjacent offshore waters of the Atlantic Ocean north of 38°28′ N. latitude which previously were in the New York Captain of the Port Zone. All of Ocean County, NJ, the southern half of Monmouth County, NJ, north of 40°18′ N. latitude and Atlantic Ocean waters adjacent will be within the boundaries of the Philadelphia Marine Inspection and Captain of the Port Zones.

Section 3.25–10. This section, describing the Hampton Roads Marine Inspection Zone and Captain of the Port Zone, is revised to add those portions of the Atlantic Ocean south of 38°28′ N. latitude which previously were in the New York Captain of the Port Zone.

Regulatory Evaluation

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs 2.B.2.e (34) (a) and (b), concerning regulations that are editorial or procedural and concerning internal agency functions or organization. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies). For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 3 as follows:

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

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

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. In section 3.05–1, paragraph (b) is revised to read as follows:

§ 3.05–1 First district.

* * * * *

(b) The First Coast Guard District is comprised of: Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; New York except that part north of latitude 42° N. and west of longitude 74°39′ W; that part of New Jersey north of 40°18′ N. latitude, east of 74°30.5′ W. longitude, and northeast of a line from 40°18′ N. 74°30.5′ W. north-northwesterly to the New York, New Jersey & Pennsylvania boundaries at Tristate; all U.S. Naval reservations on shore at Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States easterly to longitude 63° W.; thence due south to latitude 41° N.; thence southwesterly along a line bearing 219°T to the point of intersection at 37° N. latitude, 67°13′ W. longitude with a line bearing 122°T from the New Jersey shoreline at 40°18′ N. latitude (just south of the Shrewsbury River); thence northwesterly along this line to the coast.

§ 3.05–25 [Removed]

3. Section 3.05–25 is removed.

4. Section 3.05–30 is revised to read as follows:

§ 3.05–30 New York Marine Inspection Zone and Captain of the Port Zone.

(a) The New York Marine Inspection Office and Captain of the Port Office is located in New York, New York.

(b) The boundary of the New York Marine Inspection Zone and Captain of the Port Zone starts on the south shore of Long Island at 40°35.4′ N. latitude, 73°46.6′ W. longitude and proceeds southeasterly along a line bearing 127.5°T to 38°28′ N. latitude, 70°11′ W. longitude; thence northwesterly along a line bearing 122°T from the New Jersey coast at 40°18′ N. latitude; thence west along 40°18′ N. latitude to 74°30.5′ W. longitude; thence northwesterly to the intersection of the New York-New Jersey-Pennsylvania boundaries at Tristate; thence northwesterly along the east bank of the Delaware River to 42°00′ N. latitude; thence east to 74°39′ W. longitude; thence north to the Canadian border; thence easterly along the Canadian Border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Ruthland Counties to the Vermont-New York boundary; thence southerly along the New York boundary to 41°01.5′ N. latitude, 73°40′ W. longitude; thence southerly to the southern shore of Manursing Island at 40°58′ N. latitude, 73°40′ W. longitude; thence southeasterly to 40°52.5′ N. latitude, 73°37.2′ W. longitude; thence southerly to 40°40′ N. latitude, 73°40′ W. longitude; thence southwesterly to the point of origin.

5. Section 3.05–35 is revised to read as follows:

§ 3.05–35 Long Island Sound Marine Inspection and Captain of the Port Zone.

(a) The Long Island Sound Marine Inspection Office and Captain of the Port Office is located in New Haven, Connecticut.

(b) The boundary of the Long Island Sound Marine Inspection Zone and Captain of the Port Zone starts at 40°35.4′ N. latitude, 73°46.6′ W. longitude; thence proceeds along a line northwesterly to 40°40′ N. latitude, 73°40′ W. longitude; thence to 40°52.5′ N. latitude, 73°37.2′ W. longitude; thence northwest to the south shore of Manursing Island at 40°58′ N. latitude, 73°40′ W. longitude; thence northerly to the Connecticut-New York boundary at 41°01.5′ N. latitude, 73°40′ w. longitude; thence north along the western boundary of Connecticut to the Massachusetts-Connecticut boundary; thence east along the southern boundary of Massachusetts, including the waters of the Congamond Lakes, to the Rhode Island boundary; thence south along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°24′ N. latitude, 71°48′ W. longitude; thence southerly to 41°21′ N. latitude, 71°48.5′ W. longitude at Westerly, Rhode Island; thence southwesterly to Watch Hill Light, Rhode Island. The

northern offshore boundary is a line bearing 132°T from Watch Hill Light to the outermost extent of the EEZ. The southern offshore boundary extends along a line bearing 127.5°T from the south shore of Long Island at 40°35.4′ N. latitude, 73°46.6′ W. longitude to 38°28′ N. latitude, 70°11′ W. longitude; thence easterly to the outermost extent of the EEZ; thence northerly along the outermost extent of the EEZ to the intersection of the northern boundary.

6. In section 3.25–1, paragraph (b) is revised to read as follows:

§ 3.25–1 Fifth district.

* * * * *

(b) The Fifth Coast Guard District is comprised of: North Carolina; Virginia; District of Columbia; Maryland; Delaware; that part of Pennsylvania east of a line drawn along 78°55′ W. longitude south to 41°00′ N. latitude, thence west to 79°00′ W. longitude, and thence south to the Pennsylvania-Maryland boundary; that portion of New Jersey that lies south and west of a line drawn from the New Jersey shoreline at 40°18′ N. latitude (just south of the Shrewsbury River), thence westward to 40°18′ N. latitude, 74°30.5′ W. longitude, thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; and the ocean area encompassed by a line bearing 122°T from the coastal end of the First and Fifth Districts' land boundary at the intersection of the New Jersey shoreline and 40°18′ N. latitude (just south of the Shrewsbury River) to the southernmost point in the First Coast Guard District (a point located at approximately 37° N. latitude, 67°13′ W. longitude); thence along a line bearing 219°T to the point of intersection with the ocean boundary between the Fifth and Seventh Coast Guard Districts, which is defined as a line bearing 122°T from the coastal end of the Fifth and Seventh Districts' land boundary at the shoreline at the North Carolina-South Carolina border, point located at approximately 30°55′ N. 73° W.; thence northwesterly along this line to the coast.

7. In section 3.25–05, paragraph (b) is revised to read as follows:

§ 3.25–05 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Philadelphia Marine Inspection zone and Captain of the Port Zone starts at the New Jersey coast at 40°18′ N. latitude, thence proceeds westward to 40°18′ N. latitude, 74°30.5′ W. longitude, thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence northwesterly along the east bank of the Delaware River to 42°00′ N. latitude; thence west along the New York-Pennsylvania boundary to 78°55′ W. longitude; thence south to 41°00′ N. latitude; thence west to 79°00′ W. longitude; thence south to the Pennsylvania-Maryland boundary; thence east to the intersection of the Maryland-Delaware boundary; thence south and east along the Maryland-Delaware boundary to the sea, including Fenwick Island Light. The offshore boundary starts at Fenwick Island Light and proceeds east along 38°28′ N. latitude to 70°11′ W. longitude; thence northwesterly along a line bearing 122°T from the New Jersey Coast at 40°18′ N. latitude.

8. In section 3.25–10, paragraph (b) is revised to read as follows:

§ 3.25–10 Hampton Roads Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The boundary of the Hampton Roads Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Maryland-Delaware boundary and the coast and proceeds along the Maryland-Delaware boundary to a point 75°30′ W. longitude; thence southerly to a point 75°30′ W. longitude on the Maryland-Virginia boundary, thence westerly along the Maryland-Virginia boundary as it proceeds across the Delmarva Peninsula, Pocomoke River, Tangier and Pocomoke Sounds, and Chesapeake Bay; thence northwesterly along the Maryland-Virginia boundary and the District of Columbia-Virginia boundary as those boundaries are formed along the southern bank of the Potomac River to the intersection of the Virginia-Maryland-West Virginia boundaries; thence southerly along the Virginia-West Virginia boundary and the Virginia-Kentucky boundary to the Tennessee boundary; thence eastward along the Virginia-Tennessee boundary to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to Kerr (Buggs Island) Lake; thence along the shore of Kerr Lake in North Carolina back to the Virginia-North Carolina boundary; thence eastward along the Virginia-North Carolina boundary to the west bank of the Chowan River; thence southerly along the west bank of the Chowan River to a point 36°00′ N. latitude, 76°41′ W. longitude; thence generally southerly and easterly along the western boundaries of Washington, and Hyde Counties to a point 35°37′ N. latitude, 76°32′ W. longitude; thence easterly to a point 35°37′ N. latitude, 76°00.5′ W. longitude; thence generally southwesterly to a point 35°01.5′ N. latitude, 76°20 W. longitude; thence easterly to the sea at 34°59.8′ N. latitude, 76°07.8 W. longitude. The offshore boundary starts at the intersection of the Maryland-Delaware boundary and the coast and proceeds east to a point 38°28′ N. latitude, 70°11 W. longitude; thence southeasterly on a line bearing 122° T to the outermost extent of the EEZ; thence southerly along the outermost extent of the EEZ to 34°59.8′ N. latitude; and thence westerly along 34°59.8′ latitude to the coast at 76°07.8′ W. longitude.

Dated: April 10, 1996.

Rudy K. Peschel,

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

[FR Doc. 96–11899 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD01–95–017]

RIN 2115–AE 46

Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The annual Harvard-Yale Regatta is a rowing competition held on the Thames River in New London, CT. This regulation establishes the date and time for this year's event and amends the permanent regulation. These regulations are necessary to control vessel traffic within the immediate vicinity of the event due to the confirmed nature of the waterway and anticipated congestion at the time of the event, thus providing for the safety of life and property on the affected navigable waters.

EFFECTIVE DATE: This section is effective on June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin M. Algeo, Chief Boating Affairs Branch, First Coast Guard District, (617) 223–8310.

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NPRM) was published on April 24, 1995, (60 FR 20065) in the Federal Register proposing a permanent change to the effective period in 33 CFR 100.101. No comments were received and no hearing was requested.

Background and Purpose

The NPRM published on April 24, 1995, proposed to eliminate the specific rate times to allow for a flexible time period. The Harvard/Yale Regatta is a rowing competition which is scheduled around favorable tidal conditions. Therefore, a flexible effective period is necessary to avoid having to publish, annually, a NPRM and final rule changing the race times. This rule varies from the NPRM in one regard; it provides notice of the dates and times of this 1996 event in addition to changing the permanent regulation. Notice of specific race dates and times for following years will be specified each year in a Federal Register notice.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the race is of short duration, there is little commercial traffic on the affected portion of the Thames River, and the advance notice which will be made to the affected maritime community.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''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.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impacts of this rule and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this rule is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Final Regulation

For the reasons set forth in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

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

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

2. Section 100.101, is amended by revising paragraph (b) to read as follows:

§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

* * * * *

(b) *Effective period.* This section is in effect on June 8, 1996, from 4:00 p.m. to 7:30 p.m. and each year thereafter on a date and times specified in a Federal Register notice. If the regatta is canceled due to weather, this section will be in effect on the following Sunday.

* * * * *

Dated: May 1, 1996.

J.L. Linnon,

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

[FR Doc. 96–11903 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

Coast Guard

33 CFR Part 100

[CGD07–96–032]

RIN 2115–AE46

Special Local Regulations; Key West Super Boat Race; Key West, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Key West Super Boat Race sponsored by Super Boat Racing, Inc. This event will be held on May 19, 1996, between 10 a.m. and 4 p.m. edt (eastern daylight time). The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This rule is effective from 10 a.m. edt and terminates at 4 p.m. edt, on May 19, 1996.

FOR FURTHER INFORMATION CONTACT: QMC Kent, project officer, USCG Group Key West, (305) 292–8727.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical, as there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Discussion of Regulations

These special local regulations are being adopted for the Key West Super Boat Race. The event will be held from 10 a.m. to 4 p.m. edt, on May 19, 1996. Approximately 35 power boats and 100 spectator craft are expected to participate in the Key West Super Boat Race. The power boats will be competing at high speeds and operating in close proximity to the spectators, creating an extra or unusual hazard on navigable waters. These regulations are needed to provide for the safety of life on navigable waters during the event.

Regulatory Evaluation

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

Since the impact of this rule is expected to be minimal, the Coast Guard

certifies that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environmental Assessment

The Coat Guard has considered the environmental impact of this rule consistent with Section 2.B.2. of Commandant Instruction M16475.1B. In accordance with that section, this action has been environmentally assessed (EA completed), and the Coast Guard has determined that it will not significantly affect the quality of human environment. An environmental assessment and finding of no significant impact have been prepared. Furthermore as a condition of the marine event permit, the applicant has been required to educate the operators of spectator craft and race participants regarding the possible presence of manatees and the appropriate precautions to take if the animals are sighted.

List of Subjects in 33 CFR Part 100

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

Temporary Final Regulations

In consideration of the foregoing, the Coast Guard amends, Part 100 of Title 33, Code of Federal Regulations, as follows:

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

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

2. A temporary section 100.35–T07–032 is added to read as follows:

§ 100.35–T07–032 Key West Super Boat Race; Key West, FL.

(a) *Definitions.*

(1) *Regulated area.* All navigable waters within a line drawn through the following points:

24–33.65N 081–48.47W; thence to, 24–33.95N, 081–48.30W; thence to, 24–34.05N, 081–48.45W; thence to, 24–33.58N, 081–48.70W; thence to, 24–31.18N, 081–51.10W; thence to, 24–31.18N, 081–48.88W; thence to, 24–32.94N, 081–48.82W.

All coordinates reference use datum: NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the United States Coast Guard who has been designated by Coast Guard Group Key West, Florida.

(b) *Special local regulations.* (1) Entry into the regulated area, by other than event participants, is prohibited unless otherwise authorized by the patrol commander.

(2) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to take immediate steps to avoid collision. The display of a red distress flare from a patrol vessel will be a signal for any and all vessels to stop immediately.

(c) *Effective Date.* This section is effective at 10 a.m. edt and terminates at 4 p.m. edt, on May 19, 1996.

Dated: April 25, 1996.

P.J. Cardaci,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 96–11897 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD01–95–168]

RIN 2115–AE 46

Special Local Regulation: World's Fastest Lobster Boat Race, Moosabec Reach, Jonesport, ME

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent special local regulation for the World's Fastest Lobster Boat Race in the waters of Moosabec Reach, Jonesport, ME. The event will be held on July 4, 1996, and each year thereafter on a date published in the Federal Register. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

EFFECTIVE DATE: This rule is effective on June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin M. Algeo, Chief Boating Affairs Branch, First Coast Guard District, (617) 223–8310

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NPRM) was published on March 4, 1996, (61 FR 8227) proposing the establishment of a permanent special local regulation for the World's Fastest Lobster Boat Race. The NPRM proposed to restrict vessels from transiting a specified regulated area to ensure the safety of life and property in the immediate vicinity of the event. No comments were received and no hearing was requested.

Discussion of Amendments

The World's Fastest Lobster Boat Race is a local, traditional event that has been held for many years in Jonesport, ME. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event,the Coast Guard is establishing a permanent regulation. The regulation establishes a regulated area on Moosabec Reach and provides specific guidance to control vessel movement during the race.

This event includes up to 60 power-driven lobster boats competing in heats on a marked course at speeds approaching 25 m.p.h. The Coast Guard will assign a patrol to the event, and the race course will be marked. However, due to the speed, large wakes, and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area. In emergency situations, the Coast Guard patrol commander may establish escort procedures for vessels requiring transit through the regulated area.

This section will be effective annually on a date to be published in the Federal Register. If the race is canceled due to weather, this section will be effective on the day following the effective date. This final rule varies from the NPRM in that it provides for the effective date to be published annually in the Federal Register.

Regulatory Evaluation

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

February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions the regulation places on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''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.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule 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 affect it.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impacts of this rule and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this rule is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Final Regulation

For the reasons set forth in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

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

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

2. A new permanent section, 100.110, is added to read as follows:

§ 100.110 World's Fastest Lobster Boat Race, Jonesport, ME.

(a) *Regulated area*. The regulated area includes all waters of Moosabec Reach within the following points (NAD 83):

Latitude	*Longitude*
44°31′36″ N	067°36′54″ W
44°31′48″ N	067°34′42″ W
44°31′36″ N	067°34′42″ W
44°31′18″ N	067°36′54″ W

(b) *Special local regulations*. (1) The Coast Guard patrol commander may delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the on-scene Coast Guard patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of the regulation in this section and other applicable laws.

(c) *Effective period*. This section is in effect from 10 a.m. to 1 p.m. on July 4, 1996, and each year thereafter on a date and times published in a Federal Register notice. If the event is canceled due to weather, this section is in effect on the day following the published effective date.

Dated: May 1, 1996.

J. L. Linnon,

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

[FR Doc. 96–11896 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD07–96–031]

RIN 2115–AE46

Special Local Regulations: Boating Safety Parade; Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting Special Local Regulations for the Boating Safety Parade, sponsored by the Charleston Power Squadron. This event will be held from 12 p.m. to 4 p.m. EDT (Eastern Daylight Time), on May 18, 1996. The customary presence of commercial and recreational traffic, and the nature of the event creates an extra or unusual hazard on the navigable waters. These regulations are necessary to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: This rule is effective from 12 p.m. to 4 p.m. EDT, on May 18, 1996.

FOR FURTHER INFORMATION CONTACT: ENS M.J. DaPonte, project officer, Coast Guard Group Charleston at (803) 724–7621.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The information to hold the event was not received until April 4, 1996, and there was insufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Discussion of Regulations

These temporary special local regulations are needed to provide for the safety of life during Charleston Power Squadron's Boating Safety Parade. The regulations are intended to promote safe navigation on the waters on the Cooper and Ashley Rivers in Charleston Harbor during the parade by controlling the traffic entering, exiting, and traveling within the parade formation. There will be approximately thirty sailing and power boats participating in the parade. The anticipated concentration of nonparticipating vessels within the area

poses a safety concern, which is addressed in these special local regulations.

The temporary special local regulations will not permit the entry or movement of spectator vessels and other non-participating vessel traffic within an area 500 yards ahead, 100 yards astern, and 50 yards to either side of the vessels participating in the parade of boats between Town Creek Reach Buoy 2 (LLNR 2215) and the City Marina on the Ashley River, from 12 to 4 p.m. EDT, on May 18, 1996. The regulations will permit the movement of nonparticipating vessels within the regulated area after the termination of the event, at the discretion of the Coast Guard Patrol Commander.

Regulatory Evaluation

This proposal is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The regulated area encompasses less than 3 nautical miles of the Cooper and Ashley Rivers in Charleston, SC, and the regulation would be in effect for only 4 hours the day of the event.

Small Entities

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

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

Collection of Information

These proposed regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with Section 2.B.2.e of Commandant Instruction M16475.1 (Series). In accordance with that section, this event has been determined to be categorically excluded. Specifically, the Coast Guard has consulted with the South Carolina Department of Natural Resources and Department of Environmental and Health Control, the Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service regarding the environmental impact of this event, and it has been determined that the event does not jeopardize the continued existence of protected species.

List of Subjects in 33 CFR Part 100

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

Temporary Regulation

PART 100—[AMENDED]

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

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

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

2. A temporary section 100.35–T07–031 is added to read as follows:

§ 100.35–T07–031 Charleston Power Squadron Boating Safety Parade; Wando, Cooper and Ashley Rivers, Charleston, SC.

(a) Definitions: (1) *Regulated area.* The regulated area is formed around the area 500 yards ahead of the lead vessel of the parade, 100 yards astern of the last parade vessel, and 50 yards to either side of all parade vessels along the parade route described in paragraph (a)(2) of this section.

(2) *Parade route.* The parade route begins at the Town Creek Lower Reach buoy 2 (LLNR 2215) in approximate position 32°47.6′ N, 079°55.35′ W, thence south along the Charleston peninsula to 32°45.95′ N, 079°55.34′ W, thence up the Ashley River, and continuing to the finishing point at City Marina, in approximate position 32°46.8′ N, 79°57.18′ W. All coordinates referenced use datum: NAD 1983.

(3) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant or petty officer of the Coast Guard who has bee designated by the Commander, Coast Guard Group Charleston, South Carolina.

(b) *Special local regulations.*

(1) Entry into the regulate area by other than authorized parade participants or official patrol vessels is prohibited, unless authorized by the Patrol Commander.

(2) After termination of the Charleston Power Squadron Boating Safety Parade and departure of the parade participants from the regulated area, all vessels may resume normal operations.

(c) *Effective date.* This section is effective at 12 p.m. and terminates at 4 p.m. EDT, on May 18, 1996, unless otherwise specified in the Seventh Coast Guard District Local Notice to Mariners.

Dated: April 30, 1996.

Roger T. Rufe, Jr.,

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

[FR Doc. 96–11901 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD01–96–026]

RIN 2115–AA97

Safety Zone: Fire Island Lighthouse Fireworks Display, Fire Island, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Fire Island Lighthouse Fireworks Display to be held on Great South Bay, Fire Island, NY, on May 26, 1996. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective on May 26, 1996, from 9:30 p.m. until 9:45 p.m. unless extended or terminated sooner by the Captain of the Port. There is no rain date scheduled for this event.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.V. Skuby, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4464.

SUPPLEMENTARY INFORMATION:

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after Federal Register publication. Due to the complex planning and coordination involved, the sponsor of the event was unable to provide the Coast Guard with the final details for the events in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rule making procedures were followed would effectively cancel the event.

Background and Purpose

On February 15, 1996, the sponsor, Fire Island Lighthouse Preservation Society, Fire Island, NY, requested that a 15 minute fireworks display, be permitted in Great South Bay, located approximately 1000 yards southeast of Captree State Park, Fire Island, NY. The fireworks display will occur on May 26, 1996, from 9:30 p.m. until 9:45 p.m. The safety zone covers all waters of Great South Bay within a 1200 foot radius of the fireworks launching barge. This zone is required to protect the maritime community from the safety dangers associated with this fireworks display.

Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Great South Bay and entry into this zone will be restricted for only 15 minutes on May 26, 1996. Although this regulation prevents traffic from transiting Great South Bay, at Fire Island, NY, the effect of this regulation will not be significant for several reasons: the safety zone will not impact a navigable channel; the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass to the seaward side of this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (14 U.S.C. 632).

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1995, the promulgation of this regulation is categorically excluded form further environmental documentation. A Categorical Exclusion Determination and a Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

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

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

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

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

2. A temporary section, 165.T01–026, is added to read as follows:

§ 165.T01–026 Fire Island Lighthouse Fireworks Display, Fire Island, NY.

(a) *Location.* The safety zone includes all waters of Great South Bay within a 1200 foot radius of the fireworks barge, located offshore approximately 1000 yards southeast of Captree State Park in Great South Bay, Fire Island, NY, in approximate position 40°38′00″ N, 073°15′00″ W. (NAD 1983)

(b) *Effective date.* This section is effective on May 26, 1996, from 9:30 p.m. until 9:45 p.m., unless extended or terminated sooner by the Captain of the Port Long Island Sound. In case of inclement weather there is no rain date scheduled for this event.

(c) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

Dated: May 2, 1996.

W.R. Grawe,

Commander, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 96–11900 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AH95

Medical; Nonsubstantive Miscellaneous Changes

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs medical regulations in 38 CFR Part 17 by making a number of nonsubstantive changes. More specifically, section numbers are redesignated, redundant material is removed, restatements of statutory material are removed, certain position titles and organizational titles are changed to reflect current titles, authority citations are added, obsolete material is removed, and material inadvertently deleted is restored. These changes are made for clarity and accuracy.

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: LeRoy E. Cossette, Acting Director, Headquarters Health Administration Service (161A), Department of Veterans

Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 565–5412. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entitles as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule merely consists of nonsubstantive changes.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this rule are 64.005, 64.007, 64.008, 64.009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, 64.024, and 64.025.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Phillipines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 3 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 is revised to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

1a. The undesignated center headings preceeding §§ 17.51c, 17.55, 17.57, 17.135 and 17.400 are removed.

§§ 17.32, 17.33, 17.38, 17.46a, 17.50e, 17.51b through 17.51g, 17.52, 17.55, 17.57, 17.58, 17.60c, 17.60h, 17.99, 17.103, 17.115a, 17.115c, 17.135, 17.160, 17.165c, 17.176, 17.212 and 17.400 through 17.416 [Removed]

2. In part 17, the following sections are removed:

a. Section 17.32;
b. Section 17.33;
c. Section 17.38;
d. Section 17.46a;
e. Section 17.50e;
f. Section 17.51b through 17.51g;
g. Section 17.52;
h. Section 17.55;
i. Section 17.57;
j. Section 17.58;
k. Section 17.60c;
l. Section 17.60h;
m. Section 17.99;
n. Section 17.103;
o. Section 17.115a;
p. Section 17.115c;
q. Section 17.135;
r. Section 17.160;
s. Section 17.165c;
t. Section 17.176;
u. Section 17.212; and
v. Sections 17.400 through 17.416.

§§ 17.30, 17.31, 17.48, 17.51 [Amended]

3. Part 17 is further amended by removing the following paragraphs:

a. Section 17.30 (a) through (l), and (o) through (w);

b. Section 17.31 (a), (b) introductory text and (b)(1) through (b)(4), (b)(6), (b)(7), and (c);

c. Section. 17.48 (e)(1) through (e)(5), and (e)(8); and

d. Section 17.51 (a)(1) through (a)(3), and (b).

§ 17.46 [Redesignated as § 17.43]

4. Section 17.46 is redesignated as § 17.43.

§ 17.47 [Redesignated as § 17.46]

4a. Section 17.47 is redesignated as § 17.46; in the newly redesignated § 17.46, paragraphs (a), (c), and (d) are removed, and paragraphs (b) and (e) are redesignated as paragraphs (a) and (b), respectively.

§ 17.60 [Redesignated as § 17.93]

5. Section 17.60 is redesignated as § 17.93, in the newly redesignated § 17.93, paragraphs (a)(1) through (a)(3), (b), (d)(1) through (d)(4), (e), and (f) are removed; paragraphs (a)(4) and (a)(5) are redesignated as paragraphs (a)(1) and (a)(2), respectively; paragraph (c) is redesignated as paragraph (b); and paragraph (d) is redesignated as paragraph (c); the newly redesignated paragraph (c)(5) is redesignated as paragraph (c)(1), and paragraph (c)(2) is reserved.

§ 17.60b [Redesignated as § 17.95]

6. Section 17.60b is redesignated as § 17.95; and in the newly redesignated § 17.95, paragraph (b) and the paragraph designation ''(a)'' are removed.

§ 17.78 [Redesignated as § 17.115]

7. Section 17.78 is redesignated as § 17.115, in the newly redesignated § 17.115, paragraph (b) is removed; the paragraphs designation ''(a)'' is removed, and paragraphs (a)(1) and (a)(2) are redesignated as paragraphs (a) and (b), respectively.

§ 17.123 [Redesignated as § 17.161]

8. Section 17.123 is redesignated as § 17.161, in the newly redesignated § 17.161 paragraph (j) is revised to read as follows:

§ 17.161 Authorization of outpatient dental treatment.

* * * * *

(j) *Class VI.* Any veterans scheduled for admission or otherwise receiving care and services under chapter 17 of 38 U.S.C. may receive outpatient dental care which is medically necessary, i.e., is for dental condition clinically determined to be complicating a medical condition currently under treatment.

9. Part 17 is amended by redesignating the following sections and paragraphs as set forth below:

Old section	New section
17.30 (m) and (n)	17.30 (a) and (b)
17.31(b)(5)	17.31
17.34	17.32
17.34a	17.33
17.35	17.34
17.36	17.35
17.37	17.36
17.39	17.37
17.42	17.40
17.45	17.41
17.45a	17.42
17.46b	17.44
17.46c	17.45
17.48	17.47
17.48 (e)(6) and (e)(7).	17.47 (e)(1) and (e)(2)
17.50a	17.51
17.50b	17.52
17.50c	17.53
17.50d	17.54
17.50f	17.55
17.51 (a)(4) and (5)	17.56 (a) and (b)
17.51a	17.60
17.51h	17.61
17.51i	17.62
17.51j	17.63
17.51k	17.64
17.51l	17.65
17.51m	17.66
17.51n	17.67
17.51o	17.68
17.51p	17.69
17.51q	17.70
17.51r	17.71
17.51s	17.72
17.53a	17.80
17.53b	17.81
17.53c	17.82
17.53d	17.83
17.54	17.84
17.56	17.90
17.56a	17.91
17.59	17.92
17.60a	17.94
17.60d	17.96
17.60e	17.97
17.60f	17.98
17.60g	17.99
17.61	17.100
17.62	17.101

Old section	New section
17.63	17.102
17.64	17.103
17.65	17.104
17.65a	17.105
17.66	17.106
17.70	17.110
17.71	17.111
17.75	17.112
17.76	17.113
17.77	17.114
17.80	17.120
17.80a	17.121
17.81	17.122
17.82	17.123
17.83	17.124
17.84	17.125
17.85	17.126
17.86	17.127
17.87	17.128
17.88	17.129
17.89	17.130
17.90	17.131
17.91	17.132
17.95	17.140
17.96	17.141
17.98	17.142
17.100	17.143
17.101	17.144
17.102	17.145
17.115	17.150
17.115b	17.151
17.115d	17.152
17.116	17.153
17.118	17.154
17.119	17.155
17.119a	17.156
17.119b	17.157
17.119c	17.158
17.119d	17.159
17.120	17.160
17.123a	17.162
17.123b	17.163
17.123c	17.164
17.124	17.165
17.129	17.166
17.155	17.170
17.161	17.180
17.165	17.190
17.165a	17.191
17.165b	17.192
17.165d	17.193
17.166	17.194
17.166a	17.195
17.166b	17.196
17.166c	17.197
17.166d	17.198
17.167	17.199
17.168	17.200
17.170	17.210
17.171	17.211
17.172	17.212
17.173	17.213
17.174	17.214
17.175	17.215
17.177	17.216
17.178	17.217
17.179	17.218
17.180	17.219
17.181	17.220
17.182	17.221
17.183	17.222
17.190	17.230
17.210	17.240
17.211	17.241
17.220	17.242
17.260	17.250
17.261	17.251
17.262	17.252
17.265	17.253
17.266	17.254
17.267	17.255
17.268	17.256
17.270	17.257
17.271	17.258
17.275	17.259
17.276	17.260
17.277	17.261
17.281	17.262
17.285	17.263
17.287	17.264
17.290	17.265
17.291	17.266

§ 17.30 [Amended]

10. In § 17.30, the newly redesignated paragraphs (a)(3) and (b) are amended by removing ''17.100'' and adding ''17.142'' in place thereof.

§ 17.32 [Amended]

11. In redesignated § 17.32(e), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.41 [Amended]

12. In redesignated § 17.41, the section heading is amended by removing ''entitled to'' and adding ''eligible for'' in place thereof.

§ 17.42 [Amended]

13. In redesignated § 17.42, ''§ 17.45'' is removed and ''§ 17.41'' is added in place thereof.

§ 17.43 [Amended]

14. In redesignated § 17.43, paragraphs (a) and (b) introductory text are amended by removing ''§§ 17.46b through 17.48'' and adding, ''38 U.S.C. 1710, 1722, and 1729, and 38 CFR 17.44 and 17.45'' in place thereof.

15. In redesignated § 17.43(e), ''§ 17.62'' is removed and ''§ 17.101'' is added in place thereof.

§ 17.46 [Amended]

16. In redesignated § 17.46(a), in the introductory text ''paragraph (a) of this section,'' is removed and ''38 U.S.C. 1710(a)(1),'' is added in place thereof, and in paragraph (a)(1) ''§ 17.50(b)'' is removed and ''38 U.S.C. 1703 and 38 CFR 17.52'' is added in place thereof.

§ 17.47 [Amended]

17. In redesignated § 17.47(b)(1), ''§ 17.47(a)'' is removed in both places it appears and ''38 U.S.C. 1710(a)(1)'' is added in place thereof.

18. In redesignated § 17.47(e)(2), ''under § 17.47 (a) or (c), rather than § 17.47(d),'' is removed and ''under 38 U.S.C. 1710(a)(1) rather than § 1710(a)(2),'' is added in place thereof.

19. In redesignated § 17.47(f), ''17.47(d), or outpatient care under § 17.60 (e) or (f) by virtue of the veteran's eligibility for hospital care under § 17.47(d)'' is removed and ''38 U.S.C. 1710(a)(2) or outpatient care under 38 U.S.C. 1712(a)(4) by virtue of the veteran's eligibility for hospital care under 38 U.S.C. 1710(a)'' is added in place thereof; and ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

20. In redesignated § 17.47(g) introductory text, ''entitled to'' is removed and ''eligible for'' is added in place thereof.

21. In redesignated § 17.47(l), ''§ 17.47 or § 17.60'' is removed and ''38 U.S.C. 1710 or 1712'' is added in place thereof.

22. In § 17.49, ''§ 17.47'' is removed and ''§ 17.46'' is added in place thereof.

§ 17.50 [Amended]

23. In § 17.50, ''eligible under § 17.47'' is removed and ''eligible under 38 U.S.C. 1710 or 38 CFR 17.44'' is added in place thereof.

§ 17.51 [Amended]

24. In redesignated § 17.51, ''§ 17.47'' is removed and ''38 U.S.C. 1710 or 38 CFR 17.46'' is added in place thereof.

§ 17.52 [Amended]

25. In redesignated § 17.52(a), ''§ 17.50c'' is removed and ''§ 17.53'' is added in place thereof.

§ 17.55 [Amended]

26. In redesignated § 17.55 introductory text, ''§ 17.50b'' is removed and ''38 U.S.C. 1703 or 38 CFR 17.52'' is added in place thereof.

§ 17.56 [Amended]

27. In redesignated § 17.56(b), ''§ 17.47(a) and (c), the Chief Medical Director'' is removed and ''38 U.S.C. 1710(a)(1), the Under Secretary for Health'' is added in place thereof; ''§ 17.47(d)'' is removed and ''38 U.S.C. 1710(a)(2)'' is added in place thereof; and ''§ 17.48(e)'' is removed and ''38 U.S.C. 1710(f)'' is added in place thereof.

§ 17.61 [Amended]

28. In redesignated § 17.61(c), ''§ 17.51j'' is removed and ''§ 17.63'' is added in place thereof.

§ 17.62 [Amended]

29. In redesignated § 17.62 introductory text, ''§§ 17.51h through 17.51s'' is removed and ''§§ 17.61 through 17.72'' is added in place thereof.

§ 17.64 [Amended]

30. In redesignated § 17.64(a), ''§ 17.51j(c)(3) and/or § 17.51j(e)(2)'' is removed in paragraph (a) introductory text and (a)(1) and ''§ 17.63(c)(3) and/or § 17.63(e)(2)'' is added in place thereof.

§ 17.65 [Amended]

31. In redesignated § 17.65(c), ''§ 17.51j(d) and the records standard set forth in § 17.51j(i)'' is removed and ''§ 17.63(d) and the records standard set forth in § 17.63(i)'' is added in place thereof.

32. In redesignated § 17.65(d), ''§ 17.51j(d) of this part; the bedroom standard set forth in § 17.51j(e) of this part; the activities standard set forth in § 17.51j(g) of this part; and the records standard set forth in § 17.51j(i)'' is removed and ''§ 17.63(d) of this part; the bedroom standard set forth in § 17.63(e) of this part; the activities standard set forth in § 17.63(g) of this part; and the records standard set forth in § 17.63(i)'' is added in place thereof.

§ 17.66 [Amended]

33. In redesignated § 17.66 introductory text, ''§ 17.51j'' is removed and ''§ 17.63'' is added in place thereof.

§ 17.69 [Amended]

34. In redesignated § 17.69 introductory text, ''§ 17.51m'' is removed and ''§ 17.66'' is added in place thereof.

35. In redesignated § 17.69 introductory text, ''§ 17.51o'' is removed and ''§ 17.68'' is added in place thereof.

§ 17.70 [Amended]

36. In redesignated § 17.70(c)(2), ''§ 17.51j'' is removed and ''§ 17.63'' is added in place thereof.

§ 17.71 [Amended]

37. In redesignated § 17.71(a), ''§ 17.51q'' is removed and ''§ 17.70'' is added in place thereof and ''§ 17.51j'' is removed and ''§ 17.63'' is added in place thereof.

38. In redesignated § 17.71(c), ''§ 17.51j'' is removed and ''§ 17.63'' is added in place thereof and ''§§ 17.51m–17.51r'' is removed and ''§§ 17.66–17.71'' is added in place thereof.

§ 17.81 [Amended]

39. In redesignated § 17.81(a) introductory text, ''§ 17.53a(a)'' is removed and ''§ 17.80(a)'' is added in place thereof; and ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.82 [Amended]

40. In redesignated § 17.82(a) introductory text, ''§ 17.53a'' is removed and ''§ 17.80'' is added in place thereof.

§ 17.84 [Amended]

41. In redesignated § 17.84(c), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.90 [Amended]

42. In redesignated § 17.90(a), ''§ 17.48(j)'' is removed and ''§ 17.47(j)'' is added in place thereof.

§ 17.92 [Amended]

43. In redesignated § 17.92, ''§ 17.62(g)'' is removed and ''§ 17.101'' is added in place thereof.

§ 17.93 [Amended]

44. In redesignated § 17.93(a), ''§ 17.123'' is removed and ''§ 17.161'' is added in place thereof.

45. In redesignated § 17.93(b), ''in paragraphs (a) and (b)'' is removed and ''in this section and 38 U.S.C. 1712 (a)(1) and (a)(2)'' is added in place thereof and ''§ 17.50b'' is removed and ''§ 17.52'' is added in place thereof.

46. In redesignated § 17.93(c)(1), ''§ 17.48(j)'' is removed and ''§ 17.47(j)'' is added in place thereof.

§§ 17.94, 17.95 [Amended]

47. In redesignated §§ 17.94 and 17.95(a), ''§ 17.62'' is removed from each and ''§ 17.101'' is added in each place thereof.

§ 17.97 [Amended]

48. In redesignated § 17.97, ''§ 17.60d'' is removed and ''38 U.S.C. 1712(h)'' is added in place thereof.

§ 17.98 [Amended]

49. In redesignated § 17.98(a), ''§ 17.30(1)(2) of this part'' is removed and ''38 U.S.C. 1701(6)(B)'' is added in place thereof; and ''§§ 17.47, 17.54, 17.57 or 17.60(a), (b), or (f)'' is removed and ''38 U.S.C. 1710, 1712, 1712A, 1713, or 1717, or 38 CFR. 17.84'' is added in place thereof.

§ 17.101 [Amended]

50. In redesignated § 17.101(a), ''§ 17.35'' is removed and ''§ 17.34'' is added in place thereof.

51. In redesignated § 17.101(b)(1), ''§ 17.46(c)(1) or § 17.60b'' is removed and ''§ 17.43(c)(1) or § 17.95'' is added in place thereof.

52. In redesignated § 17.101(d), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

53. In redesignated § 17.101(f), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.102 [Amended]

54. In redesignated § 17.102, ''§ 17.62'' is removed and ''§ 17.101'' is added in place thereof.

§ 17.103 [Amended]

55. In redesignated § 17.103(a) introductory text, ''§ 17.62(a)'' is removed and ''§ 17.101(a)'' is added in place thereof.

56. In redesignated § 17.103(c)(1), ''§ 17.62(a)'' is removed and ''§ 17.101(a)'' is added in place thereof.

57. In redesignated § 17.103(c)(3), ''§ 17.65a(c)'' is removed and ''§ 17.105(c)'' is added in place thereof.

§ 17.104 [Amended]

58. In redesignated § 17.104(a), ''§ 17.62(a) or (b)'' is removed and ''§ 17.101(a) or (b)'' is added in place thereof.

§ 17.105 [Amended]

59. In redesignated § 17.105(a), ''§ 17.62(a)'' is removed and ''§ 17.101(a)'' is added in place thereof.

60. In redesignated § 17.105(b), ''§ 17.64(b)'' is removed and ''§ 17.103(b)'' is added in place thereof.

§ 17.112 [Amended]

61. In redesignated § 17.112, ''§§ 17.76 and 17.77'' is removed and ''§§ 17.113 and 17.114'' is added in place thereof.

§ 17.114 [Amended]

62. In redesignated § 17.114, ''§ 17.76'' is removed wherever it appears and ''§ 17.113'' is added in place thereof.

§ 17.122 [Amended]

63. In redesignated § 17.122, ''§ 17.48(g),'' is removed and ''17.47(g)'' is added in place thereof.

§ 17.125 [Amended]

64. In redesignated § 17.125(b), ''Regional Office, Manila'' is removed and ''Outpatient Clinic (358/00), 2201 Roxas Blvd., Pasay City, 1300, Republic of the Philippines'' is added in place thereof.

65. In redesignated § 17.125(c), ''Chief, Outpatient Service, Department of Veterans Affairs Medical Center, 50 Irving Street NW., Washington, DC 20422'' is removed and ''Chief, Medical Administration Service (136), Department of Veterans Affairs Medical Center, White River Junction, VT 05009'' is added in place thereof.

66. In redesignated § 17.125(d), ''may be filed with the American Embassy or consulate in the country where services were provided. Claims will be developed and forwarded to the VA

Medical Center, Washington, DC, for final action. Claims may be submitted directly to the VA Medical Center, Washington, DC, if the veteran has returned to the United States before having had a chance to contact the appropriate Embassy or Consulate'' is removed and ''must be mailed to the Health Administration Center, P.O. Box 65023, Denver, CO 80206–3023'' is added in place thereof.

§ 17.128 [Amended]

67. In redesignated § 17.128 introductory text, ''§ 17.80'' is removed and ''§ 17.120'' is added in place thereof.

§ 17.129 [Amended]

68. In redesignated § 17.129, ''§ 17.85'' is removed and ''§ 17.126'' is added in place thereof.

§ 17.141 [Amended]

69. In redesignated § 17.141, ''The VA Medical Center, Washington, DC,'' is removed and ''The Health Administration Center in Denver, CO,'' is added in place thereof, and ''except the Republic of the Philippines'' is removed and ''except Canada which will be referred to the VA Medical Center in White River Junction, VT, and the Republic of the Philippines which will be referred to the VA Outpatient Clinic in Pasay City'' is added in place thereof.

70. In redesignated § 17.143, paragraph (a) is revised to read as follows:

§ 17.143 Transportation of claimants and beneficiaries.

(a) ''If travel will be provided, it shall be paid in accordance with 38 U.S.C. 111 and this section.'' is added in place thereof.

(Authority: 38 U.S.C. 111)

* * * * *

§ 17.143 [Amended]

71. In redesignated § 17.143(f)(1), ''§§ 17.47 and 17.54'' is removed and ''38 U.S.C. 1710, 38 CFR 17.46 and 17.84'' is added in place thereof.

72. In redesignated § 17.143(h), ''§ 17.60 (e) and (f)'' is removed and ''38 U.S.C. 1712(a)(5), and 1717'' is added in place thereof.

73. In redesignated § 17.143(k)(1), ''§ 17.101'' is removed and ''38 U.S.C. 111(c) and 38 CFR 17.144'' is added in place thereof.

74. In redesignated § 17.143(k)(2), ''for veterans under § 17.60 (h) and (i);'' is removed; ''for veterans under § 17.93 (a)(2) and (d)(3)'' is added in place thereof; and ''§ 17.48(g), subject to limitations described in § 17.101'' is removed and ''17.47(j), subject to limitations described in § 17.144'' is added in place thereof.

75. In redesignated § 17.143(m), ''§ 17.100, § 17.101 or § 17.102'' is removed and ''38 U.S.C. 111 and 38 CFR 17.143, 17.144 and 17.145'' is added in place thereof.

§ 17.145 [Amended]

76. In redesignated § 17.145, an authority citation is added immediately following paragraph (b) to read: ''(Authority: 38 U.S.C. 111).''

§ 17.150 [Amended]

77. In redesignated § 17.150(a), ''§ 17.60 (a) through (d) and (k) through (m) (or a necessary part of outpatient care authorized under § 17.60a)'' is removed and ''38 U.S.C. 1712 and 38 CFR 17.93 (or a necessary part of outpatient care authorized under § 17.94)'' is added in place thereof.

§ 17.157 [Amended]

78. In redesignated § 17.157, ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof; and ''§ 17.119a'' is removed and ''§ 17.156'' is added in place thereof.

§ 17.158 [Amended]

79. In redesignated § 17.158(b), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.160 [Amended]

80. In redesignated § 17.160(f), ''§ 17.48(g)'' is removed and ''17.47(g)'' is added in place thereof.

81. In redesignated § 17.160(g), ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.161 [Amended]

82. In redesignated § 17.161 introductory text, ''§ 17.60 (a) to (d)'' is removed and ''38 U.S.C. 1712(b) and 38 CFR 17.93'' is added in place thereof.

83. In redesignated § 17.161(i), ''§ 17.48(g)'' is removed and ''17.47(g)'' is added in place thereof.

§ 17.162 [Amended]

84. In redesignated § 17.162, ''§ 17.123(b)'' is removed and ''§ 17.161(b)'' is added in place thereof.

§ 17.170 [Amended]

85. In redesignated § 17.170(f), ''§ 17.60'' is removed and ''38 U.S.C. 1712 and 38 CFR 17.93'' is added in place thereof.

§ 17.190 [Amended]

86. In redesignated § 17.190(d), ''§ 17.166a(b)'' is removed and ''§ 17.195(b)'' is added in place thereof.

§ 17.191 [Amended]

87. In redesignated § 17.191, ''Chief Medical Director'' is removed in both places and ''Under Secretary for Health'' is added in both places.

§ 17.192 [Amended]

88. In redesignated § 17.192, the third sentence is removed.

§ 17.212 [Amended]

89. In redesignated § 17.212(a), ''§§ 17.170 through 17.177'' is removed and ''38 U.S.C. 8131 through 8137 and §§ 17.210 through 17.216'' is added in place thereof.

90. In redesignated § 17.212(b), ''§ 17.173(d)'' is removed and ''§ 17.213(d)'' is added in place thereof.

§ 17.213 [Amended]

91. In redesignated § 17.213(a)(3), ''§§ 17.170 through 17.177'' is removed and ''38 U.S.C. 8135 and 38 CFR 17.210 through 17.216'' is added in place thereof.

92. In redesignated § 17.213(c)(1) introductory text, ''§§ 17.170 through 17.177 and appendix A to § 17.171'' is removed and ''§§ 17.210 through 17.216 and appendix A to § 17.211'' is added in place thereof.

§ 17.214 [Amended]

93. In redesignated § 17.214(a) introductory text, ''§ 17.173'' is removed and ''§ 17.213'' is added in place thereof.

§ 17.215 [Amended]

94. In redesignated § 17.215(b), in the first and second sentences ''§ 17.165'' is removed and ''§ 17.190'' is added in place thereof.

§ 17.216 [Amended]

95. In redesignated § 17.216(c), ''§§ 17.178 through 17.179'' is removed and ''§§ 17.217 and 17.218'' is added in place thereof.

§ 17.217 [Amended]

96. In redesignated § 17.217(b), ''§ 17.183'' is removed and ''§ 17.222'' is added in place thereof.

§ 17.220 [Amended]

97. In redesignated § 17.220(b)(5), ''§ 17.183(c)(5)(i)'' is removed and ''§ 17.222(c)(5)(i)'' is added in place thereof.

§ 17.250 [Amended]

98. In redesignated § 17.250, ''§ 17.260 through 17.291'' is removed and

''§ 17.250 through § 17.266'' is added in place thereof.

§ 17.254 [Amended]

99. In redesignated § 17.254 introductory text, ''Chief Medical Director'' is removed both times it appears and ''Under Secretary for Health'' is added in place thereof both times it appears.

§ 17.255 [Amended]

100. In redesignated § 17.255, ''§ 17.266'' is removed and ''§ 17.254'' is added in place thereof.

§ 17.257 [Amended]

101. In redesignated § 17.257 introductory text, ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

102. In redesignated § 17.257(b), ''§ 17.271'' is removed and ''§ 17.258'' is added in place thereof.

103. In redesignated § 17.257(c), ''§§ 17.266 through 17.268'' is removed and ''§§ 17.254 through 17.256'' is added in place thereof.

§ 17.258 [Amended]

104. In redesignated § 17.258(b), ''§§ 17.266 through 17.267'' is removed and ''§§ 17.254 through 17.256'' is added in place thereof.

105. In redesignated § 17.258(c), ''§§ 17.275 through 17.277'' is removed and ''§§ 17.259 through 17.261'' is added in place thereof.

§ 17.262 [Amended]

106. In redesignated § 17.262, ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.350 [Amended]

107. In § 17.350, ''§§ 17.37 through 17.42'' is removed and ''38 U.S.C. 1724 and § 1732, and 38 CFR 17.36 through 17.40'' is added in place thereof.

§ 17.355 [Amended]

108. In § 17.355, ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in place thereof.

§ 17.364 [Amended]

109. In § 17.364(a), ''§§ 17.37 through 17.39'' is removed and ''38 U.S.C. 1724 and 1732, and 38 CFR 17.36 through 17.37'' is added in place thereof.

§ 17.367 [Amended]

110. In § 17.367, ''§§ 17.37 through 17.42'' is removed and ''38 U.S.C. 1724 and 1732, and 38 CFR 17.36 through 17.40'' is added in place thereof.

* * * * *

111. In § 17.601 paragraph (f) is revised to read as follows:

§ 17.601 Definitions.

(f) Under Secretary for Health means the Under Secretary for Health for Veterans Health Administration or designee.

* * * * *

§ 17.603, 17.608, 17.609 [Amended]

112. In §§ 17.603, 17.608(c) introductory text, and 17.609, ''Chief Medical Director'' is removed and ''Under Secretary for Health'' is added in each place thereof.

[FR Doc. 96–11637 Filed 5–10–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD–856–FC]

Medicare and Medicaid Program; Criteria for a Rural Hospital To Be Designated as an Essential Access Community Hospital (EACH)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This final rule revises the criteria that a rural hospital must meet to be designated as an Essential Access Community Hospital (EACH). The revised criteria permit HCFA to designate a hospital as an EACH if the hospital cannot be designated as an EACH by the State only because it has fewer than 75 beds and is located 35 miles or less from another hospital. Hospitals in rural areas that are designated as EACHs by HCFA are treated, for payment purposes, as sole community hospitals.

The revised criteria are designed to facilitate development of network affiliations between rural EACHs and small rural facilities, known as Rural Primary Care Hospitals (RPCHs). The revisions would affect only hospitals located in rural areas of the States of California, Colorado, Kansas, South Dakota, New York, West Virginia, and North Carolina, or in an adjacent State.

DATES: Effective Date: This regulation is effective May 13, 1996.

Comment Period: Comments will be considered if received at the appropriate address, as provided below, no later than 5 p.m. on July 12, 1996.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD–856–FC, P.O. Box 7517, Baltimore, MD 21207–0517.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, or

Room C5–09–26, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD–856–FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309–G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to: Health Care Financing Administration, Office of Financial and Human Resources, Management Planning and Analysis Staff, Room C2–26–17, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Copies: To order copies of the Federal Register containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $8.00. As an alternative, you can view and photocopy the Federal Register document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the Federal Register.

FOR FURTHER INFORMATION CONTACT: George Morey, (410) 786–4653.

SUPPLEMENTARY INFORMATION:

I. Background

On May 26, 1993, we published in the Federal Register (58 FR 30630) a final rule to implement the Essential Access Community Hospital (EACH) Program. That program, which is authorized by

section 1820 of the Social Security Act (the Act), is intended to promote regionalization of health services in rural areas, improve access to hospital and other health services for rural residents, and enhance the provision of emergency and other transportation services related to health care. The program is not national in scope, but is limited to the States (not to exceed seven) that have been given Federal grants for their activities in support of it. The States that have received such grants are California, Colorado, Kansas, South Dakota, New York, West Virginia, and North Carolina.

An important component of the EACH program is the rural health network, which is an organization made up of at least one Rural Primary Care Hospital (RPCH), and at least one EACH, regional referral center, or hospital located in an urban area that meets the criteria for classification as a regional referral center. An RPCH is a small, limited-service facility that is located in a rural area and furnishes outpatient and short-term inpatient care needed to stabilize a patient before discharge or transfer to another facility for further care. An EACH is a larger, full-service hospital that has agreed to provide emergency and medical backup services to the RPCH (or RPCHs) participating in its network. Network membership is optional for RPCHs, but a hospital cannot be designated as an EACH unless it has a network agreement. EACHs in rural areas are treated for Medicare payment purposes as sole community hospitals, which typically entitles the facilities to a higher level of payment for their inpatient services than they would otherwise receive.

As is the case with any other relationships between providers or between providers and other persons or entities, any arrangements are subject to the provisions of the Medicare and Medicaid anti-kickback statute (section 1128B(b) of the Social Security Act, 42 U.S.C. 1320a–7b(b)). That statute prohibits knowingly and willfully offering, paying, soliciting or receiving remuneration in order to induce business reimbursed under the Medicare, Medicaid or other State health care programs. Prohibited conduct includes the transferring of anything of value intended to induce referrals of patients, as well as *soliciting or receiving remuneration in return for* the purchasing, leasing, ordering or arranging for any good, facility, service or item paid for by Medicare, Medicaid, or other State health care program.

II. Criteria for Designation of EACHs

Under section 1820(I)(1)(A) of the Act, HCFA can designate a hospital as an EACH only if it meets specific requirements and is first designated as such by the grant State. The criteria for State designation are set forth in section 1820(e). Under these criteria, a State may designate a rural facility as an EACH only if the hospital—

- Is located in a rural area, as defined in section 1886(d)(2)(D);
- Is located more than 35 miles from any hospital that—
  + Has been designated as an essential access community hospital;
  + Is classified by the Secretary as a rural referral center under section 1886(d)(5)(C); or
  + Meets such other criteria relating to geographic location as the State may impose with the approval of the Secretary;
- Has at least 75 inpatient beds or is located more than 35 miles from any other hospital;
- Has in effect an agreement to provide emergency and medical backup services to rural primary care hospitals participating in the rural health network of which it is a member and throughout its service area;
- Has in effect an agreement, with each rural primary care hospital participating in the rural health network of which it is a member, to accept patients transferred from such primary care hospital, to receive data from and transmit data to such primary care hospital, and to provide staff privileges to physicians providing care at such primary care hospital; and
- Meets any other requirements imposed by the State with the approval of the Secretary.

Section 1820 also contains a provision that allows the Secretary some flexibility in designating hospitals as EACHs even though they do not meet the general bed size and geographic location criteria. Section 1820(i)(1)(B) of the Act allows the Secretary to designate a hospital as an EACH if it is not eligible for designation by the State only because it does not have 75 or more beds, or is not located more than 35 miles from another hospital. While we were preparing the final rule published May 26, 1993 (58 FR 30629), we received comments suggesting that we use this authority to designate facilities as EACHs, even though they do not meet the bed size and geographic criteria specified in section 1820(e)(2). We considered these comments carefully but decided to exercise the authority only with respect to hospitals that have fewer than 75 beds and are located within 35 miles of another hospital, but are not located within 35 miles of any hospital having 75 or more beds. Where such hospitals meet other applicable criteria and are recommended by the State as the EACH member of a proposed network, HCFA will designate them as EACHs. Regulations permitting such designations are set forth at 42 CFR 412.109(c)(2) (ii) and (iii).

Based on our further experience in administering the EACH program, we now believe that in order to increase access to hospital services in rural areas, there may be other circumstances in which it would be appropriate to exercise our section 1820(i)(1)(B) authority for rural hospitals. For example, a full-service hospital that meets other requirements to be the EACH member of a network may be located within 35 miles of another hospital that has 75 or more beds. In this situation the hospital could not, under existing regulations, be designated as an EACH, even if it is the only hospital that is willing and able to furnish the rural health network emergency and medical backup services available from EACHs that might be needed to permit a third facility to operate successfully as an RPCH, thus preserving access to care in its area. Under these circumstances, section 1820(i)(1)(B) authority may appropriately be exercised to permit designation of an EACH, thus allowing the small facility to be converted successfully to an RPCH and to continue providing services to its patients.

To allow for designation of facilities as EACHs in these circumstances while not defeating the purpose of the basic statutory requirements for EACH designations, we are revising § 412.109(c) of our regulations to specify additional criteria under which designations by HCFA will be made. As revised, the regulations allow a hospital located 35 miles or less from another hospital to be designated as an EACH only if—

- The hospital is not eligible for State designation as an EACH solely because it has fewer than 75 beds and is located 35 miles or less from any other hospital; and
- The hospital is located more than 35 miles from the nearest hospital having 75 or more beds, and is recommended by the State for designation as the EACH member of a proposed network; or
- The following criteria are met—

—The hospital seeking EACH designation has entered into a network agreement under 42 CFR

485.603 with a facility that the State has designated as an RPCH, and the hospital designated as an RPCH by the State does not have a network agreement with any existing EACH;

—The facility that the State has designated as an RPCH, and that has entered into the network agreement described above, is located more than 35 miles from any other hospital having 75 or more inpatient beds;

—The distance between the facility that the State has designated as an RPCH and the hospital seeking designation as an EACH is less than the distance between the facility that the State has designated as an RPCH and the nearest hospital that has 75 or more inpatient beds or is designated as an EACH; and

—The State certifies to HCFA that—

+ The rural health network emergency and medical backup services actually being provided by the hospital seeking EACH designation are essential to the continued existence of the facility as an RPCH; and

+ The existence of the facility as an RPCH is needed to ensure access to health care services in the area of the State served by the facility that the State has designated as an RPCH.

The criteria described above are designed to ensure that the section 1820(i)(1)(B) authority is exercised only in appropriate cases. First, there must be a network agreement in effect between the hospital seeking EACH designation and a particular facility that the State has designated an RPCH, and the RPCH must not have entered into any network agreement with any other hospital that is currently an EACH. This criterion is needed to ensure that there is a valid network agreement linking the two facilities, and that only one hospital is able to achieve EACH designation based on its agreement with a particular RPCH. In addition, a prospective EACH will not be able to qualify if the RPCH with which it has entered into a network agreement is within 35 miles of any other hospital having 75 or more inpatient beds or is designated as an EACH. We also are requiring that the hospital seeking designation as an EACH under these criteria be closer to the RPCH than the nearest hospital that has 75 or more beds or is designated as an EACH. We are including these provisions because we do not wish to encourage EACH designations that are inappropriate in terms of the location of the EACH or RPCH relative to other facilities.

In applying these criteria, we will consider only a hospital's location relative to other facilities that participate in Medicare as general hospitals (that is, under the criteria in 42 CFR 482.1 through 482.57). We will not take into account the location of nonparticipating hospitals or of those that participate in Medicare as psychiatric hospitals, since those hospitals would not be appropriate referral sites for most Medicare patients following care at an RPCH.

In addition, we require that the State make certain certifications to HCFA. These are—

- That the rural health network and emergency medical backup services actually being provided by the hospital seeking EACH designation are essential to the continued existence of the facility as an RPCH; and
- That the RPCH is needed to ensure access to health care services in its service area.

We have decided not to prescribe specific criteria for the State to follow in determining what constitutes a desirable level of patient access to care in rural areas, or whether the assistance of the EACH is needed to help ensure that a certain level of access is maintained. We believe each State should develop its own criteria and procedures for making these determinations, based on local and Statewide characteristics such as population density, travel conditions, existing referral patterns, availability of health care professionals, and other factors that affect access.

We are including a requirement under which EACH designation made under our revised regulation will remain in effect only as long as the criteria in § 412.109(c)(2)(D)(ii) continue to be met. Thus, for EACH designation to continue, the EACH must continue to carry out its network responsibilities with respect to the RPCH, and the continued existence of the facility as an RPCH must remain necessary to ensure patient access to care in the facility's service area. If we determine that these criteria are no longer met (because, for example, another source of care becomes available to patients in the area of the RPCH), or if a false certification was made, we will terminate the EACH status of the hospital prospectively, effective with discharges occurring on or after 30 days after the date of the determination. We are redesignating § 412.109(f) as new paragraph (g), and adding a new paragraph (f) that specifies this requirement.

Although we expect that States will notify us promptly of any changes in hospitals' activities and will not make false or inaccurate certifications, we reserve the right to review any information that calls the accuracy of a certification into question, and to terminate a hospital's EACH designation if we find factual information sufficient to convince us that the designation is no longer appropriate. The hospital's Medicare participation would not be affected by this change but, as of the effective date of the change, it would no longer be paid by Medicare as a sole community hospital. As in the case of any other determination that the hospital does not meet the criteria for EACH designation or that a hospital's EACH designation should be terminated, the determination would be subject to review under the provider appeals regulations at 42 CFR Part 405, Subpart R.

We note that a separate provision of the law and regulations allows a hospital to be designated as an EACH only if it has in effect an agreement for acceptance of patients and sharing of patient data with each RPCH in the network of which it is a member (section 1820(e)(4) of the Act and the implementing regulations at 42 CFR 412.109(d)(3)). Since an agreement of this kind can be made only with a facility participating in Medicare as an RPCH, the effect of this requirement is to allow EACH status for any hospital to be effective no earlier than the first date of participation of an affiliated RPCH. This provision is not subject to waiver under section 1820(I)(1)(B), and thus is not affected by this final rule.

III. Other Required Information

A. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, agencies are required to provide 60 days' notice in the Federal Register to solicit public comments before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3504(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment in the following issues:

- Whether the information collection is necessary and useful to carry out the proper functions of the agency;
- The accuracy of the agency's estimate of the information collection burden;
- The quality, utility, and clarity of the information to be collected; and
- Recommendation to minimize the information collection burden on the affected public, including automated collection technique.

Following is a discussion of these requirements:

Under § 412.109(c), a hospital can be considered for HCFA designation as an

EACH, even though it does not meet the requirements for State designation as set forth in § 412.109(d), if the State makes certain certifications to HCFA. These include the importance of the EACH to the continued existence of the facility as an RPCH, by providing emergency and medical backup services with respect to the RPCH under its network agreement, and the importance of RPCH ongoing operation to access to care for residents of its service area. While the regulations do not require direct reporting of information to HCFA, we expect that as a practical matter the prospective EACH will be required to furnish the State with some information in order to support the second item of the certification, and that the prospective RPCH will need to supply the State with information in support of the other items.

Public reporting burden for this collection of information is estimated to be 2 hours for the hospital's first year of operation as an EACH and one hour for each subsequent year of operation as an EACH. Existing regulations require EACHs to furnish HCFA with information regarding their agreements with RPCHs, and we believe very little additional time will be required to supply the State with similar information.

Public reporting burden for the RPCH for this collection of information is estimated to be 6 hours for the hospital's first year of operation as an RPCH and 2 hours for each subsequent year of operation as an RPCH. These information collection and record keeping requirements are not effective until they have been approved by OMB. A notice will be published in the Federal Register when approval is obtained. Organizations and individuals desiring to submit comments on these information collection and record keeping requirements should direct them to the Health Care Financing Administration, Office of Financial and Human Resources, Management Planning and Analysis Staff, Room C2–26–17, 7500 Security Boulevard, Baltimore, MD 21244–1850.

B. Regulatory Flexibility Analysis

We generally prepare an initial regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA)(5 U.S.C. 601 through 612) unless the we certify that the final rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all hospitals to be small entities. Individuals and States are not included in the definition of a small entity.

Also, section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any final rule that may have a significant impact on a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 50 beds.

We have determined, and certify, that these regulations will not have a significant impact on a substantial number of small rural hospitals. As noted earlier, EACH designation is available only in seven States and in the States adjacent to those seven States. Moreover, only a few prospective EACHs would be so located relative to other hospitals that they would be affected by the changes in this rule. Therefore, we have not prepared a regulatory flexibility analysis or an analysis of the effect on small rural hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

Under the provisions of Public Law 104–121, we have determined that the rule is not a major rule.

C. Waiver of Notice of Proposed Rulemaking and 30–Day Delay in the Effective Date

We ordinarily publish a notice of proposed rulemaking for a rule to provide a period for public comment. However, we may waive that procedure if we find good cause that prior notice and comment are impractical, unnecessary, or contrary to public interest. We find good cause to implement this rule as a final rule because the delay involved in prior notice and comment procedures for the new provisions of this rule would be contrary to the public interest.

This rule does not impose an additional burden or obligation on any hospital or community; on the contrary, it relaxes a restriction on the designation of certain rural hospitals as EACHs. We expect that the resulting assistance will enable the small facilities to avoid closure and to continue to provide needed services to their communities. In view of the precarious financial status of many small rural hospitals, and in consideration of the likelihood that Medicare beneficiaries and other patients served by these facilities would be left without access to care if they closed, we believe it is necessary to implement this change as soon as possible. Thus, we find that the delay involved in prior notice and comment would be contrary to the public interest. We have concluded that it is appropriate to implement the revisions to § 412.109 as final in this instance.

We also normally provide a delay of 30 days in the effective date of a regulation. However, if adherence to this procedure would be impractical, unnecessary, or contrary to public interest, we may waive the delay in the effective date. We may also waive the delay in the case of a rule that grants an exemption or relieves a restriction. We find good cause to waive the usual 30-day delay in this instance. As explained above, it is in the public interest for the transition from hospital to RPCH to be made by many small facilities as soon as possible, so as to avert insolvency and complete closure. A 30-day delay in the effective date would only postpone unnecessarily the start of the transition for many facilities, and place them at greater risk. Therefore, we believe that a 30-day delay in the effective date for this provision would be contrary to the public interest, and we find good cause to waive the usual 30-day delay in the effective date.

List of Subjects in 42 CFR Part 412

Administrative practice and procedure, Health facilities, Medicare, Puerto Rico, Reporting and record keeping requirements.

42 CFR part 412 is amended as set forth below:

PART 412—PROSPECTIVE PAYMENT SYSTEMS FOR INPATIENT HOSPITAL SERVICES

1. The authority citation for part 412 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart G—Special Treatment of Certain Facilities Under the Prospective Payment System for Inpatient Operating Costs

2. In § 412.109, paragraph (c) is revised, paragraph (f) is redesignated as paragraph (g), and a new paragraph (f) is added to read as follows:

§ 412.109 Special treatment: Essential access community hospitals (EACHs).

* * * * *

(c) *Criteria for HCFA designation.*

(1) HCFA designates a hospital as an EACH if the hospital is located in a State that has received a grant under section 1820(a)(1) of the Act or in an adjacent State and is designated as an

EACH by the State that has received the grant.

(2) HCFA designates a hospital as an EACH if—

(i) The hospital—

(A) Is not eligible for State designation as an EACH solely because the hospital has fewer than 75 inpatient beds and is located 35 miles or less from any other hospital; and

(B) Is located more than 35 miles from the nearest hospital having 75 or more inpatient beds, and is recommended by the State for designation as the EACH member of a proposed network; or

(ii) The following criteria are met—

(A) The hospital seeking EACH designation has entered into a network agreement under § 485.603 of this chapter with a facility that the State has designated as an RPCH, and the hospital designated as an RPCH by the State does not have a network agreement with any existing EACH;

(B) The facility that the State has designated as an RPCH, and that has entered into the network agreement described in paragraph (c)(2)(ii)(A) of this section, is located more than 35 miles from any other hospital having 75 or more inpatient beds;

(C) The distance between the facility that the State has designated as an RPCH and the hospital seeking designation as an EACH is less than the distance between the facility that the State has designated as an RPCH and the nearest hospital that has 75 or more inpatient beds or is designated as an EACH;

(D) The State certifies to HCFA that—

(*1*) The rural health network emergency and medical backup services actually being provided by the hospital seeking EACH designation are essential to the continued existence of the facility as a RPCH; and

(*2*) The existence of the facility as an RPCH is needed to ensure access to health care services in the area of the State served by the RPCH.

For purposes of this paragraph (c)(2)(ii), the location of a hospital will not be considered unless the hospital participates in Medicare under §§ 482.1 through 482.57 of this chapter.

* * * * *

(f) *Termination of EACH designation under paragraph (c)(2)(ii)(D).* If HCFA determines that the criteria in paragraph (c)(2)(ii)(D) of this section are no longer met with respect to a hospital HCFA has designated as an EACH under that paragraph, HCFA will terminate the EACH designation of the hospital, effective with discharges occurring on or after 30 days after the date of the determination.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 6, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: May 8, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–11990 Filed 5–9–96; 10:26 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–156; RM–8564]

Radio Broadcasting Services; Hawesville, KY and Tell City, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WLME, Inc, substitutes Channel 246A for Channel 289A at Hawesville, Kentucky, and modifies Station WKCM-FM's license accordingly. To accommodate the allotment, we also substitute Channel 289A for vacant Channel 245A at Tell City, Indiana. *See* 60 FR 90, January 3, 1995. Channel 246A can be substituted for Channel 289A at Hawesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.7 kilometers (2.3 miles) northeast at petitioner's presently licensed site. The reference coordinates for Channel 246A at Hawesville are North Latitude 37–55–33 and West Longitude 86–43–19. *See* Supplementary Information, *infra.*

EFFECTIVE DATE: June 17, 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. 94–156, adopted April 24, 1996, and released May 3, 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.

Additionally, Channel 289A can be substituted for vacant Channel 245A at Tell City, Indiana, in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) south in order to avoid short-spacings to the licensed sites of Station WASE(FM), Channel 288A, Fort Knox, Kentucky, and Station WUZR(FM), Channel 289A, Bicknell, Indiana. The modified reference coordinates for Channel 289A at Tell City are North Latitude 37–50–49 and West Longitude 86–43–27. With this action, this proceeding is terminated.

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 removing Channel 289A and adding Channel 246A at Hawesville.

3. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by removing Channel 245A and adding Channel 289A at Tell City.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 96–11815 Filed 5–10–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 96–D303]

Defense Federal Acquisition Regulation Supplement; Cost Reimbursement Rules for Indirect Costs—Private Sector

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement to permit the DoD to enter into a defense

capability preservation agreement with a defense contractor where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b).

DATES: *Effective date:* May 13, 1996.

Comment date: Comments on the interim rule and the associated information collection requirement should be submitted in writing to the address shown below on or before July 12, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D303 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds Subsection 231.205–71 to the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106). Section 808 permits the DoD to enter into a defense capability preservation agreement with a defense contractor where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). Such an agreement would permit the contractor to claim certain indirect costs, attributable to its private sector work, on its defense contracts.

B. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106), which was effective upon enactment on February 10, 1996. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most contracts awarded to small entities are awarded on a competitive fixed-price basis and do not require application of the cost principles contained in this rule. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601 *et seq.* (DFARS Case 96–D303), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13) applies because the interim rule contains a new information collection requirement. A request for approval of a new information collection requirement, under the emergency processing provisions of Section 3502(j) of the Paperwork Reduction Act, was submitted to the Office of Management and Budget and approved through July 31, 1996, under OMB Number 0704–0387. The necessary regular request for approval of the information collection requirement has been submitted to the Office of Management and Budget under Section 3507(d) of the Act.

Comments are invited. Particular comments are solicited on:

a. Whether the 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 information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Title, Associated Form, and OMB Number: Defense Preservation Capability Agreements, DFARS Subsection 231.205–71, OMB Number 0704–0387.

Needs and Uses: This information collection requirement is a direct result of Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106). Section 808 and this interim rule permit the Department of Defense (DoD) to enter into a defense capability preservation agreement with a defense contractor. This agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts. Before such an agreement may be entered into, DoD must make a determination that the agreement would facilitate DoD's achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). In order to make this determination, DoD must obtain supporting information from the contractor requesting the agreement. The informational copy to be provided to the cognizant administrative contracting officer (ACO) will facilitate early involvement of the ACO, who will be a key player in compiling data for evaluation of the request.

Affected Public: Businesses or other for profit.

Annual Burden Hours: 4,000.

Number of Respondents: 50.

Average Burden Per Response: 80 Hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The collection of information is required each time a defense contractor requests to enter into a defense capability preservation agreement with DoD, in accordance with Section 808 of Pub. L. 104–106. Such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts. The law does not require contractors to submit the information. The law does require, however, that before a defense capability preservation agreement may be entered into, DoD must make a determination that such an agreement would facilitate DoD's achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b). In order to make this determination, DoD must obtain supporting information from the contractor requesting the agreement. The rule also recommends that the contractor submit a copy of any request for such an agreement to the cognizant administrative contracting officer.

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for 48 CFR Part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 231.205–71 is added to read as follows:

231.205–71 Defense capability preservation agreements.

(a) *Scope and authority.* Where it would facilitate the achievement of the policy objectives relating to defense reinvestment, diversification, and conversion set forth in 10 U.S.C. 2501(b), DoD may enter into a ''defense capability preservation agreement'' with a contractor. As authorized by Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work as allowable costs on its defense contracts.

(b) *Procedure.* A contractor may submit a request for such an agreement, together with appropriate justification, through the Assistant Secretary of Defense for Economic Security, to the Under Secretary of Defense for Acquisition and Technology, who has exclusive approval or disapproval authority. The contractor should also provide an informational copy of any such request to the cognizant administrative contracting officer.

[FR Doc. 96–11887 Filed 5–10–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

48 CFR Parts 904, 906, 911, 912, 913, 915, 919, 925, 926, 933, 950, 952 and 970

RIN 1991–AB27

Acquisition Regulation; Technical Amendments

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today issues a final rule to make technical, non-substantive amendments to the Department of Energy Acquisition Regulation (DEAR). The Federal Acquisition Regulation (FAR) was amended several times to implement various parts of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355. This rule amends sections of the DEAR to conform to the revised provisions of the FAR.

EFFECTIVE DATE: This final rule will be effective June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Policy (HR–51), Office of the Deputy Assistant Secretary for Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–8247.

SUPPLEMENTARY INFORMATION:

I. Explanation of Revisions
II. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12778
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under Executive Order 12612
F. Review Under the National Environmental Policy Act
G. Public Hearing Determination

I. Explanation of Revisions

The revisions in this rule are either technical and nonsubstantive in nature, or nondiscretionary. They involve the renumbering or redesignating of DEAR sections or subsections, or the substitution of new terminology for designations previously used to describe ''small purchases'' and ''small and small disadvantaged businesses.'' These revisions are intended to ensure that the DEAR conforms to the FAR to implement various parts of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355. Three amendments to the FAR created a need for this technical amendment of the DEAR. New FAR regulations governing micropurchases, i.e., acquisitions below $2,500, and simplified acquisitions, i.e., acquisitions exceeding the micropurchase level but not greater than $100,000, were published respectively on December 15, 1994 at 59 FR 64786 and July 3, 1995 at 60 FR 34741. These two amendments require changes at DEAR Parts 901, 904, 906, 913, 915, 925, 952 and 970. The third amendment affected provisions dealing with commercial items, small business, and protests. It was published on September 18, 1995, at 60 FR 48206. It requires changes at DEAR Parts 911, 912, 919, 926, and 933.

II. Procedural Requirements

A. Review Under Executive Order 12866

This regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review, under that Executive Order, by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2 (a) and (b), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that this rule meets the requirements of sections 2 (a) and (b) of Executive Order 12778.

C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Public Law 96–354, which requires preparation of a regulatory flexibility analysis for any rule that is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It will also not have any indirect economic consequences such as changed construction rates. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rule. Accordingly, no OMB clearance is required under the

Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

E. Review Under Executive Order 12612

Executive Order 12612, entitled ''Federalism,'' 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or in the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. DOE has determined that this rule will not have a substantial direct effect on the institutional interests or traditional functions of States.

F. Review Under the National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations (40 CFR 1500–1508), the Department has established guidelines for its compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321). Pursuant to Appendix A of Subpart D of 10 CFR 1021, National Environmental Policy Act Implementing Procedures (Categorical Exclusion A6), DOE has determined that this rule is categorically excluded from the need to prepare an environmental impact statement or environmental assessment.

G. Prior Notice and Public Hearing Determination

The final regulations published in this notice are interpretive of FAR provisions implementing the Federal Acquisition Streamlining Act of 1994, Public Law 103–355. They are non-discretionary in nature. DOE therefore is not providing prior notice and opportunity for public comment.

DOE also has concluded that this rule does not involve any significant issues of law or fact. Therefore, consistent with 5 U.S.C. 553, DOE has not scheduled a public hearing.

List of Subjects in 48 CFR Parts 904, 906, 911, 912, 913, 915, 919, 925, 926, 933, 950, 952, and 970

Government procurement.

Issued in Washington, D.C., on April 25, 1996.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is amended as set forth below.

1. The authority citation for Parts 904, 906, 911, 912, 913, 915, 919, 925, 926, 933, 950, and 952 continues to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c).

1a. The authority citation for Part 970 continues to read:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), sec. 644 of the Department of Energy Organization Act of 1977, Public Law 95–91 (42 U.S.C. 7254).

PART 904—ADMINISTRATIVE MATTERS

§ 904.7103 [Amended]

2. Section 904.7103, ''Solicitation provision and contract clause'' is amended, at both paragraphs (a) and (b), by revising the words ''small purchase or other simplified purchase'' to read ''simplified acquisition.''

PART 906—COMPETITION REQUIREMENTS

§ 906.303–1 [Amended]

3. Subsection 906.303–1(a), Requirements, is amended by removing the final sentence.

PART 912—[REDESIGNATED AS PART 911]

4. Part 912 is redesignated Part 911 (Part 912 is reserved). The heading for the new 911 is ''DESCRIBING AGENCY NEEDS.''

§ 912.300, 912.302, 912.304 [Redesignated as 911.600, 911.602, 911.604]

a. Sections 912.300, 912.302, and 912.304 are redesignated 911.600, 911.602, and 911.604 respectively.

911.600 [Amended]

b. Newly redesignated Section 911.600 is amended by revising the reference ''FAR subpart 12.3'' to read ''FAR subpart 911.6.''

§ 911.604 [Amended]

c. Newly designated Section 911.604 is amended:

i. in paragraph (a) by revising ''952.212–70'' to read ''952.211–70'' and removing ''(JUNE 1987)'';

ii. in paragraph (b) by revising ''952.212–71'' to read ''952.211–71'' and removing ''(JUNE 1987)'';

iii. in paragraph (c) by revising ''952.212–70'' and ''952.212–71'' to read ''952.211–70'' and ''952.211–71'' respectively;

iv. in paragraph (d) by revising ''952.212–70'' to read ''952.211–70'' and removing ''(JUNE 1987)''; and,

v. in paragraph (e) by revising ''952.212–71'' to read ''952.211–71'' and removing ''(JUNE 1987).''

PART 913—SIMPLIFIED ACQUISITION PROCEDURES

5. The Part heading for Part 913 is amended to read as set forth above.

§ 913.505–1 [Amended]

6. Subsection 913.505–1 is amended as follows:

a. at paragraph (a)(2) by revising the words ''small purchase'' in the first sentence to read ''simplified acquisition'';

b. by adding a new third sentence to read: 913.505–1 Optional Form (OF) 347, Order for Supplies or Services, and Optional Form 348, Order for Supplies or Services-Continuation or DOE F 4250.3, Order for Supplies or Services.

* * * Standard Form 1449 shall be used for acquisitions of commercial items.

c. by adding, at paragraph (b)(2), the words ''or Standard Form 1449'' after the words ''Optional Form 347.''

PART 915—CONTRACTING BY NEGOTIATION

915.970–8 [Amended]

7. Subsection 915.970–8 is amended at paragraph (f)(1), second sentence, by removing the words ''labor surplus,'' and at paragraph (f)(2)(i), first sentence, by revising the words ''small business and small disadvantaged business'' to read ''small, small disadvantaged and women-owned small business,'' by removing paragraph (f)(2)(ii), and by redesignating subparagraph (f)(2)(iii) as (f)(2)(ii).

915.971–3 [Amended]

8. Subsection 915.971–3, is amended at paragraph (b)(viii), by revising the words ''small and small disadvantaged'' to read ''small, small disadvantaged and women-owned small.''

PART 919—SMALL BUSINESS PROGRAMS

9. The Part heading for Part 919 is revised to read as set forth above.

919.201 [Amended]

10. Paragraph (c) of section 919.201 is amended in each of the first three sentences, by revising the words ''small and small disadvantaged'' to read

''small, small disadvantaged, and women-owned small'' and in the fourth sentence, by revising the words ''small business/small disadvantaged business (SB/DB) specialist'' to read ''small business specialist.''

919.501 [Amended]

11. Section 919.501, General, at the end of the first sentence of paragraph (c), is amended by revising the words ''small purchase limitation'' to read ''simplified acquisition threshold.''

919.602–1 [Amended]

12. Subsection 919.602–1, Referral, is amended at paragraph (a)(2) by removing the words ''and disadvantaged.''

919.7 [Amended]

Subpart 919.7—Subcontracting with Small Business, Small Disadvantaged Business, and Women-Owned Small Business Concerns

13. The heading of Subpart 919.7 is revised to read as set forth above.

PART 925—FOREIGN ACQUISITION

925.901 [Amended]

14. Section 925.901, Omission of the examination of records clause, is amended by revising its heading to read ''Omission of the audit clause.'' and by revising ''48 CFR 25.903'' to read ''48 CFR 25.901.''

PART 926—OTHER SOCIOECONOMIC PROGRAMS

926.7003 [Amended]

15. Section 926.7003, Review of the procurement request, is amended by removing ''/Labor Surplus Area Set Aside.''

PART 933—PROTESTS, DISPUTES, AND APPEALS

933.106 [Amended]

16. Section 933.106 is amended by revising the words ''for other than small purchases'' to read ''above the simplified acquisition threshold.''

PART 950—EXTRAORDINARY CONTRACTUAL ACTIONS

950.7101 [Amended]

17. Section 950.7101, at paragraph (c)(2), first sentence, is amended by revising the words ''small businesses and small disadvantaged businesses'' to read ''small, small disadvantaged and women-owned small businesses.''

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

952.212 [Redesignated as 952.211]

18. Section 952.212 is redesignated 952.211. Its subsections are amended as follows:

a. Subsections 952.212–70, 952.212–71, 952.212–72, and 952.212–73 are redesignated 952.211–70, 952.211–71, 952.211–72, and 952.211–73 respectively.

b. Redesignated subsection 952.211–70, is amended by revising the reference ''912.304(a)'' to read ''911.604(a)'' in the introductory paragraph and by revising the reference ''912.304(d)'' to read ''911.604(d)'' in Alternate I.

c. Redesignated 952.211–71 is amended by revising the reference ''912.304(b)'' to read ''911.604(b)'' in the introductory paragraph and by revising the reference ''912.304(e)'' to read ''911.604(e)'' in Alternate I.

952.226 [Amended]

19. Section 952.226 is amended at 952.226–70(c) in the first sentence, 952.226–70(d) and 970.226–72(c)(2) by revising the words ''Small Business and Small Disadvantaged Business Subcontracting Plan'' to read ''Small, Small Disadvantaged and Women-Owned Subcontracting Plan'' and at 952.226–71(b) by revising the words ''Utilization of Small Business Concerns and Small Disadvantaged Business Concerns'' to read ''Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns.''

952.250–70 [Amended]

20. Subsection 952.250–70, Nuclear hazards indemnity agreement, is amended at paragraph (h) by removing the words ''Officials Not to Benefit'' and revising the words ''Examination of Records by the Comptroller General'' to read ''Audit and records—negotiation.''

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

970.19 Small, Small Disadvantaged and Women-Owned Small Business Concerns

21. The heading of subpart 970.19 is revised to read as set forth above.

970.5203–2 [Removed and reserved]

22. Subsection 970.5203–2, Examination of Records by the Comptroller General, is removed and reserved.

970.5204–9 [Amended]

23. Subsection 970.5204–9, Accounts, records, and inspection, is amended by revising paragraph (g) and adding paragraph (i). The revised and added paragraphs read:

970.5204–9 Accounts, records, and inspection.

* * * * *

Accounts, Records, and Inspection (APR 1996)

* * * * *

(g) *Subcontracts.* The contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through (g) and paragraph (i) of this clause in all subcontracts (including fixed-price or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

Note: If the prime contract contains a ''Defective Cost or Pricing Data'' clause, this paragraph (g) shall be modified by adding the following:

The contractor further agrees to include an ''Audit'' clause, the substance of which is the ''Audit'' clause set forth at FAR 52.215–2, in each subcontract which does not include provisions similar to those in paragraph (a) through paragraph (g) and paragraph (i) of this clause, but which contains a ''defective cost and pricing data'' clause.

* * * * *

(i) *Comptroller General.*

(1) The Comptroller General of the United States, or an authorized representative, shall have access to and the right to examine any of the contractor's directly pertinent records involving transactions related to this contract or a subcontract hereunder.

(2) This paragraph may not be construed to require the contractor or subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(3) Nothing in this contract shall be deemed to preclude an audit by the General Accounting Office of any transaction under this contract.

970.5204–13 [Amended]

24. Subsection 970.5204–13, Allowable costs and fixed-fee (Management and Operating contracts), at clause paragraph (e)(36)(ii)(A), is amended by revising the words ''Small Businesses and Small Disadvantaged Businesses'' (both sentences) to read ''small, small disadvantaged and women-owned small businesses'' and by revising the words ''Utilization of Small Business Concerns and Small Disadvantaged Business Concerns'' to read ''Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns'' in the first sentence.

970.5204–14 [Amended]

25. Subsection 970.5204–14, Allowable costs and fixed-fee (support contracts), at paragraph (e)(34)(ii)(A), is amended by revising the words ''Small Businesses and Small Disadvantaged Businesses'' (both sentences) to read ''small, small disadvantaged and women-owned small businesses'' and by revising the words ''Utilization of Small Business Concerns and Small Disadvantaged Business Concerns'' to read ''Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns.'' (first sentence).

970.5204–44 [Amended]

26. Subsection 970.5204–44, Flowdown of contract requirements to subcontracts, is amended by removing and reserving paragraph (b)(12), Examination of Records by the Comptroller General, and revising the title of subparagraph (b)(19) to read ''Accounts, Records, and Inspection.''

[FR Doc. 96–11918 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 678

[I.D. 042696D]

Atlantic Shark Fisheries; Large Coastal Shark Species

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

ACTION: Closure.

SUMMARY: NMFS is closing the commercial fishery for large coastal sharks conducted by vessels with a Federal Atlantic shark permit in the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. This action is necessary to prevent exceeding the semiannual quota of 1285 metric tons (mt) for the period January 1 through June 30, 1996.

EFFECTIVE DATE: The closure is effective from 11:30 p.m. local time May 17, 1996, through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, 301–713–2347; Kevin B. Foster, 508–281–9260; or John M. Ward 813–570–5335.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed by NMFS according to the Fishery Management Plan (FMP) for Atlantic Sharks prepared by NMFS under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.24(b) of the regulations provides for two semiannual quotas of large coastal sharks to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters by commercial fishermen. The first semiannual quota of 1,285 mt is available for harvest from January 1 through June 30, 1996.

The Assistant Administrator for Fisheries, NOAA (AA), is required under § 678.25 to monitor the catch and landing statistics and, on the basis of these statistics, to determine when the catch of Atlantic, Caribbean, and Gulf of Mexico sharks will equal any quota under § 678.24(b). When shark harvests reach, or are projected to reach, a quota established under § 678.24(b), the AA is further required under § 678.25 to close the fishery.

The AA has determined, based on the reported catch and other relevant factors, that the semiannual quota for the period January 1 through June 30, 1996, for large coastal sharks, in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, will be attained by May 17, 1996. During this closure, for vessels issued a permit under § 678.4, retention of large coastal sharks from the management unit is prohibited, unless the vessel is operating as a charter vessel or headboat, in which case, the vessel limit per trip is four large coastal sharks. Also, the sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of carcasses and/or fins of large coastal sharks harvested by a person aboard a vessel that has been issued a permit under § 678.4, is prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to May 17, 1996, and were held in storage by a dealer or processor.

Vessels that have been issued a Federal permit under § 678.4 are reminded that, as a condition of permit issuance, the vessel may not retain a large coastal shark during the closure, except as provided by § 678.24(a). Fishing for pelagic and small coastal sharks may continue. The recreational fishery is not affected by this closure.

Classification

This action is taken under 50 CFR part 678 and is exempt from review under E.O. 12866.

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

Dated: May 6, 1996

Richard W. Surdi,

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

[FR Doc. 96–11851 Filed 5–8–96; 2:28 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 93
Monday, May 13, 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–NM–165–AD]

RIN 2120–AA64

Airworthiness Directives; Beech (Raytheon) Model BAe 125–800A and –1000A, and Model Hawker 800 and 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech (Raytheon) Model BAe 125–800A and –1000A, and Model Hawker 800 and 1000 series airplanes. This proposal would require modification of the TKS metering pump in the airframe ice protection system. This proposal is prompted by a report that the pump was found fitted with silver plated wiring. The actions specified by the proposed AD are intended to ensure that silver plated wiring is removed from these pumps; silver plated wiring carrying a direct current can ignite the ice protection fluid (glycol) when exposed to it, which could result in a possible fire hazard.

DATES: Comments must be received by June 17, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Company, Manager, Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–165–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Beech (Raytheon) Model BAe 125–800A and –1000A, and Model Hawker 800 and 1000 series airplanes. The CAA has received a report indicating that, during a design review, the TKS metering pump in the airframe ice protection system was found fitted with silver plated wiring. The TKS pump pumps the ice protection fluid to the wing leading edge where it is excreted through microholes to prevent ice build up. If silver plated wiring is bare, or if its insulation is chafed, and it is carrying a direct current, it can ignite the ice protection fluid (glycol) when exposed to it. Such an ignition could result in a possible fire hazard.

The manufacturer has issued Hawker Service Bulletin SB.30–61–7676A, dated February 15, 1995, which describes procedures for modification of the TKS pump (Modification 257676A). The modification involves accomplishing an inspection to determine if the flying leads of the TKS pump have silver plated conductors; replacement of those leads with ones that do not have silver plated conductors; and reidentification of the pump. Accomplishment of this modification will ensure that silver plated wiring is removed from the TKS pump. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require modification of the TKS pump.

The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 23 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,380, or $60 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Beech Aircraft Company (Formerly DeHavilland; Hawker Siddeley; British Aerospace, PLC; Raytheon Corporate Jets, Inc.): Docket 95–NM–165–AD.

Applicability: Model BAe 125–800A and –1000A, and Model Hawker 800 and 1000 series airplanes; on which Modification 257676A has not been accomplished (reference Hawker Service Bulletin SB.30–61–7676A or Aerospace Systems and Technology Service Bulletin S.B.30–25); certificated in any category.

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

Note 2: Beech (Raytheon) Model BAe 125–800B and BAe 125–1000B series airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which the Model BAe 125–800B and BAe 125–1000B series airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

Compliance: Required as indicated, unless accomplished previously.

To ensure that silver plate wiring is removed from the TKS metering pump and a possible fire hazard eliminated, accomplish the following:

(a) Within 3 months after the effective date of this AD, modify the TKS pump in accordance with Hawker Service Bulletin SB.30–61–7676A, dated February 15, 1995.

(b) As of the effective date of this AD, no person shall install on any airplane a TKS metering pump, having part number XA9511E003–3 or XA9511E009, unless it has been modified in accordance with the requirements of paragraph (a) of this AD.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on May 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–11825 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 95–CE–39–AD]

RIN 2120—AA64

Airworthiness Directives; H.B. Flugtechnik GmbH 23/2400 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain H.B. Flugtechnik GmbH (Flugtechnik) 23/2400 sailplanes. The proposed action would require inspecting the rudder bearing support bracket for cracks, replacing the bracket if cracked, and modifying the bracket with a third bolt if no cracks are found. Cracks found in the rudder bearing support brackets during routine inspections prompted the proposed action. The actions specified by the proposed AD are intended to prevent cracks in the rudder bearing support bracket, which could cause loss of control of the rudder and possible loss of control of the sailplane.

DATES: Comments must be received on or before July 15, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–39–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 H.B. Flugtechnik GmbH, attn: Dr. Adolf Scharf STR, 42 P.F. 74, A–4053, Haid, Austria. This information also may be examined at the Rules Docket at the address below. Send comments on the

proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–39–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.

FOR FURTHER INFORMATION CONTACT: Mr. Herman C. Belderok, Project Officer, Sailplanes/Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426-2169.

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. 95–CE–39–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–39–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH (ACG), which is the airworthiness authority for Austria, notified the FAA that an unsafe condition may exist on certain Flugtechnik HB 23/2400 sailplanes. The ACG reports that, upon routine inspections of certain Flugtechnik HB 23/2400 sailplanes, cracks are appearing in the rudder bearing support bracket. This condition, if not detected and corrected, could result in loss of control of the rudder and possible loss of control of the sailplane.

Flugtechnik has issued service bulletin (SB) HB 23/19/91, dated October 5, 1991, which specifies procedures for inspecting the rudder bearing support bracket for cracks, replacing the bracket if cracks are found and modifying the bracket with a third bolt if no cracks are found.

The ACG classified this service bulletin as mandatory and issued AD No. 68, dated October 28, 1991, in order to assure the continued airworthiness of these sailplanes in Austria.

This sailplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the ACG has kept the FAA informed of the situation described above. The FAA has examined the findings of the ACG, reviewed all available information including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop in other certain Flugtechnik 23/2400 sailplanes of the same type design registered in the United States, the proposed AD would require inspecting the rudder bearing support bracket for cracks, and replacing the bracket with a new bracket with 3 bolt holes, or modifying the bracket by making a third hole and installing a new bolt. Accomplishment of the proposed installation would be in accordance with Flugtechnik SB HB 23/19/91, dated October 5, 1991.

The FAA estimates that one sailplane in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per sailplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $5 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $65. The FAA has no way of determining whether the one sailplane owner/operator has replaced or modified the rudder bearing support bracket and this figure takes into account that the affected sailplane operator has not accomplished the proposed action.

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 USC 106(g), 40113, 44701.

§ 39.13 [AMENDED]

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

H.B. Flugtechnik: Docket No. 95–CE–39–AD.

Applicability: Model 23/2400 Sailplanes (serial numbers 23001 through 23048), certificated in any category.

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

Compliance: Required within the next 50 hours time-in- service (TIS) after the effective date of this AD, unless already accomplished.

To prevent the rudder bearing support bracket from cracking, which could cause loss of rudder control and possible loss of the sailplane, accomplish the following:

(a) Inspect (one time) the rudder bearing support bracket with a 10x magnifying glass for any visible cracks in accordance with the *Actions* section of Flugtechnik service bulletin (SB) HB–23/19/91, dated October 5, 1991.

(1) If cracks are found, prior to further flight, replace the rudder bearing support bracket with a new support bracket that has 3 bolt holes in accordance with the *Actions* section of Flugtechnik SB HB–23/19/91, dated October 5, 1991.

(2) If no cracks are found, modify the rudder bearing support bracket by installing a third bolt (part number M6x30) or replace the bracket with a new bracket that has 3 bolt holes in accordance with the *Actions* section of Flugtechnik SB HB–23/19/91, dated October 5, 1991.

(b) 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 sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) All persons affected by this directive may obtain copies of this document referred to herein upon request to H.B. Flugtechnik GmbH, attn: Dr. Adolf Scharf STR, 42 P.F. 74, A–4053, Haid, Austria; 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.

Issued in Kansas City, Missouri, on May 6, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–11880 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–NM–63–AD]

RIN 2120–AA64

Airworthiness Directives; Gates Learjet Model 35 and 36 Series Airplanes Modified by Raisbeck STC SA766NW

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Gates Learjet Model 35 and 36 series airplanes that have been modified in accordance with Raisbeck Supplemental Type Certificate (STC) SA766NW. This proposal would require a reduction of the maximum operating limit speed on the affected airplanes to prevent encountering certain potentially hazardous conditions. This proposal is prompted by reports of incidents of aileron buffet or buzz experienced during high speed cruise. The actions specified by the proposed AD are intended to prevent aileron buffet or buzz conditions, which can result in the deterioration of the aircraft lateral control system characteristics to an unacceptable level.

DATES: Comments must be received by June 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–63–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

Information concerning the subject of this rulemaking action may be obtained from Jet Air Corporation, P.O. Box 245, Bellevue, Washington 98009. Information concerning this rulemaking action may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2772; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–63–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–63–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On July 23, 1985, the FAA issued AD 85–16–04, amendment 39–5110 (50 FR 30803, July 30, 1985), which is applicable to certain Gates Learjet Model 35 and 36 series airplanes that have been modified in accordance with Raisbeck Supplemental Type Certificate (STC) SA766NW. That AD requires the accomplishment of one of two optional actions, both of which are intended to prevent the airplane from encountering the potentially hazardous condition of aileron buffet or buzz:

1. One optional action requires operators to reduce permanently the maximum operating Mach limit (M_{MO}) of these airplanes from .83 to .80. This action includes resetting the Mach

overspeed warning switch; recalibrating the airspeed indicator; and changing the FAA-approved Airplane Flight Manual (AFM) Supplement to reflect the new Mach limit.

2. The other optional action requires operators to remove the Raisbeck STC modifications and to return the airplane either to its original configuration or to the Gates Learjet ''Softflight'' configuration.

AD 85–16–04 was prompted by several reports of incidents in which Learjet Model 35 and 36 series airplanes modified with the Raisbeck STC experienced aileron buffet or buzz during cruise. These incidents of aileron instability occurred on airplanes operating at high gross weights when they were flying above 42,000 feet at Mach .80 to .83. Aileron buffet or buzz, if it is of a certain severity, can result in an unacceptable deterioration in the lateral control characteristics of the airplane.

Actions Subsequent to the Issuance of AD 85–16–04

When AD 85–16–04 was issued, its applicability included only certain modified airplanes, which were identified by specific serial numbers. However, since the issuance of that AD, the FAA has received a report that at least one additional airplane, that was not included in the applicability of the AD, has been modified in accordance with the subject Raisbeck STC. (The STC installed on this particular airplane was performed at a non-U.S. repair station.) In light of this, that airplane may be subject to the same unsafe condition addressed by AD 85–16–04.

Further, since the Raisbeck STC could be installed on Model 35 or 36 series airplanes anywhere in the world, the FAA may not be immediately aware of it. Therefore, the FAA has determined that any of these airplanes on which the Raisbeck STC is installed could be subject to that same unsafe condition.

Description of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require the accomplishment of one of two optional actions, both of which are intended to prevent the airplane from encountering the potentially hazardous condition of aileron buffet or buzz:

1. Permanently reducing the maximum operating M_{MO} from .83 to .80; resetting the Mach overspeed warning switch; recalibrating the airspeed indicator; and changing the FAA-approved Airplane Flight Manual (AFM) Supplement to reflect the new Mach limit; or

2. Removing the Raisbeck STC modifications and returning the airplane either to its original configuration or to the Gates Learjet ''Softflight'' configuration.

These proposed requirements are the same actions currently required by AD 85–16–06.

The applicability of the proposed AD would include all Learjet Model 35 and 36 series airplanes modified in accordance with Raisbeck STC SA766NW that are not currently subject to AD 85–16–04.

[Note: The FAA's normal policy is that when an AD requires a substantive change, such as a change (expansion) in its applicability, the ''old'' AD is superseded by removing it from the system and a new AD is added. In the case of this proposed AD action, the FAA normally would have proposed superseding AD 85–16–04 to expand its applicability to include the additional affected airplanes. However, in reconsideration of the entire fleet size that would be affected by a supersedure action, and the consequent workload associated with revising maintenance record entries, the FAA has determined that a less burdensome approach is to issue a separate AD applicable only to these additional airplanes. This proposed AD would not supersede AD 85–16–04; airplanes listed in the applicability of AD 85–16–04 are required to continue to comply with the requirements of that AD. This proposed AD is a separate AD action, and is applicable only to airplanes that are not subject to AD 85–16–04.]

Petitioning for an Exemption of the Requirements of the Final Rule

Affected operators should note that the aileron instability that is the subject of this proposed AD is a condition affected by the contour of the wing leading edge, which is a function of manufacturing tolerances. In light of this, the FAA recognizes that not all airplanes modified in accordance with Raisbeck STC SA766NW may exhibit the problem of aileron buffet or buzz below .83 Mach. Should this proposal become a final rule, operators of those airplanes may wish to petition the FAA for an exemption from the requirements of the rule, under the provisions of part 11 of the Federal Aviation Regulations (14 CFR 11), ''General Rulemaking Procedures.''

Petitioners for such an exemption should provide data that would justify a grant of exemption, including, but not limited to, information concerning the number of flights the airplane has flown in conditions involving high weight, high altitude, and high speed, and if any incident of buffet or buzz was observed during flight in those conditions. Based on the data submitted with the petition, the FAA will determine on a case-by-case basis if a flight evaluation or other additional data are necessary to determine if granting the petition (1) would not adversely affect safety, and (2) would be in the public interest.

Cost Impact

There are approximately 29 Gates Learjet Model 35 and 36 series airplanes of the affected design in the worldwide fleet. The FAA estimates that at least 1 airplane of U.S. registry would be affected by this proposed AD.

To accomplish the removal and recalibration of the airspeed indicators and Mach overspeed warning switch, and to revise the AFM Supplement, as would be required by ''Option I'' of the proposed rule, it would take approximately 5 work hours per airplane, at an average labor rate of $60 per work hour. The FAA estimates that it would cost approximately $1,000 per airplane to reset the airspeed indicators and Mach overspeed warning switch. Based on these figures, the cost impact of this action of the proposed AD on U.S. operators is estimated to be $1,300 per airplane.

To accomplish the removal of the STC modifications, as would be required by ''Option II'' of the proposed rule, it would take approximately 100 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this action of the proposed AD on U.S. operators is estimated to be $6,000 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if

promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gates Learjet: Docket 96–NM–63–AD.

Applicability: Model 35, 35A, 36 and 36A series airplanes, modified in accordance with Raisbeck Group Supplemental type Certificate (STC) SA766NW, that do not have one of the serial numbers listed in Table 1 of this AD; certificated in any category.

TABLE 1

[Serial Numbers * NOT affected by this AD]

35–023	35A–092	35A–192	36–004
35–034	35A–093	35A–203	36–017
35–042	35A–095	35A–206	36–028
35–044	35A–118	35A–207	36A–029
35–047	35A–127	35A–209	36A–031
35A–068	35A–132	35A–228	36A–038
35A–073	35A–135	35A–231	36A–043
35A–075	35A–145	35A–244	36A–044
35A–076	35A–172	35A–245	
35A–086	35A–185	36–003	

*Airplanes having the serial numbers listed in Table 1 are subject to similar requirements mandated by AD 85–16–04, amendment 39–5110.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent deterioration of the airplane's lateral control characteristics as a result of aileron buffet or buzz, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs first, accomplish either paragraph (a)(1) or (a)(2) of this AD:

(1) *Option I.* Permanently reduce the airplane's maximum operating Mach limit (M_{MO}) by accomplishing the actions specified in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this AD:

(i) Submit the FAA-approved STC SA766NW Airplane flight Manual Supplement to the Manager, Flight Test Branch, ANM–160S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; to change the limit Mach number from .83 to .80. And

(ii) Remove the ''Mach Overspeed Warning Switch'' and have it reset from Mach .83 to .80. Contact the manufacturer, PRECISION SENSOR, P.O. Box 509, Milford, Connecticut 06460; telephone number (203) 877–2795; to have the instrument recalibrated. Reidentify the Mach overspeed warning switch by ink-stamping the words ''Mach limit .80'' adjacent to the part number. Reinstall the ''Mach Overspeed Warning Switch'' after it has been so recalibrated. And

(iii) Remove the pilot's and copilot's airspeed indicators and have them modified by changing the ''barber pole'' from Mach number .83 to .80. The instrument must be recalibrated by the instrument manufacturer or a certified repair station. Reidentify the airspeed indicators by ink stamping ''Mach limit .80'' adjacent to the part number. Reinstall the pilot's and copilot's airspeed indicators after they have been so modified.

(2) *Option II.* Remove the modifications installed in accordance with Raisbeck Group STC SA766NW, and return the aircraft either to the original type design configuration, or to the Gates Learjet ''Softflight'' configuration.

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

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

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

Issued in Renton, Washington, on May 7, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–11881 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 96–ACE–5]

Proposed Amendment to Class E Airspace; Ames, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Ames, Iowa. The development of a new Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) has made the proposal necessary. The intended effect of this proposal is to provide additional controlled airspace for aircraft executing the SIAP at the above listed airport.

DATES: Comments must be received on or before June 20, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ACE–530, Federal Aviation Administration, Docket No. 96–ACE–5, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE–530C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ACE–5.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Ames Municipal Airport, Ames, Iowa. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Ames, IA [Revised]

Ames Municipal Airport, IA
(lat. 41°59′32″ N., long. 93°37′18 W.)
Ames NDB
(lat. 41°59′42″ N., long. 93°37′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Ames Municipal Airport, and within 2.1 miles each side of the 197° bearing from the Ames NDB extending from the 6.6-mile radius to 7.4 miles south of the airport, and within 2 miles each side of the 136° bearing from the airport extending from the 6.6-mile radius to 10 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on April 9, 1996.

Christopher R. Blum,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 96–11932 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS–5–96]

RIN 1545–AU14

Termination of a Partnership under Section 708(b)(1)(B)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the termination of a partnership upon the sale or exchange of 50 percent or more of the total interest in partnership capital and profits. The proposed regulations affect all partners and partnerships that terminate under section 708(b)(1)(B).

DATES: Written comments and requests to speak (with outlines of oral comments) at a public hearing scheduled for September 5, 1996, must be received by August 15, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (PS–5–96), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (PS–5–96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Steven R. Schneider, (202) 622–3060; concerning submissions and the hearing, Christina Vasquez, (202) 622–7190; (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Introduction

This document proposes to revise section 1.708–1(b)(1)(iv) of the Income

Tax Regulations (26 CFR Part 1) under section 708(b)(1)(B) of the Internal Revenue Code (Code). This document also proposes revisions to other sections of the Income Tax Regulations to reflect the proposed revision to § 1.708-1(b)(1)(iv).

Background

Section 708(b)(1)(B) provides that, for purposes of section 708(a), a partnership shall be considered terminated if within a 12-month period there is a sale or exchange of 50 percent or more of the total interest in partnership capital and profits. The Code and the legislative history to section 708(b)(1)(B) do not specify the tax consequences of that termination or the steps by which such a termination occurs.

However, § 1.708–1(b)(1)(iv) of the Income Tax Regulations provides that, if a partnership is terminated by a sale or exchange of an interest, the following is deemed to occur: the partnership distributes its properties to the purchaser and the other remaining partners in proportion to their respective interests in the partnership properties; and, immediately thereafter, the purchaser and the other remaining partners contribute the properties to a new partnership, either for the continuation of the business or for its dissolution and winding up.

The distribution of property that is deemed to occur upon a termination under section 708(b)(1)(B) is treated like an actual distribution for federal tax purposes. As a result, a continuing partner may recognize gain under section 731(a) if the amount of money deemed distributed to the partner (including any money deemed distributed upon a shift in liabilities under section 752) exceeds the partner's basis in the partnership interest. In addition, the distribution may affect the basis of the partnership's assets because the basis of the distributed property in the hands of the partners (and thus in the hands of the reconstituted partnership) is determined under section 732(b) by reference to the partners' bases in their partnership interests. Another possible consequence of the deemed distribution is a change in the holding periods of the partners' interests in the partnership.

The deemed distribution of partnership property that occurs on a termination raises particular concerns with respect to the interaction of sections 708(b)(1)(B), 704(c), and 737. Section 704(c)(1)(A) requires that gain or loss with respect to property contributed to a partnership by a partner be shared among the partners so as to take into account any built-in gain or loss in the property at the time of the contribution. Section 704(c)(1)(B) provides that, if property contributed by a partner is distributed to another partner within five years, the contributing partner must recognize gain or loss in an amount equal to the gain or loss the partner would have been allocated under section 704(c)(1)(A) on a sale of the property by the partnership. Section 737 provides that, if property is distributed to a partner that had contributed other property to the partnership within five years, the distributee partner must recognize gain equal to the lesser of (i) the net precontribution gain on property contributed by the partner, or (ii) the excess of the value of the distributed property over the adjusted basis of the partner's interest in the partnership. Net precontribution gain is the net gain, if any, that would have been recognized by the distributee partner under section 704(c)(1)(B) if all partnership property contributed by the distributee partner within five years of the distribution had been distributed to another partner.

The legislative history of sections 704(c)(1)(B) and 737 indicates that Congress intended these sections to be coordinated with the rules governing partnership terminations under section 708(b)(1)(B). The legislative history states that such coordination will provide that (1) no gain is recognized under sections 704(c)(1)(B) and 737 as a result of a deemed distribution on termination; (2) the deemed distribution will not change the application of the sharing requirements of section 704(c) to precontribution gain or loss with respect to property contributed to the partnership before the termination; and (3) the constructive contribution of partnership property to a new partnership is treated as beginning a new five-year period for all contributed property to the extent that the pretermination appreciation in the value of property was not already required to be allocated to the original contributor (if any) of the property. H.R. Rep. No. 247, 101st Cong., 1st Sess. 1355 (1989); H.R. Conf. Rep. No. 1018, 102d Cong., 2d Sess. 428 (1992). These results are difficult to integrate with the current regulations under section 708(b)(1)(B). The difficulty arises primarily because the section 708(b)(1)(B) regulations provide for a pro rata distribution of property to the partners, while the legislative history seems to contemplate that partnership property previously contributed to the partnership by a partner will be distributed to that partner, at least to the extent of the remaining built-in gain or loss in the property.

The IRS and Treasury Department recently issued final regulations under sections 704(c)(1)(B) and 737. Commentators, however, noted that the approach taken in the legislative history and the final regulations would not be required if the section 708(b)(1)(B) regulations did not create a deemed distribution of partnership property to the partners as part of a section 708(b)(1)(B) termination. The preamble to the final regulations indicated that the IRS and Treasury would consider issuing separate guidance on the interaction of sections 704(c) and 708(b)(1)(B) and invited additional comments and suggestions regarding the project.

Explanation of Provisions

The proposed regulations under section 708(b)(1)(B) provide that, if a partnership is terminated by a sale or exchange of an interest, the following is deemed to occur: the partnership transfers all of its assets and liabilities to a new partnership in exchange for an interest in the new partnership; immediately thereafter, the terminated partnership distributes interests in the new partnership to the purchasing partner and the other remaining partners in liquidation of the terminated partnership, either for the continuation of the business or for its dissolution and winding up.

Under the proposed regulations, a termination under section 708(b)(1)(B) will no longer result in a deemed distribution of the terminated partnership's assets to the purchasing and remaining partners. As a result, the federal tax consequences of a termination that result from the deemed distribution of assets will no longer occur on a section 708(b)(1)(B) termination. Such consequences include the possibility of gain under section 731(a), a change in the partnership's basis in partnership property, and the commencement of a new five-year period for purposes of sections 704(c)(1)(B) and 737. In addition, the interaction between section 704(c) and section 708(b)(1)(B) is greatly simplified under the proposed regulation. The section 704(c) property held by the terminated partnership (and deemed contributed to a new partnership) will continue to be treated as section 704(c) property in the hands of the new partnership under § 1.704–3(a)(9). A distribution of property by the new partnership will have the same effect for purposes of section 704(c)(1)(B) and section 737 as a distribution from the terminated partnership. See §§ 1.704–

4(c)(4) and 1.737–2(b)(1) as proposed to be amended by this document.

The proposed regulations do not change the federal tax consequences of a termination under section 708(b)(1)(B) to the extent that the consequences were not dependent on the deemed distribution. Such consequences will continue under the proposed regulations. For example, the tax year of the terminated partnership will still close as a result of the termination, the elections of the terminated partnership will be invalidated, and a termination will continue to be treated as a liquidation under the section 704(b) regulations.

In addition, the proposed regulations will not change the effect of a termination on the depreciation of partnership property by the new partnership. Property deemed contributed to the new partnership will continue to be subject to the anti-churning provisions of section 168(f)(5), which generally require the new partnership to depreciate the property as if it were newly acquired property under the same depreciation system used by the terminated partnership. This result is required by statute and is not affected by the specific mechanics of a termination under section 708(b)(1)(B). See Code sections 168(f)(5); 168(i)(7); 168(e)(4) and (f)(10) (repealed 1986).

This document also contains proposed regulations under sections 704(b), 704(c)(1)(B), 743(b), 737, and 761(e). These proposed regulations relate to the elimination of a deemed distribution of partnership assets as part of a section 708(b)(1)(B) termination. The proposed regulations under section 704(b) will eliminate the reference to a deemed contribution of partnership property by the partners of the continuing partnership. The proposed regulations under sections 704(c)(1)(B) and 737 provide that a termination under section 708(b)(1)(B) does not commence a new five-year period for partnership property and that a distribution of property by the new partnership will be treated in the same manner as a distribution by the terminated partnership would have been treated. Although the legislative history suggests the beginning of a new five year period for built in gain or loss in the property deemed contributed to the new partnership, that legislative history was commenting on a deemed contribution of property by the partners to the new partnership, as then required by the section 708 regulations. Under the approach proposed in this regulation, a new five year period is no longer appropriate.

The proposed regulations under section 743(b) provide that any special basis adjustment a partner has in assets of the terminated partnership as a result of a section 754 election will carry over to the new partnership. The proposed regulations under section 761(e) provide that the distribution of interests in the new partnership by the terminated partnership is not treated as a sale or exchange of the interests in the new partnership. This provision is necessary to prevent the distribution of interests in the new partnership from causing a termination of the new partnership.

Proposed Effective Date

This section is proposed to apply to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are timely submitted to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for September 5, 1996, at 10 a.m. in the Auditorium of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by August 15, 1996, and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by August 15, 1996.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Steven R. Schneider of the Office of Assistant Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805. * * *

Section 1.704–4 also issued under 26 U.S.C. 704(c). * * *

Par. 2. Section 1.704–1 is amended as follows:

1. Paragraph (b)(2)(iv)(*l*) is amended by removing the fourth sentence.

2. Paragraph (b)(5) *Example 13*(v) is amended by removing sentences five to the end and adding five new sentences in their place.

The revisions and addition read as follows:

§ 1.704–1 Partner's distributive share.

* * * * *

(b) * * *

(5) * * *

Example 13. * * *

(v) * * * In accordance with paragraph (b)(2)(iv)(*e*) of this section, the partnership agreement provides that the partners' capital accounts are adjusted to reflect how unrealized taxable gain would have been allocated if the property distributed to the partners in liquidation of the partnership (i.e., the interest in the new partnership constructively received by the terminated partnership under § 1.708–1(b)(1)(iv)) had been sold for its fair market value of $40,000. Accordingly, the $18,000 of unrealized gain ($40,000 less $22,000 adjusted tax basis) is credited to the partners' capital accounts as follows:

	Z	LK
Capital account following sale	$11,000	$11,000
Deemed sale adjustment	9,000	9,000
Capital account before constructive liquidation	20,000	20,000

Constructive liquidating distributions of the interests in the new partnership are made with reference to its $40,000 fair market value. Under section 732(b), the adjusted tax basis of the 50 percent interest in the new partnership constructively distributed to Z is equal to the $11,000 adjusted tax basis of Z's partnership interest before the constructive liquidation, and the adjusted tax basis of the 50 percent interest in the new partnership constructively distributed to LK is equal to the $20,000 adjusted tax basis of LK's partnership interest before the constructive liquidation. Under paragraph (b)(2)(iv)(d) of this section, the capital account of the terminated partnership with respect to the new partnership would be $40,000 (i.e., the fair market value of the property constructively contributed to the new partnership by the terminated partnership). The capital accounts of Z and LK with respect to the constructively distributed interests in the new partnership are stated at $20,000 (i.e., one-half of the $40,000 capital account of the terminated partnership). This Example 13(v) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

* * * * *

Par. 3. Section 1.704–4 is amended by revising paragraphs (a)(4)(ii) and (c)(3) to read as follows:

§ 1.704–4 Distribution of contributed property.

(a) * * *

(4) * * *

(ii) *Section 708(b)(1)(B) terminations.* A termination of the partnership under section 708(b)(1)(B) does not begin a new five-year period for each partner with respect to the built-in gain and built-in loss property that the terminated partnership is deemed to contribute to a new partnership following the termination. See § 1.704–3(a)(3)(ii) for the definitions of built-in gain and built-in loss on section 704(c) property. This paragraph (a)(4)(ii) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

* * * * *

(c) * * *

(3) *Section 708(b)(1)(B) terminations.* Section 704(c)(1)(B) and this section do not apply to a deemed distribution of interests in a new partnership caused by a termination of a partnership under section 708(b)(1)(B). A subsequent distribution of section 704(c) property by the new partnership to a partner of the new partnership is subject to section 704(c)(1)(B) to the same extent that a distribution by the terminated partnership would have been subject to section 704(c)(1)(B). See also § 1.737–2(a) for a similar rule in the context of section 737. This paragraph (c)(3) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

* * * * *

Par. 4. In § 1.708–1, paragraph (b)(1)(iv) is amended by removing the first sentence and adding two new sentences in its place to read as follows:

§ 1.708–1 Continuation of Partnership.

* * * * *

(b) * * *

(1) * * *

(iv) If a partnership is terminated by a sale or exchange of an interest, the following is deemed to occur: The partnership transfers all of its assets and liabilities to a new partnership in exchange for an interest in the new partnership; and, immediately thereafter, the terminated partnership distributes an interest in the new partnership to the purchasing partner and the other remaining partners in liquidation of the terminated partnership, either for the continuation of the business of the new partnership or for its dissolution and winding up. The first sentence of this paragraph (b)(1)(iv) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

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Par. 5. Section 1.743–1 is amended by adding paragraph (d) as follows:

§ 1.743–1 Optional adjustment to basis of partnership property.

* * * * *

(d) *Section 708(b)(1)(B) terminations.* A partner with a special basis adjustment in property held by a partnership that terminates under section 708(b)(1)(B) will continue to have the same special basis adjustment with respect to property contributed by the terminated partnership to the new partnership under § 1.708–1(b)(1)(iv). This paragraph (d) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

Par. 6. In § 1.737–2, paragraph (a) is revised to read as follows:

§ 1.737–2 Exceptions and special rules.

(a) *Section 708(b)(1)(B) terminations.* Section 737 and this section do not apply to a deemed distribution of interests in a new partnership caused by a termination of a partnership under section 708(b)(1)(B). A subsequent distribution of section 704(c) property by the new partnership to a partner of the new partnership is subject to section 737 to the same extent that a distribution by the terminated partnership would have been subject to section 737. See also § 1.704–4(c)(3) for a similar rule in the context of section 704(c)(1)(B). This paragraph (a) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

* * * * *

Par 7. In § 1.761–1, paragraph (e) is added to read as follows:

§ 1.761–1 Terms defined.

* * * * *

(e) *Distribution of partnership interest.* For purposes of section 708(b)(1)(B) and § 1.708–1(b)(1)(iv), the distribution of an interest in a new partnership by a partnership that terminates under section 708(b)(1)(B) is not a sale or exchange of an interest in the new partnership. This paragraph (e) applies to terminations of partnerships under section 708(b)(1)(B) occurring on or after the date on which these regulations are published as final regulations in the Federal Register.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–11779 Filed 5–9–96; 8:45 am]

BILLING CODE 4830–01–U

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26 CFR Part 1

[FI–47–92]

RIN 1545–AR76

Reissuance of Mortgage Credit Certificates; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to implementing a provision of the Tax reform Act of 1984 permitting the reissuance of mortgage credit certificates.

DATES: The public hearing originally scheduled for May 22, 1996, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Evangelista C. Lee of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190 (not a toll free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Income Tax Regulations under section 25 of the Internal Revenue Code. A notice of public hearing appearing in the Federal Register on Friday, April 5, 1996 (61 FR 15204), announced that a public hearing would be held on Wednesday, May 22, 1996, beginning at 10:00 a.m., in the Commissioners Conference Room, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The public hearing scheduled for Wednesday, May 22, 1996, is cancelled.

Michael L. Slaughter,

Acting Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 96–11778 Filed 5–10–96; 8:45 am]

BILLING CODE 4830–01–U

26 CFR Part 301

[PS–43–95]

RIN 1545–AT91

Simplification of Entity Classification Rules

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that would replace the existing regulations for classifying certain business organizations with an elective regime. These proposed regulations simplify the existing classification rules.

DATES: Written comments and requests to speak (with outlines of oral comments) at a public hearing scheduled for August 21, 1996, at 10 a.m. must be submitted by August 12, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (PS–43–95), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (PS–43–95), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Armando Gomez, (202) 622–3050; concerning foreign organizations, Ronald M. Gootzeit or William H. Morris, (202) 622–3880; concerning submissions and the hearing, Evangelista Lee (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by July 12, 1996.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collections of information are required by §§ 301.6109–1(b)(2)(vi) and 301.7701–3(c). This information is required by the IRS to ensure the proper classification of business organizations and to ensure compliance with the proposed regulations. The likely respondents are businesses and other for-profit organizations, including small businesses.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

The burden of the collection of information required by § 301.6109–1 will be reflected in Forms SS–4 and W–7. The burden of the collection of information required by § 301.7701–3(c) will be reflected in such form as is prescribed by the Commissioner for purposes of making the election described in this regulation.

Introduction

This document proposes to revise §§ 301.7701–1 through 301.7701–3 of the Procedure and Administration Regulations (26 CFR part 301) to clarify which organizations are classified as corporations automatically under the Internal Revenue Code (Code) and to provide a simple elective regime for classifying other business organizations. This document also proposes conforming changes to §§ 1.581–1, 1.581–2, and 1.761–1 of the Income Tax Regulations (26 CFR part 1), and to §§ 301.6109–1, 301.7701–4, 301.7701–6, and 301.7701–7 of the Procedure and Administration Regulations (26 CFR part 301).

Background

On April 3, 1995, Notice 95–14, relating to classification of business organizations under section 7701, was published in the Internal Revenue Bulletin (1995–1 C.B. 297). A notice of public hearing was published in the Federal Register on May 10, 1995 (60 FR 24813). Written comments were received and a public hearing was held on July 20, 1995. After consideration of the comments, the Treasury Department and the IRS propose to replace the existing classification regulations with a simplified regime that is elective for certain business organizations.

Explanation of Provisions

I. Introduction

Section 7701(a)(2) of the Code defines a partnership to include a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and that is not a trust or estate or a corporation. Section 7701(a)(3) defines a corporation to include associations, joint-stock companies, and insurance companies.

The existing regulations for classifying business organizations as associations (which are taxable as corporations under section 7701(a)(3)) or as partnerships under section 7701(a)(2) are based on the historical differences under local law between partnerships and corporations. However, many states have revised their statutes to provide that partnerships and other unincorporated organizations may possess characteristics that traditionally have been associated with corporations, thereby narrowing considerably the traditional distinctions between

corporations and partnerships under local law. For example, some partnership statutes now provide that no partner is unconditionally liable for all of the debts of the partnership. Similarly, almost all states have enacted statutes allowing the formation of limited liability companies. These entities provide protection from liability to all members but may qualify as partnerships for federal tax purposes under the existing regulations. See, e.g., Rev. Rul. 88–76 (1988–2 C.B. 360).

One consequence of the increased flexibility under local law in forming a partnership or other unincorporated business organization is that taxpayers generally can achieve partnership tax classification for a nonpublicly traded organization that, in all meaningful respects, is virtually indistinguishable from a corporation. To accomplish this, however, taxpayers and the IRS must expend considerable resources on classification issues. For example, since the issuance of Rev. Rul. 88–76, the IRS has issued seventeen revenue rulings analyzing individual state limited liability company statutes, and has issued several revenue procedures and numerous letter rulings relating to classification of various business organizations. Meanwhile, small business organizations may lack the resources and expertise to achieve the tax classification they want under the current classification regulations.

Reacting to the fact that publicly traded entities could easily qualify as partnerships, in 1987 Congress enacted section 7704 to require most publicly traded partnerships to be taxable as corporations. Thus, even if an organization could be classified as a partnership under the current regulations, it will nevertheless be classified as a corporation in most cases if its ownership interests are publicly traded.

In light of these developments, Treasury and the IRS believe that it is appropriate to replace the increasingly formalistic rules under the current regulations with a much simpler approach that generally is elective. To further simplify this area, the proposed regulations provide similar rules for organizations that have a single owner.

With respect to foreign organizations, Notice 95–14 (1995–1 C.B. 297) observed that, while the distinctions are similarly formalistic, the classification process under the current regulations involves even more complexities and requires greater resources than does the classification process for domestic organizations. For example, the classification of a foreign organization involves not only a review of organizational documents, but also a thorough understanding of the controlling foreign law. Accordingly, the simplified system provided under the proposed regulations extends to foreign organizations as well, with certain modifications explained below.

In light of the increased flexibility under an elective regime for the creation of organizations classified as partnerships, the Treasury Department and the IRS will continue to monitor carefully the uses of partnerships in the international context and will issue appropriate substantive guidance when partnerships are used to achieve results that are inconsistent with the policies and rules of particular Code provisions or of U.S. tax treaties.

To accomplish the changes described above, the proposed regulations would replace §§ 301.7701–1, 301.7701–2, and 301.7701–3 with new regulations. In addition, conforming amendments would be made to §§ 1.581–1, 1.581–2, 1.761–1, 301.6109–1, 301.7701–4, 301.7701–6, and 301.7701–7.

II. General Classification Rules

A. Business Entities

Proposed § 301.7701–1 provides an overview of the rules applicable in determining an organization's classification for federal tax purposes. The first step in the classification process is to determine whether there is a separate entity for federal tax purposes (which is a matter of federal tax law). The proposed regulations explain that certain joint undertakings that are not entities under local law may nonetheless constitute separate entities for federal tax purposes; on the other hand, not all entities formed under local law are recognized as separate entities for federal tax purposes. For example, individuals who own property as tenants in common may create a separate entity for federal tax purposes if the individuals actively carry on a trade, business, financial operation, or venture and divide the profits therefrom. On the other hand, an organization wholly owned by a State is not recognized as a separate entity for federal tax purposes if it is an integral part of the State. Similarly, tribes incorporated under section 17 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. 477, or under section 3 of the Oklahoma Indian Welfare Act, as amended, 25 U.S.C. 503, are not recognized as separate entities for federal tax purposes. See Rev. Rul. 94–16 (1994–1 C.B. 19); Rev. Rul. 94–65 (1994–2 C.B. 14). Also, the proposed regulations retain the rule under the current regulations that a qualified cost sharing arrangement described in § 1.482–7 is not a partnership for federal tax purposes.

An organization that is recognized as a separate entity for federal tax purposes is either a trust or a business entity (unless a provision of the Code expressly provides for special treatment, such as the Real Estate Mortgage Investment Conduit (REMIC) rules, see section 860A(a)). The proposed regulations provide that trusts generally do not have associates or an objective to carry on business for profit. While these proposed regulations restate the distinction between trusts and business entities, the determination of whether an organization is classified as a trust for federal tax purposes is intended to remain the same as under current law.

Proposed § 301.7701–2 specifies those business entities that automatically are classified as corporations for federal tax purposes. Any other business entity that is recognized for federal tax purposes may choose its classification under the rules of proposed § 301.7701–3. Those rules provide that a business entity with at least two members can be classified as either a partnership or an association, and that a business entity with a single member can be classified as an association or can be disregarded as an entity separate from its owner.

B. Corporations

The proposed regulations clarify that business entities that are classified as corporations for federal tax purposes include corporations denominated as such under applicable law, as well as associations, joint-stock companies, insurance companies, organizations that conduct certain banking activities, organizations wholly owned by a State, organizations that are taxable as corporations under a provision of the Code other than section 7701(a)(3), and certain organizations formed under the laws of a foreign jurisdiction or a U.S. possession, territory, or commonwealth. Each of these categories is described briefly below.

The proposed regulations define corporation to include any business entity recognized for federal tax purposes that is organized under a Federal or State statute, or under a statute of a federally recognized Indian tribe, that describes or refers to the entity as incorporated or as a corporation, body corporate, or body politic. Such entities include governmentally chartered corporations, as well as business corporations. See, e.g., 12 U.S.C. 21 et seq. (national banking associations), 20 U.S.C. 1087–2 (Student Loan Marketing Association),

and 36 U.S.C. 1101 (private corporations established under federal law).

The proposed regulations define an association by reference to § 301.7701–3. As discussed in detail below, that section permits certain business entities to choose whether to be classified as an association or as a partnership (or, if the entity has a single owner, as a non-entity).

The proposed regulations define a joint-stock company as a business entity organized under a State statute that describes or refers to the entity as a joint-stock company or joint-stock association. These entities typically have a fixed capital stock divided into shares represented by certificates transferable only upon the books of the company, manage their affairs by a board of directors and executive officers, and conduct their business in the general form and mode of procedure of a corporation. See *Burk-Waggoner Oil Assoc.* v. *Hopkins*, 269 U.S. 110, 113 (1925).

The proposed regulations define an insurance company as a business entity that is taxable as an insurance company under subchapter L, chapter 1 of the Code.

Under the proposed regulations, a state-chartered bank is classified as a corporation if any of the bank's deposits are insured under the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811 *et seq.*, or a similar federal statute. This rule reflects Congress requirement that these organizations be incorporated to be eligible for federal deposit insurance, see 12 U.S.C. 1813(a)(2), and provides comparable tax treatment to state-chartered banks and national banks chartered under the National Bank Act, 12 U.S.C. 21 *et seq.* (which characterizes national banks as corporations, see 12 U.S.C. 24). It also is consistent with Congress historical treatment of banks as corporations, as reflected in section 581 of the Code, which requires a bank to be incorporated for purposes of subchapter H of chapter 1. Under this rule, however, an unincorporated organization that conducts banking activities but that does not have federal deposit insurance, may, under proposed § 301.7701–3, choose not to be an association for federal tax purposes; in that case, however, the organization is not a bank within the meaning of section 581, and thus is not eligible for treatment under subchapter H.

The proposed regulations also classify as corporations organizations that are recognized for federal tax purposes if they are wholly owned by a State, or any political subdivision thereof. Organizations wholly owned by a State that are not an integral part of the State must be recognized for federal tax purposes and scrutinized under section 115 (which excludes from gross income any income derived from the exercise of any essential governmental function and accruing to a State or any political subdivision thereof, or the District of Columbia). Accordingly, the proposed regulations classify any such organization as a corporation. Nevertheless, under section 115, the organization's income may not be subject to federal income tax.

The proposed regulations define corporation to include any business entity that is taxable as a corporation under another provision of the Code. For example, a business entity that is publicly traded within the meaning of section 7704 (and not within the exception in section 7704(c)), is taxable as a corporation. Similarly, a business entity that is a taxable mortgage pool under section 7701(i) is taxable as a corporation.

Finally, the proposed regulations classify as corporations certain foreign business entities (including entities organized in U.S. possessions, territories, and commonwealths) that are listed in the regulations. Notice 95–14 observed that current law does not automatically classify any foreign entity as a corporation by reference to the juridical status or designation of that entity under local law. That is, current law does not identify the foreign analogue to the incorporated state law entity that is always classified as a corporation for federal tax purposes, even though section 7701(a)(3) makes no distinction between domestic and foreign entities. Rather, since the issuance of Rev. Rul. 88–8 (1988–1 C.B. 403), all foreign entities have been classified based on the characteristics set forth in §§ 301.7701–2 and 301.7701–3 of the current regulations. Nevertheless, under this approach, those foreign entities that are equivalent to state law corporations are virtually always classified as corporations.

To ensure the corporate classification of these foreign entities, the proposed regulations include a list of foreign business entities that always will be classified as corporations. Several commentators supported inclusion of a list of foreign business entities that either would be treated as corporations per se or that would continue to be classified under the current regulations. The Treasury Department and the IRS believe that classifying the business entities on the list as corporations in all cases is consistent with the goal of simplifying the entity classification area. The organizations listed are limited liability entities, such as the British Public Limited Company, the French Societe Anonyme, and the German Aktiengesellschaft. The Treasury Department and the IRS invite comments on the composition of the list.

Under a special grandfather rule, however, an entity described in this list will nevertheless be classified as a partnership under the proposed regulations if: (1) The entity was in existence and claimed to be a partnership on May 8, 1996 and for all prior periods, (2) that classification was relevant to any person for federal tax purposes at any time during the period that includes May 8, 1996, (3) the entity had a reasonable basis (within the meaning of section 6662) for claiming partnership classification, and (4) neither the entity nor any member has been notified in writing on or before May 8, 1996 that the classification of the entity is under examination (in which case the entity's classification will be determined in the examination).

When these regulations become final, and current § 301.7701–2 (on which Rev. Rul. 88–8 is based) is superseded, Rev. Rul. 88–8 will be obsolete.

C. Other Business Entities

The proposed regulations define the term partnership to include any business entity that has at least two members and that is not classified as a corporation.

Some commentators requested clarification of the effect of these elective classification rules on an organization's ability to elect to be excluded from subchapter K under section 761. The proposed regulations do not change the existing requirements for the election provided in § 1.761–2. Accordingly, an organization that is classified as a partnership under the proposed regulations may elect to be excluded from subchapter K, if it qualifies under § 1.761–2.

Many commentators requested guidance concerning the classification of an unincorporated business entity with a single owner. Some commentators suggested that these entities be treated as sole proprietorships, while others suggested partnership classification. Because a fundamental characteristic of a partnership is the presence of associates, an entity with a single owner cannot conduct business as a partnership. However, the proposed regulations permit a business entity with a single owner that is not required to be classified as a corporation to elect to be classified as an association or to have the organization disregarded as an

entity separate from its owner (in which case the business activity is treated for federal tax purposes in the same manner as if it were conducted as a sole proprietorship, branch, or division of the organization's owner).

III. Elective Classification of Certain Entities

A. In General

Proposed § 301.7701–3 sets forth rules permitting a business entity that is not required to be classified as a corporation (referred to in the regulation as an *eligible entity*) to elect its classification for federal tax purposes. An eligible entity that has at least two members may elect to be classified as an association or a partnership, and an eligible entity with a single owner may elect to be classified as an association or to be disregarded as an entity separate from its owner.

B. Default Classification

The proposed regulations are designed to provide most eligible entities with the classification they would choose without requiring them to file an election. Thus, the proposed regulations provide default classification rules that aim to match expectations. An eligible entity that wants the default classification need not file an election.

1. Domestic eligible entities. Notice 95–14 suggested partnership default for domestic eligible entities. The comments supported this rule, and the proposed regulations adopt it. Thus, a newly formed domestic eligible entity will be classified as a partnership if it has two or more members unless an election is filed to classify the entity as an association; no affirmative action need be taken by the entity to ensure partnership classification. Similarly, if that entity has a single member, it will not be treated as an entity separate from its owner for federal tax purposes unless an election is filed to classify the organization as an association.

2. Foreign eligible entities. Notice 95–14 suggested association default for foreign eligible entities. The Notice indicated that while domestic eligible entities typically are formed with an intent to obtain partnership classification, the preferred classification of foreign eligible entities is less predictable. For example, the Notice expressed concern that because partnership default could subject some foreign entities to compliance requirements and excise tax liability under section 1491, an entity should not be classified as a partnership inadvertently. On the other hand, as some commentators indicated, association default might not match the expectations of a foreign eligible entity.

In response to these comments, the proposed regulations provide a default rule that should match expectations more closely. The Treasury Department and IRS believe that if any of an organization's members has personal liability for the debts of the organization, the expectation is that the organization will be classified as a partnership. Accordingly, the proposed regulations provide that if one or more of an eligible entity's members have unlimited liability, the entity will be classified as a partnership if it has two or more members, or it will be disregarded as a separate entity if it has a single owner. Only if all of the entity's members have limited liability will the entity's default classification be association.

For purposes of this rule, a member of a foreign entity has limited liability only if, based solely on the controlling statute or law pursuant to which the entity is organized, the member's personal liability for the debts of or claims against the entity is specifically limited (for example, to the amount of the member's unpaid capital contribution or to the amount of a statutorily limited guarantee). If protection from personal liability is optional under the applicable law, the entity's organizational documents will determine which option applies. The determination whether there is limited liability for purposes of the default rule is intended to be simpler and more straightforward than under current law, to ensure that the default classification is readily apparent. Thus, the limited liability inquiry generally will focus solely on controlling statutes as interpreted by judicial or administrative review. As a result, a member's ability to satisfy creditors' claims would not be relevant. If taxpayers remain uncertain whether there is limited liability in a particular case, they may file an election to secure the desired classification.

3. Existing eligible entities. Commentators suggested that special rules should be provided for eligible entities formed prior to the effective date of the regulations. These commentators were concerned that some existing eligible entities would be required to file classification elections immediately to prevent their classification from being changed under a default rule. Under the proposed regulations, eligible entities existing prior to the effective date of the regulations that choose to retain their current classification would not be required to file an election. Rather, those entities would retain the classification claimed under the existing regulations (except that, if an eligible entity with a single owner claimed to be a partnership under the current regulations, the entity would be disregarded as an entity separate from its owner under this default rule). A foreign entity is considered such an existing entity only if its classification immediately prior to the effective date of these regulations is relevant to any person for federal tax purposes; other foreign entities formed prior to the effective date of these regulations would be considered new entities at the time that their federal tax classification became relevant and, therefore, would be required to file a classification election or be classified under the general default rule described above.

Furthermore, under a transition rule discussed below, the IRS generally will not challenge an existing entity's claimed classification for periods to which the existing regulations apply if the entity had a reasonable basis for the claimed classification.

C. Elections

1. In general. An eligible entity that does not want the classification provided by the applicable default provision, or that wants to change its classification, may file an election to obtain the chosen classification. Some commentators suggested that the election be made with Form SS–4 (Application for Employer Identification Number); others suggested that the election be made with the filing of the entity's first tax return.

An eligible entity may elect its classification by filing an election with the appropriate service center. The proposed regulations would require that the election specify the name, address, and taxpayer identifying number of the entity, the chosen classification, whether the election results in a change in classification, and whether the entity is a domestic or foreign entity. It is anticipated that the Commissioner will prescribe a form for this purpose, in which case elections must be made on such form. The election will be effective on a date specified on the election if that date is not more than 75 days prior to the date on which the election is filed, or on the date filed if no such date is specified on the election. In addition to the original election, a business entity that makes an election shall file a copy of its election with its federal tax return for the year in which the election is effective. If the entity is not required to file a return, the Commissioner will require direct or indirect owners of the

entity to include copies of the election with their federal tax returns.

Notice 95–14 suggested that all the members of an electing eligible entity would be required to consent unanimously to a classification election. Most commentators stated that, although an indication of unanimity may be appropriate, a requirement that each member sign the election could cause significant administrative difficulties. In response to these comments, the proposed regulations require that an election be signed by: (1) Each member of the entity, or (2) any officer, manager, or owner who is authorized to make the election and who represents to having such authorization under penalties of perjury.

An electing eligible entity also would be required to provide its Employer Identification Number (EIN) on the election form. To reduce taxpayers' paperwork burdens when an existing entity elects to change its classification, the proposed regulations provide that if the entity already has an EIN, it will retain it even though it elects to change its tax classification. Any organization without an EIN at the time it files its election, including an organization that had not previously been treated as a separate entity for federal tax purposes, must apply for an EIN on Form SS–4 when it files its election. If a new single-member entity elects to be disregarded as an entity separate from its owner, then the taxpayer identifying number of its owner must be displayed on the election. The proposed regulations amend § 301.6109–1 to reflect these requirements.

2. Special rule for exempt organizations. A special rule is provided for eligible entities that have been determined to be, or claim to be, exempt from taxation under section 501(a). A substantial majority of exempt organizations (including those employee plans that qualify under section 401(a)) will not be eligible entities, either because they are properly classified as trusts for federal tax purposes or because they are not-for-profit corporations. However, for those exempt organizations that are eligible entities, the business entity classification that is consistent with the claim for exemption is association (taxable as a corporation). Accordingly, the proposed regulations provide that a claim or determination of exempt status by an eligible entity is treated as an election to be classified as an association. Such elections will take effect on the first day for which exemption is claimed or determined to apply, regardless of when the claim or determination is made, and will remain in effect unless an election is made to change that classification after the date that either the claim is withdrawn or rejected or the determination is revoked.

3. Limits on changes in classification by election. Notice 95–14 requested comments on whether the regulations should restrict elections to change an entity's classification. To varying degrees, commentators supported such a restriction. Under the proposed regulations, an eligible entity that makes an election to change its classification cannot change its classification by election again during the sixty months succeeding the effective date of the election. However, an existing entity that elects to change its classification as of the effective date of the proposed regulations may elect to change again within the first sixty months following the effective date.

The sixty month limitation only applies to a change in classification by election. Thus, if a new eligible entity elects out of its default classification effective from its inception, that election is not a change in the entity's classification. Furthermore, the limitation does not apply if the organization's business actually is transferred to another entity. For example, an organization could liquidate into its parent, terminate and reform as another entity (e.g., by merger), or contribute its business to another organization without restriction.

Taxpayers are reminded that a change in classification, no matter how achieved, will have certain tax consequences that must be reported. For example, if an organization classified as an association elects to be classified as a partnership, the organization and its owners must recognize gain, if any, under the rules applicable to liquidations of corporations.

D. Certain Partnership Terminations

Under section 708(b)(1)(B), a partnership is considered terminated if within a twelve month period there is a sale or exchange of fifty percent or more of the total interests in partnership capital and profits. Under this rule, a termination is treated as a liquidation of the existing partnership and the formation of a new partnership. Accordingly, if an existing partnership terminates under section 708(b)(1)(B), the newly created entity will be classified as a partnership (but could elect to change its classification thereafter).

IV. Effective Date and Transition Rules

The regulations are proposed to apply generally for periods beginning on or after the date the final regulations are published in the Federal Register. Sections 301.7701–1 through 301.7701–3 will continue to apply until these regulations are effective.

In addition, the IRS will not challenge the classification of an existing eligible entity, or an existing entity described in the list of foreign entities that are classified as corporations under the proposed regulations, for periods to which the current regulations apply if: (1) The entity had a reasonable basis (within the meaning of section 6662) for its claimed classification, (2) the entity claimed that same classification in all prior years, and (3) neither the entity nor any member has been notified in writing on or before May 8, 1996 that the classification of the entity is under examination (in which case the entity's classification will be determined in the examination).

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, August 21, 1996, at 10 a.m. in the Auditorium of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by August 12, 1996 and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by August 12, 1996.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of these regulations are Armando Gomez of the Office of Assistant Chief Counsel (Passthroughs and Special Industries) and Ronald M. Gootzeit and William H. Morris of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 301 are proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.581–1 is revised to read as follows:

§ 1.581–1 Tax on banks.

(a) For an institution to be a bank for purposes of section 581, it must be a corporation for federal tax purposes. See § 301.7701–2(b) of this chapter for the definition of corporation.

(b) This section applies to taxable years beginning on or after the date that final regulations are published in the Federal Register.

§ 1.581–2 [Amended]

Par. 3. In § 1.581–2, paragraph (a) is amended by removing the first sentence.

Par. 4. In § 1.761–1, paragraph (a) is revised to read as follows:

§ 1.761–1 Terms defined.

(a) *Partnership.* The term *partnership* means a partnership as determined under §§ 301.7701–1, 301.7701–2, and 301.7701–3.

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

Par. 5. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805.* * *

Par. 6. Section 301.6109–1, as proposed to be amended in project number INTL–0024–94, published on June 8, 1995, at 60 FR 30214, and INTL–062–90, INTL–0032–93, INTL–52–86, and INTL–52–94, published on April 22, 1996, at 61 FR 17666, is amended as follows:

1. Paragraph (b)(2)(v) is amended by removing the language ''.'' at the end of the paragraph, and replacing it with the language ''; and''.

2. Paragraph (b)(2)(vi) is added.

3. The text of paragraph (d)(2) is redesignated as paragraph (d)(2)(i).

4. A paragraph heading is added for newly designated paragraph (d)(2)(i).

5. Paragraph (d)(2)(ii) is added.

The revisions and additions read as follows:

§ 301.6109–1 Identifying numbers.

* * * * *

(b) * * *

(2) * * *

(vi) A foreign person that makes an election under § 301.7701–3(c).

* * * * *

(d) * * *

(2) *Employer identification number*—(i) *In general.* * * *

(ii) *Special rule for entities electing to change their federal tax classification under § 301.7701–3(c).* Any entity that has an employer identification number and then elects under § 301.7701–3(c) to change its federal tax classification will retain that employer identification number.

* * * * *

Par. 7. Sections 301.7701–1, 301.7701–2, and 301.7701–3 are revised to read as follows:

§ 301.7701–1 Classification of organizations for federal tax purposes.

(a) *Organizations for federal tax purposes*—(1) *In general.* The Internal Revenue Code prescribes the classification of various organizations for federal tax purposes. Whether an organization is an entity separate from its owners for federal tax purposes is a matter of federal tax law and does not depend on whether the organization is recognized as an entity under local law.

(2) *Certain joint undertakings give rise to entities for federal tax purposes.* A joint venture or other contractual arrangement may create a separate entity for federal tax purposes if the participants carry on a trade, business, financial operation, or venture and divide the profits therefrom. For example, a separate entity exists for federal tax purposes if co-owners of an apartment building lease space and in addition provide services to the occupants either directly or through an agent. Nevertheless, a joint undertaking merely to share expenses does not create a separate entity for federal tax purposes. For example, if two or more persons jointly construct a ditch merely to drain surface water from their properties, they have not created a separate entity for federal tax purposes. Similarly, mere co-ownership of property that is maintained, kept in repair, and rented or leased does not constitute a separate entity for federal tax purposes. For example, if an individual owner, or tenants in common, of farm property lease it to a farmer for a cash rental or a share of the crops, they do not necessarily create a separate entity for federal tax purposes.

(3) *Certain local law entities not recognized.* An entity formed under local law is not always recognized as a separate entity for federal tax purposes. For example, an organization wholly owned by a State is not recognized as a separate entity for federal tax purposes if it is an integral part of the State. Similarly, tribes incorporated under section 17 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. 477, or under section 3 of the Oklahoma Indian Welfare Act, as amended, 25 U.S.C. 503, are not recognized as separate entities for federal tax purposes.

(4) *Single owner organizations.* Under §§ 301.7701–2 and 301.7701–3, certain organizations that have a single owner can choose to be recognized or disregarded as entities separate from their owners.

(b) *Classification of organizations.* The classification of organizations that are recognized as separate entities is determined under §§ 301.7701–2, 301.7701–3, and 301.7701–4 (unless a provision of the Internal Revenue Code provides for special treatment of that organization). For the classification of organizations as trusts, see § 301.7701–4. That section provides that trusts generally do not have associates or an objective to carry on business for profit. Sections 301.7701–2 and 301.7701–3 provide rules for classifying organizations that are not classified as trusts.

(c) *Qualified cost sharing arrangements.* See § 301.7701–3(e) as contained in 26 CFR Part 301 as revised as of April 1, 1996.

(d) *Domestic and foreign entities.* For purposes of this section and

§§ 301.7701–2 and 301.7701–3, an entity is a domestic entity if it is created or organized in the United States or under the law of the United States or of any State; an entity is foreign if it is not domestic. See sections 7701(a)(4) and (a)(5).

(e) *State.* For purposes of this section and § 301.7701–2, the term *State* includes the District of Columbia.

(f) *Effective date.* The rules of this section apply to periods beginning on or after the date that final regulations are published in the Federal Register.

§ 301.7701–2 Business entities; definitions.

(a) *Business entities.* For purposes of this section and § 301.7701–3, a *business entity* is any entity recognized for federal tax purposes (including an entity with a single owner that may be disregarded as an entity separate from its owner under § 301.7701–3) that is not properly classified as a trust under § 301.7701–4 (or otherwise subject to special treatment under the Internal Revenue Code). A business entity with two or more members is classified for federal tax purposes as either a corporation or a partnership. A business entity with only one owner is classified as a corporation or is disregarded; if the entity is disregarded, its activities are treated in the same manner as a sole proprietorship, branch, or division of the owner.

(b) *Corporations.* For federal tax purposes, the term *corporation* means—

(1) A business entity organized under a Federal or State statute, or under a statute of a federally recognized Indian tribe, if the statute describes or refers to the entity as incorporated or as a corporation, body corporate, or body politic;

(2) An association (as determined under § 301.7701–3);

(3) A business entity organized under a State statute, if the statute describes or refers to the entity as a joint-stock company or joint-stock association;

(4) A business entity that is taxable as an insurance company under subchapter L, chapter 1 of the Internal Revenue Code;

(5) A State-chartered business entity conducting banking activities, if any of its deposits are insured under the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811 *et seq.*, or a similar federal statute;

(6) A business entity wholly owned by a State or any political subdivision thereof;

(7) A business entity that is taxable as a corporation under a provision of the Internal Revenue Code other than section 7701(a)(3); and

(8) Except as provided in paragraph (d) of this section, the following business entities formed in the following jurisdictions:

American Samoa, Corporation
Argentina, Sociedad Anonima
Aruba, Naamloze Vennootschap
Australia, Public Limited Company
Austria, Aktiengesellschaft
Barbados, Limited Company
Belize, Public Limited Company
Belgium, Societe Anonyme or Naamloze Vennootschap
Bolivia, Sociedad Anonima
Brazil, Sociedade Anonima
Canada, Corporation
Chile, Sociedad Anonima
People's Republic of China, Company Limited by Shares
Republic of China (Taiwan), Company Limited by Shares
Colombia, Sociedad Anonima
Costa Rica, Sociedad Anonima
Cyprus, Public Limited Company
Czech Republic, Akciova Spolecnost
Denmark, Aktieselskab
Ecuador, Sociedad Anonima or Compania Anonima
El Salvador, Sociedad Anonima
Egypt, Sharikat Al-Mossahamah
Finland, Osakeyhtio/Aktiebolag
France, Societe Anonyme
Germany, Aktiengesellschaft
Greece, Anonymos Etairia
Guam, Corporation
Guatemala, Sociedad Anonima
Guyana, Public Limited Company
Honduras, Sociedad Anonima
Hong Kong, Public Limited Company
Hungary, Reszvenytarsasag
Iceland, Hlutafelag
India, Public Limited Company
Indonesia, Perseroan Terbatas
Ireland, Public Limited Company
Israel, Public Limited Company
Italy, Societa per Azioni
Jamaica, Public Limited Company
Japan, Kabushiki Kaisha
Kazakstan, Ashyk Aktsionerlik Kogham
Republic of Korea, Chusik Hoesa
Liberia, Corporation
Luxembourg, Societe Anonyme
Malaysia, Berhad
Malta, Partnership *Anonyme*
Mexico, Sociedad Anonima
Morocco, Societe Anonyme
Netherlands, Naamloze Vennootschap
Netherlands Antilles, Naamloze Vennootschap
New Zealand, Limited Company
Nicaragua, Compania Anonima
Nigeria, Public Limited Company
Northern Mariana Islands, Corporation
Norway, Aksjeselskap
Pakistan, Public Limited Company
Panama, Sociedad Anonima
Paraguay, Sociedad Anonima
Peru, Sociedad Anonima
Philippines, Stock Corporation
Poland, Spolka Akcyjna
Portugal, Sociedade Anonima
Puerto Rico, Corporation
Romania, Societe pe Actiuni
Russia, Otkrytoye Aktsionernoy Obshchestvo
Saudi Arabia, Sharikat Al-Mossahamah
Singapore, Public Limited Company
Slovak Republic, Akciova Spolocnost
South Africa, Public Limited Company
Spain, Sociedad Anonima
Surinam, Naamloze Vennootschap
Sweden, Aktiebolag
Switzerland, Aktiengesellschaft or Societe Anonyme
Thailand, Borisat Chamkad (Machachon)
Trinidad & Tobago, Public Limited Company
Turkey, Anonim Sirket
Tunisia, Societe Anonyme
Ukraine, Aktsionerne Tovaristvo Vidkritogo Tipu
United Kingdom, Public Limited Company
United States Virgin Islands, Corporation
Uruguay, Sociedad Anonima
Venezuela, Sociedad Anonima or Compania Anonima

(c) *Other business entities.* For federal tax purposes—

(1) The term *partnership* means a business entity that is not a corporation under paragraph (b) of this section and that has at least two members; and

(2) A business entity that has a single owner and is not a corporation under paragraph (b) of this section is disregarded as an entity separate from its owner.

(d) *Special rule for certain foreign business entities.* A foreign business entity described in paragraph (b)(8) of this section is classified as a partnership if—

(1) The entity was in existence and claimed to be a partnership on May 8, 1996 and for all prior periods;

(2) That classification was relevant to any person for federal tax purposes at any time during the period that includes May 8, 1996;

(3) The entity had a reasonable basis (within the meaning of section 6662) for claiming partnership classification; and

(4) Neither the entity nor any member has been notified in writing on or before May 8, 1996 that the classification of the entity is under examination (in which case the entity's classification will be determined in the examination).

(e) *Effective date.* The rules of this section apply to periods beginning on or after the date that final regulations are published in the Federal Register.

§ 301.7701–3 Classification of certain business entities.

(a) *In general.* A business entity that is not classified as a corporation under § 301.7701–2(b) (1), (3), (4), (5), (6), (7), or (8) (an *eligible entity*) can elect its classification for federal tax purposes as provided in this section. An eligible entity with at least two members can elect to be classified as either an association (and thus a corporation under § 301.7701–2(b)(2)) or a partnership, and an eligible entity with a single member can elect to be classified as an association or to be disregarded as an entity separate from its owner. Paragraph (b) of this section provides a default classification for an eligible entity that does not make an election. Thus, elections are necessary only when an eligible entity chooses to be classified initially as other than the default classification or when an eligible entity chooses to change its classification. Paragraph (c) of this section provides rules for making express elections. Paragraph (d) of this section provides a special rule for classifying an entity created pursuant to a termination of a partnership under section 708(b)(1)(B). Paragraph (e) of this section sets forth the effective date of this section and a special rule relating to prior periods.

(b) *Classification of eligible entities that do not file an election—(1) Domestic eligible entities.* Except as provided in paragraph (b)(3) of this section, unless the entity elects otherwise, a domestic eligible entity is—

(i) A partnership if it has two or more members; or

(ii) Disregarded as an entity separate from its owner if it has a single owner.

(2) *Foreign eligible entities—(i) In general.* Except as provided in paragraph (b)(3) of this section, unless the entity elects otherwise, a foreign eligible entity is—

(A) A partnership if it has two or more members and any member has unlimited liability;

(B) An association if no member has unlimited liability; or

(C) Disregarded as an entity separate from its owner if it has a single owner that has unlimited liability.

(ii) *Definition of unlimited liability.* For purposes of paragraph (b)(2)(i) of this section, a member of a foreign eligible entity has unlimited liability if the member has personal liability for the debts of or claims against the entity, by reason of being a member, based solely on the statute or law pursuant to which the entity is organized. A member has personal liability if creditors of the entity may seek satisfaction of debts of or claims against the entity from the member as such. A member has personal liability for purposes of this paragraph even if the member makes an agreement under which another person (whether or not a member of the entity) assumes such liability or agrees to indemnify such member for any such liability.

(3) *Existing eligible entities.* Unless the entity elects otherwise, an eligible entity in existence prior to the effective date of this section will have the same classification that the entity claimed under §§ 301.7701–1 through 301.7701–3 as in effect on the date prior to the effective date of this section; except that if an eligible entity with a single owner claimed to be a partnership under those regulations, the entity will be disregarded as an entity separate from its owner under this paragraph. For special rules regarding the classification of such entities for periods prior to the effective date of this section, see paragraph (e)(2) of this section. For purposes of this paragraph, a foreign eligible entity is treated as being in existence prior to the effective date of this section only if the entity's classification is relevant to any person for federal tax purposes at any time during the period that includes the date immediately prior to the effective date of this section.

(c) *Elections—(1) Time and place for filing*—(i) *In general.* Except as provided in paragraphs (c)(1)(ii) and (iii) of this section, an eligible entity may elect to be classified other than as provided under paragraph (b) of this section, or to change its classification, by filing an election with the appropriate service center. Such an election shall specify the name, address, and taxpayer identifying number of the entity, the chosen classification, whether the election results in a change in classification, and whether the entity is a domestic or foreign entity. The election will be effective on the date specified on the election if that date is not more than 75 days prior to the date on which the election is filed, or on the date filed if no such date is specified on the election. If the Commissioner prescribes a form for this purpose, the election shall be made on such form. See § 301.6109–1 for rules on applying for and displaying Employer Identification Numbers.

(ii) *Limitation.* If an eligible entity makes an election under this paragraph (c) to change its classification (other than an election made by an existing entity to change its classification as of the effective date of this section), it cannot change its classification by election again during the sixty months succeeding the effective date of the election.

(iii) *Special rule for exempt organizations.* An eligible entity that has been determined to be, or claims to be, exempt from taxation under section 501(a) is treated as having made an election under this section to be classified as an association. Such election will be effective as of the first date for which exemption is claimed or determined to apply, regardless of when the claim or determination is made, and will remain in effect unless an election is made under paragraph (c)(1)(i) of this section after the date the claim for exempt status is withdrawn or rejected or the date the determination of exempt status is revoked.

(iv) *Examples.* The following examples illustrate the rules of this paragraph (c)(1):

Example 1. On July 1, 1998, X, a domestic corporation, purchases a 10% interest in Y, an eligible entity formed under Country A law in 1990. The entity's classification was not relevant to any person for federal tax purposes prior to X's acquisition of an interest in Y. Thus, Y is not considered to be in existence on the effective date of this section for purposes of paragraph (b)(3) of this section. Under the applicable Country A statute, no member of Y has unlimited liability as defined in paragraph (b)(2)(ii) of this section. Accordingly, Y is classified as an association under paragraph (b)(2)(i)(B) of this section unless it elects under paragraph (c) of this section to be classified as a partnership. To be classified as a partnership as of July 1, 1998, Y must file the election by September 13, 1998. See paragraph (c)(1)(i) of this section. Because an election cannot be effective more than 75 days prior to the date on which it is filed, if Y files its election after September 13, 1998, it will be classified as an association from July 1, 1998, until the effective date of the election. In that case, it could not change its classification by election under paragraph (c) of this section during the sixty months succeeding the effective date of the election.

Example 2. (i) Z is an eligible entity formed under Country B law and is in existence on the effective date of this section within the meaning of paragraph (b)(3) of this section. Prior to the effective date of this section, Z claimed to be classified as an association. Unless Z files an election under paragraph (c) of this section, it will continue to be classified as an association under paragraph (b)(3) of this section.

(ii) Z files an election under paragraph (c) of this section to be classified as a partnership, effective as of the effective date of this section. Z can file an election to be classified as an association at any time thereafter, but then would not be permitted to change its classification by election during the sixty months succeeding the effective date of that subsequent election.

(2) *Authorized signatures.* An election made under paragraph (c)(1)(i) of this section must be signed by—

(i) Each member of the electing entity; or

(ii) Any officer, manager, or member of the electing entity who is authorized to make the election and who represents to having such authorization under penalties of perjury.

(3) *Further notification of elections.* An eligible entity required to file a federal tax return for the taxable year for which an election is made under paragraph (c)(1)(i) of this section shall attach a copy of the form filed in accordance with paragraph (c)(1)(i) of this section to its federal tax return for that year. If the entity is not required to file a return for that year, the Commissioner will require that a copy of such form be attached to the federal income tax return of any direct or indirect owner of the entity for the taxable year of the owner that includes the date on which the election was effective.

(d) *Special rule for certain partnership terminations.* When a partnership terminates by operation of section 708(b)(1)(B) (on the sale or exchange of fifty percent or more of the total interests in partnership capital or profits within a twelve month period), the resulting entity created by such termination is a partnership.

(e) *Effective date—(1) In general.* The rules of this section apply to periods beginning on or after the date that final regulations are published in the Federal Register.

(2) *Prior treatment of existing entities.* In the case of a business entity that is not described in § 301.7701–2(b) (1), (3), (4), (5), (6), or (7), and that is in existence prior to the effective date of this section, the entity's claimed classification will be respected for all periods prior to the effective date of this section if—

(i) The entity had a reasonable basis (within the meaning of section 6662) for its claimed classification;

(ii) The entity claimed that same classification for all prior periods; and

(iii) Neither the entity nor any member has been notified in writing on or before May 8, 1996 that the classification of the entity is under examination (in which case the entity's classification will be determined in the examination).

Par. 8. Section 301.7701–4 is amended as follows:

1. The last sentence of paragraphs (b), (c)(1), (c)(2) *Example 1,* and (c)(2) *Example 3* are revised.

2. Paragraph (f) is added.

The revisions and additions read as follows:

§ 301.7701–4 Trusts.

* * * * *

(b) *Business trusts.* * * * The fact that any organization is technically cast in the trust form, by conveying title to property to trustees for the benefit of persons designated as beneficiaries, will not change the real character of the organization if the organization is more properly classified as a business entity under § 301.7701–2.

(c) * * * (1) * * * An investment trust with multiple classes of ownership interests ordinarily will be classified as a business entity under § 301.7701–2; however, an investment trust with multiple classes of ownership interests, in which there is no power under the trust agreement to vary the investment of the certificate holders, will be classified as a trust if the trust is formed to facilitate direct investment in the assets of the trust and the existence of multiple classes of ownership interests is incidental to that purpose.

(2) * * *

Example 1. * * * As a consequence, the existence of multiple classes of trust ownership is not incidental to any purpose of the trust to facilitate direct investment, and, accordingly, the trust is classified as a business entity under § 301.7701–2.

* * * * *

Example 3. * * * Accordingly, the trust is classified as a business entity under § 301.7701–2.

* * * * *

(f) *Effective date.* The rules of this section generally apply to taxable years beginning after December 31, 1960. Paragraph (e)(5) of this section contains rules of applicability for paragraph (e) of this section. In addition, the last sentences of paragraphs (b), (c)(1), and (c)(2) *Example 1* and *Example 3* of this section apply to taxable years beginning on or after the date that final regulations are published in the Federal Register.

Par. 9. Section 301.7701–6 is revised to read as follows:

§ 301.7701–6 Definitions; person, fiduciary.

(a) *Person.* The term *person* includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization or group. The term also includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(b) *Fiduciary*—(1) *In general.* Fiduciary is a term that applies to persons who occupy positions of peculiar confidence toward others, such as trustees, executors, and administrators. A fiduciary is a person who holds in trust an estate to which another has a beneficial interest, or receives and controls income of another, as in the case of receivers. A committee or guardian of the property of an incompetent person is a fiduciary.

(2) *Fiduciary distinguished from agent.* There may be a fiduciary relationship between an agent and a principal, but the word agent does not denote a fiduciary. An agent having entire charge of property, with authority to effect and execute leases with tenants entirely on his own responsibility and without consulting his principal, merely turning over the net profits from the property periodically to his principal by virtue of authority conferred upon him by a power of attorney, is not a fiduciary within the meaning of the Internal Revenue Code. In cases when no legal trust has been created in the estate controlled by the agent and attorney, the liability to make a return rests with the principal.

(c) *Effective date.* The rules of this section are effective on the date that final regulations are published in the Federal Register.

§ 301.7701–7 [Removed]

Par. 10. Section 301.7701–7 is removed.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–11780 Filed 5–9–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Meeting of the Federal Gas Valuation Negotiated Rulemaking Committee

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Secretary of the Department of the Interior (Department) established a Federal Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Federal gas valuation under its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA). The Department has determined that the establishment of this Committee is in the public interest and will assist the agency in performing its duties under FOGRMA.

MMS published a proposed rule on November 6, 1995, in the Federal

Register (60 FR 56007) advancing the consensus decisions of the Committee regarding the valuation of gas produced from Federal leases. On December 13, 1995, in the Federal Register (60 FR 64000), MMS extended the period for receiving comments on the proposed rule through February 5, 1996. MMS is holding a meeting of the Committee to discuss how to proceed with further rulemaking in light of the comments received on the proposed rule.

DATES: The Committee will meet on: Wednesday, June 12, 1996, 10:00 a.m. to 5:00 p.m.; Thursday, June 13, 1996, 8:00 a.m. to 5:00 p.m.; Friday, June 14, 1996, 8:00 a.m. to 2:00 p.m.

ADDRESSES: The meetings will be held at the Denver Federal Center, building 85, West 6th Avenue and Kipling Street, Lakewood, Colorado, 80225.

Written statements may be submitted to Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3150, Denver, Colorado 80225–0165, courier delivery to Building 85, Denver Federal Center, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3150, Denver, Colorado, 80225–0165, telephone number (303) 275–7200, fax number (303) 275–7227.

SUPPLEMENTARY INFORMATION: The meetings will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days following each meeting at the same address. In addition, the materials received to date during the input sessions are available for inspection and copying at the same address.

Dated: May 7, 1996.

Robert E. Brown,

Associate Director for Royalty Management.

[FR Doc. 96–11853 Filed 5–10–96; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–95–058]

RIN 2115–AE 46

Special Local Regulation: Connecticut River Raft Race, Middletown, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the regulations governing the Connecticut River Raft Race. The event name would change to the ''Great Connecticut River Raft Race'' due to a change in sponsor. The regulated area would move upriver to coincide with a change in the race course. The effective period would also change to July 27, 1996, and each year thereafter on a date and times specified in a Federal Register document. This regulation is necessary to control vessel traffic within the regulated area due to the confined nature of the waterway and anticipated congestion at the time of the event, thus providing for the safety of life and property on the affected navigable waterway.

DATES: Comments must be received on or before June 27, 1996.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110–3350. Comments also may be hand-delivered to room 428 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Each person submitting comments should include their name and address, identify this notice (CGD01–95–058), the specific section of the proposal to which each comment applies, and give the reason for each comment. Comments and attachments should be submitted on 8½″ × 11″ unbound paper in a format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

All comments received during the comment period will be considered by the Coast Guard and may change this proposal. The Coast Guard has no plans to hold a public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If the Coast Guard determines that oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Discussion of Proposed Amendments

The Connecticut River Raft Race is in its twenty-second year, and is a popular local event. A permanent special local regulation, 33 CFR Part 100.102, governs the running of the event. Due to a change in sponsor, the name of the event will change to the ''Great Connecticut River Raft Race'' and the location of the race will be moved a short distance upriver. The event will continue to be annually recurring, therefore, the Coast Guard proposes to permanently amend the special local regulation found in 33 CFR Part 100.102. The race course and regulated area will change to consist of that portion of the Connecticut River between Marker nos. 92 and 73, Middletown, CT. The event date will also change from the first Saturday in August to the last Saturday in July or first Saturday in August.

This event will include up to 60 homemade rafts and is expected to draw up to 100 spectator craft. The Coast Guard, Connecticut Department of Environmental Protection, and local fire and police departments will each assign a patrol to the event. However, due to the restricted maneuverability of the participating rafts, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confined area. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area.

The proposed section will be effective annually on the last Saturday in July or first Saturday in August, between 10 a.m. and 2 p.m., or as published in a Coast Guard Notice to Mariners. A rain date may be established and announced in a Coast Guard Notice to Mariners. In emergency situations, the Coast Guard patrol commander may establish escort

procedures for vessels requiring transit through the regulated area.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions the regulation places on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.),* the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''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. For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B (as revised by 59 FR 38654, July 29, 1944), this proposal is a regulation issued in conjunction with an annually issued regatta or marine parade permit and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

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

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

2. Section 100.102 is revised to read as follows:

§ 100.102 Great Connecticut River Raft Race, Middletown, CT.

(a) *Regulated Area.* That section of the Connecticut River between Dart Island (Marker no. 73) and Portland Shoals (Marker no. 92), Middletown, CT.

(b) *Special Local Regulations.*

(1) The Coast Guard patrol commander many delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the on-scene Coast Guard patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section is in effect from 10 a.m. to 2 p.m. on July 27, 1996, and each year thereafter on a date and times specified in a Federal Register Document.

Dated March 19, 1996.

J.L. Linnon,

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

[FR Doc. 96–11774 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

Coast Guard

33 CFR Part 100

[CGD01–96–025]

RIN 2115–AE 46

Special Local Regulation: Newport-Bermuda Regatta, Narragansett Bay, Newport, RI

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent special local regulation for the Newport-Bermuda Regatta. The event will be held on June 21, 1996, and biennially thereafter on even numbered years on the third Friday in June. The regatta begins in the approach to Newport Harbor, Newport, RI, in the East Passage of Narragansett Bay, continuing offshore to Bermuda, U.K. This regulation is needed to control vessel movement in the confined waters of the regatta start area.

DATES: Comments must be received on or before June 12, 1996.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110–3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin. M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Each person submitting comments should include their name and address, identify this notice (CGD01–96–025), the specific section of the proposal to which each comment applies, and give the reason for each comment. Comments and attachments should be submitted on

8½″ × 11″ unbound paper in a format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments received during the comment period will be considered by the Coast Guard and may change this proposal.

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

Good cause exists to provide for a comment period less than 45 days. Due to the need to provide public notice and establish regulations for this year's event, a longer comment period is impracticable and contrary to the public interest.

Discussion of Proposed Amendments

The 1996 Newport-Bermuda Regatta is the fortieth running of the event. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event, the Coast Guard desires to establish a permanent regulation. The proposed regulation would establish a regulated area on Narragansett Bay, in the East Passage, and would provide specific guidance to control vessel movement during the race.

This event includes up to 120 ocean going sailboats racing from the approach to the entrance of Newport Harbor, Newport, RI, to Bermuda, U.K. The event typically attracts approximately 150–200 spectator craft. The Coast Guard will assign a patrol to the event, and the race course starting area will be marked. However, due to the large number of participants and anticipated spectator craft, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within the confined starting area. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area.

The proposed section will be effective biennially on even numbered years on the third Friday in June. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or Coast Guard designated vessel for vessels requiring transit through the regulated area.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, in unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions which the regulation places on vessel traffic.

Small Entities

Under the Regulatory flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''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.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this proposal is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

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

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

2. A permanent section, 100.119, is added to read as follows:

§ 100.119 Newport Bermuda Regatta, Narragansett Bay, Newport, RI.

(a) *Regulated Area.* The regulated area includes all waters of Narragansett Bay, Newport, RI, within the following points (NAD 83):

Latitude	*Longitude*
41°27′51″ N	071°22′14″ W
41°27′24″ N	071°21′57″ W
41°27′09″ N	071°22′39″ W
41°27′36″ N	072°22′55″ W

In the event that weather conditions prohibit a safe race start within the approach to Newport Harbor, the race will begin offshore and the following regulated area applies (NAD 83)

Latitude	*Longitude*
41°26′04″ N	071°22′16″ W
41°25′36″ N	071°21′58″ W
41°25′45″ N	071°22′40″ W
41°25′49″ N	071°22.56″ W

(b) *Special Local Regulations.*

(1) The Coast Guard patrol commander may delay, modify, or cancel the race as considerations or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participation in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol

commander. On scene patrol personnel may included commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period*. This section is in effect on June 21, 1996, from 10:00 a.m. to 3:30 p.m., and biennially thereafter on even numbered years on the third Friday in June.

Dated: April 30, 1996.

J.L. Linnon,

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

[FR Doc. 96–11902 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD01–96–022]

RIN 2115–AE46

Special Local Regulation: Searsport Lobster Boat Races, Searsport, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposed to establish a permanent special local regulation for the Searsport Lobster Boat Races. The event will be held from 8 a.m. to 2 p.m. on August 24, 1996, and each year thereafter on a date and times published in a Federal Register notice. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

DATES: Comments must be received on or before June 27, 1996.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110–3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Benjamin M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Each person submitting comments should include their name and address, identify this notice (CGD01–96–022), the specific section of the proposal to which each comment applies, and give the reason for each comment. Comments and attachments should be submitted on 8½″ × 11″ unbound paper in a format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments received during the comment period will be considered by the Coast Guard and may change this proposal.

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

Discussion of Proposed Amendments

The Searsport Lobster Boat Races is a local, traditional event that has been held for many years in Searsport Harbor, ME. In the past, the Coast Guard has promulgated individual regulations for each year's race. Given the recurring nature of the event, the Coast Guard desires to establish a permanent regulation. The proposed regulation would establish a regulated area on Searsport harbor and would provide specific guidance to control vessel movement during the race.

The event includes 50 or more participants with 4 to 8 boats per class racing in heats around a ¾ mile marked course. The event typically attracts approximately 100 spectator craft. The Coast Guard will assign a patrol to the event, but due to the speed, large wakes, and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confined area. Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area.

The proposed section will be effective from 8 a.m. to 2 p.m. on August 24, 1996, and each year thereafter as published in a Federal Register notice. If the race is canceled due to weather, this section will be effective on the day following the effective date. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or Coast Guard designated vessel for vessels requiring transit through the regulated area.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions which the regulation places on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''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.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal 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 affect 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

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

Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of DOMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this proposal is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

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

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

2. A permanent section, 100.118, is added to read as follows:

§ 100.118 Searsport Lobster Boat Races, Searsport Harbor, ME.

(a) *Regulated Area.* The regulated area includes all waters of Searsport Harbor, ME, within the following points (NAD 83):

Latitude	*Longitude*
44°26′51″ N	068°54′20″ W
44°27′03″ N	068°54′20″ W
44°27′03″ N	068°55′17″ W
44°26′51″ N	068°55′17″ W

(b) *Special Local Regulations.*

(1) The Coast Guard patrol commander may delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel may include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other application laws.

(c) *Effective period.* This section is in effect form 8 a.m. to 2 p.m. on August 24, 1996, and each year thereafter on a date and times published in a Federal Register notice. If the event is canceled due to weather, this section is effective the following day.

Dated: May 1, 1996.

J.L. Linnon,

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

[FR Doc. 96–11904 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD01–95–002]

RIN 2115–AE47

Drawbridge Operation Regulations New Rochelle Harbor, NY

AGENCY: Coast Guard DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the Glen Island Bridge, mile 0.8, across New Rochelle Harbor in New Rochelle, New York. The proposal would require two hours advance notice for openings between the hours of 12 midnight and 6 a.m. from May 1st through October 31st, and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November 1st through April 30th.

This change was requested by the Westchester County Department of Parks because of the few requests for bridge openings during these time periods. This action should relieve the bridge owner of the burden of having personnel constantly available to open the bridge and should provide for the reasonable needs of navigation.

DATES: Comments must be received on or before July 12, 1996.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Building 135A, Governors Island, New York, 10004–5073, or may be hand-delivered to the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (212) 668–7170. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: Gary Kassof, Bridge Program Manager, First Coast Guard District, (212) 668–7069.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1 95–002), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½″ by 11″, suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received are to enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Background and Purpose

The Glen Island Bridge has vertical clearances when in the closed position of 13 feet above mean high water (MHW) and 20 feet above mean low water (MLW). The bridge is presently required to open on signal. The proposed regulations would provide openings on signal with two hours advance notice between the hours of 12 midnight and 6 a.m. from May through October, and with twenty-four hours

advance notice between the hours of 8 p.m. and 8 a.m. from November through April

On January 27, 1995, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulations; New Rochelle Harbor, NY'' in the Federal Register (60 FR 5343), proposing a change in the operating regulations by permitting the bridge to remain closed from 1 May through 31 October between 12 midnight and 8 a.m. and from 1 November through 30 April between 8 p.m. and 8 a.m. The Commander, First Coast Guard District also circulated this proposal for comment via Public Notice 1–846 dated April 18, 1995. The Coast Guard received ninety-eight comments expressing opposition to the proposal. The major objection was the fact that vessels requiring passage during the nighttime closed periods would be forced to use the alternate, New Rochelle Harbor South (back) Channel, which is considered dangerous for nighttime passage due to the shallowness and narrowness of the channel and the lack of lighted aids to navigation. No public hearing was requested and none was held. Based on the concerns expressed by the marine public, the Westchester County Department of Parks revised its request to modify the drawbridge operating regulations.

These proposed regulations will provide the bridge owner relief from having an operator in constant attendance at the bridge during periods of limited opening demand, while accommodating the navigational needs of the marine community.

Discussion of Proposed Amendments

The Coast Guard proposes to amend 33 CFR 117 by adding section 117.802 to require two hours advance notice for bridge openings between the hours of 12 midnight and 6 a.m. from May through October and twenty-four hours advance notice between the hours of 8 p.m. and 8 a.m. from November through April.

The Coast Guard also proposes that bridge owners install and maintain clearance gauges with figures not less than twelve inches high on the upstream and downstream sides of the bridge.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The proposed regulations will not prevent mariners from passing through the Glen Island Bridge but just require giving two hours advance notice of arrival between 12 midnight and 6 a.m. from May through October and twenty-four hours between 8 p.m. and 8 a.m. from November through April. This notice requirement will have minimal economic impact considering the low frequency of openings for navigation and the inactivity of the local marinas, yacht clubs and boat yards located up and downstream of the bridge during the regulated periods. There will be no impact on vehicular traffic that uses this bridge.

Small Entities

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

Collection of Information

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

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposed regulation 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.e(32)(e) of commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation since it is a proposed promulgation of a drawbridge operating regulation.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 449; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.802 is added to read as follows:

§ 117.802 New Rochelle Harbor.

(a) The draw of the Glen Island Bridge, mile 0.8, at new Rochelle, New York, shall open on signal, except as follows:

(1) two hours advance notice shall be given for openings from 12 midnight to 6 a.m. from May 1st through October 31st.

(2) twenty-four hours advance notice shall be given for openings from 8 p.m. to 8 a.m. from November 1st through April 30th.

(b) The owner of the bridge shall provide and keep in good legible condition clearance gauges with figures not less than 12 inches high designed, installed, and maintained according to the provisions of section 118.180.

Dated: April 30, 1996.

J.L. Linnon,

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

[FR Doc. 96–11905 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–14–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Chapter II

[Docket No. RM 96–3]

Notice and Recordkeeping for Subscription Digital Transmissions

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is requesting comments on the requirements by which copyright owners shall receive reasonable notice of the use of their works from subscription digital transmission services, and how records of such use shall be kept and made available to copyright owners. The regulations are required to be adopted by the Digital Performance Right in Sound Recordings Act of 1995, and are intended to ensure proper payment to copyright owners.

DATES: Comments are due July 12, 1996. Reply comments are due August 12, 1996.

ADDRESSES: An original and fifteen copies of the comments shall be delivered to: Office of General Counsel, The Copyright Office, LM–407, The Madison Building, 101 Independence Avenue SE., Washington, D.C., or mailed to: Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or William J. Roberts, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995. Pub. L. 104–39, 109 Stat. 337 (1995). Among other things, it created a new compulsory copyright license that is paid by nonexempt subscription digital transmission services to the copyright owners of sound recordings. 17 U.S.C. 114(f). Congress directed the Librarian of Congress to establish regulations by which the entities availing themselves of this new license would keep records of their use, make the records available to the copyright owners, and give notice to the copyright owners of the use of their works.

The Sec. 114 License for Nonexempt Subscription Digital Transmissions Services

The Digital Performance Right in Sound Recordings Act gave to copyright owners of sound recordings an exclusive right to perform their works by means of a digital audio transmission. Certain digital transmissions were exempted from the scope of this right, 17 U.S.C. 114(d)(1), while certain subscription digital transmission services were given the opportunity to qualify for a compulsory license. 17 U.S.C. 114(d)(2).

A nonexempt subscription digital transmission qualifies for a compulsory license if the transmission is not part of an interactive service, does not exceed the sound recording performance complement, does not give an advance program schedule or prior announcements of the titles to be performed, does not automatically cause the receiving device to switch automatically from one program channel to another, and includes, if the copyright owner wants it, encoded information that identifies the title, the featured artist, and related information. 17 U.S.C. 114(d)(2).

If a service offering subscription digital transmissions qualifies for the compulsory license, it has the choice of reaching a voluntary agreement with the owners of the sound recordings it wishes to use, or, failing that, it may petition the Librarian of Congress to convene a copyright arbitration royalty panel (CARP) to set the rates and terms of the compulsory license. 17 U.S.C. 114(f). The terms and rates set by a CARP will be applicable to all subscription digital transmission services not subject to a voluntary agreement. However, the above mentioned requirements for notice and recordkeeping are to be set by the Librarian, not the CARP. 17 U.S.C. 114(f)(2).

On December 1, 1995, the Copyright Office and the Library of Congress initiated the six month period for negotiating the rates and terms for a compulsory license for subscription digital transmission services. 60 FR 61655 (Dec. 1, 1995). The period will run until June 1, 1996, after which the parties have 60 days to petition the Librarian to convene a CARP to set the rates and terms for those entities who have not reached voluntary agreements.

In the meantime, any person who wishes to perform a sound recording publicly by means of a nonexempt subscription transmission may do so without infringing the rights of the copyright owner of the sound recording by complying with the notice requirements set by the Librarian of Congress and agreeing to pay the royalty fees as they are determined. 17 U.S.C. 114(f)(5).

This notice requirement, however, is an affirmative duty placed on the digital transmission subscription services to provide reasonable notice to the copyright owners of the use of their sound recordings. 17 U.S.C. 114(f)(2). Therefore, it is important for the Copyright Office and the Library of Congress to begin this rulemaking to establish the notice and recordkeeping requirements so that persons wishing to abide by section 114(f)(5) may do so.

Although we do not propose any specific regulatory language, commentators should consider both the adequacy of the notice to the copyright owners of the sound recordings and the administrative burdens placed on the digital transmission services in providing notice and maintaining records of use.

Dated: May 3, 1996.

Recommended by:

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–11926 Filed 5–10–96; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5504–2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Alaskan Battery Enterprises Site from the National Priorities List Update: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Alaskan Battery Enterprises Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability

Act (CERCLA) of 1980, as amended. EPA and the State of Alaska Department of Environmental Conservation (ADEC) have determined that this Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before June 12, 1996.

ADDRESSES: Comments may be mailed to: Keith Rose, U. S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: ECL–111, Seattle, Washington 98101.

Comprehensive information on this Site is available through the Region 10 public docket which is available for viewing at the Alaskan Battery Enterprises Site information repositories at the following locations:

Alaska Department of Environmental Conservation, Attn: Jeffrey Peterson, 610 University Avenue, Fairbanks, Alaska 99709–3643

U.S. Environmental Protection Agency, Region 10, Environmental Cleanup Office—Records Center, Attn: Lynn Williams, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Keith Rose, U.S. EPA, 1200 Sixth Avenue, Mail Stop: ECL–111, Seattle, Washington 98101, (206) 553–7721.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete a site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this deletion. Sites listed on the NPL are those which present a significant risk to human health or the environment. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Alaskan Battery Enterprises Site at 157 Old Richardson Highway, Fairbanks, Alaska 99709, from the NPL. EPA will accept comments on the plan to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Alaskan Battery Enterprises Site and explains how this site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites, where a release of hazardous substances has occurred, may be deleted from, or recategorized on the NPL, where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

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

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, where hazardous substances are not above health based levels and future access does not require restriction, operation and maintenance activities and five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 10 issued a Record of Decision (ROD) which documented that no further action was necessary because cleanup goals had been achieved through removal actions prior to the ROD; (2) ADEC concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary if any significant public comments are addressed.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following Site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

A. Site Background

The Alaskan Battery Enterprises (ABE) facility was a 0.5 acre battery recycling facility located at 157 Old Richardson Highway at the southern edge of Fairbanks, Alaska. The area surrounding the site is primarily mixed residential and light commercial property.

B. Site History

The facility conducted battery recycling and manufacturing operations of automobile batteries from 1961 until about 1992. During its operation, crushed battery casings were used as fill material in low-lying areas of the ABE property and in the construction of the septic cribs along the southern property boundary. Used battery acid was also discharged directly to the ground on the ABE property.

Investigations conducted by the Alaska Department of Transportation (ADOT) in 1986, and by the EPA technical Assistance Team in 1988, identified high levels of lead contamination in soil on the ABE property and on the adjacent right-of-way owned by ADOT. In August 1988, EPA initiated an emergency removal action at the Site. Soils with lead

concentrations in excess of 1,000 mg/kg were excavated and disposed of at an off-site hazardous waste disposal facility. Excavation was completed in the summer of 1989 with a total of 3,760 cubic yards of contaminated soil removed and disposed off-site. Excavated areas were backfilled with clean soil.

In the summer of 1991 EPA initiated a Remedial Investigation (RI) for the Site. The results of the RI indicated that there were two locations in the surface soil and one location in the subsurface soil where lead concentrations still posed a potential human health risk. Groundwater sampling conducted during the RI found elevated lead concentrations in unfiltered samples, but lead was not detected in filtered samples, indicating that lead was bound to soil particles and not mobile in the groundwater.

In the spring of 1992 the ABE site was selected for the demonstration of an innovative soil washing technology by EPA's Superfund Innovative Technology Evaluation (SITE) Program. All soil containing lead concentrations exceeding 1,000 mg/kg, which was a total of about 130 cubic yards, was excavated and treated by the soil washing system. Treated soil which met the cleanup goal was backfilled into the excavated areas, and soil which did not meet the cleanup goal was sent to an off-site disposal facility.

EPA completed the RI, a Human Health Risk Assessment, and Feasibility Study (FS) for the Site in August, 1992. A Record of Decision (ROD) for the Site, which declared that no further action was necessary, was signed on March 2, 1993. However, the ROD specified that two years of groundwater monitoring would be required to verify that groundwater at the Site was not contaminated with lead at levels which would pose a human health risk. This groundwater monitoring program, which was completed in September 1995, determined that lead concentrations in the groundwater were below EPA's drinking water standard of 15 µg/kg, and therefore the groundwater did not pose a human health risk.

During the removal activities at this Site, EPA kept the community informed of its cleanup actions primarily through fact sheets, newspaper articles, and personal communications with EPA's On-Scene Coordinator. Following the removal action, EPA representatives met with local officials, congressional representatives, the facility owner, and members of the community on numerous occasions to identify community concerns to support development of a Community Relations Plan, and to explain EPA's process for conducting a further investigation of the Site. EPA representatives also met several times with the Potentially Responsible Parties to discuss their potential liability for cleanup costs at the Site. A Proposed Plan for the Site, which called for no further cleanup action, was issued on October 29, 1992, and subject to public comment for 30 days. This Proposed Plan was mailed to individuals on EPA's mailing list and was also announced in a local newspaper notice. EPA also held a public meeting on the Proposed Plan in Fairbanks. In general, those who commented on the Proposed Plan supported EPA's no further action decision. EPA responded to all comments received in the Responsivesness Summary, which is attached to the ROD.

C. Characterization of Site Risk

Based on data collected during the RI, a risk assessment was conducted to identify exposure pathways and potential human health risks resulting from exposure to lead contamination remaining on-site after the removal actions conducted in 1988–89. The potential pathways for human health exposure to lead contamination at the Site were accidental ingestion of soil and ingestion of groundwater. A model was used to determine that a lead cleanup goal of 490 mg/kg for surface soil would be protective of potentially exposed children. For subsurface soils, EPA determined that a cleanup goal of 1,000 mg/kg, which was based on an industrial exposure, would be protective of workers who might be exposed to contaminated soil for a short duration. A risk assessment was not conducted for ingestion of lead in groundwater because a federal drinking water standard (15 ug/kg) already existed which was protective of human health.

Confirmational monitoring of soil and groundwater demonstrate that no significant risk to public health or the environment is posed by residual lead contamination remaining at the Site. Long-term operation and maintenance activities are not required at the Site. Based on the actions taken at the Site prior to the ROD, EPA and ADEC believe that hazardous substances have been removed from the Site so as to allow for unlimited use and unrestricted exposure within the Site, that conditions at the Site are protective of public health and the environment, and that no further remedial action or institutional controls are needed at the Site. Accordingly, EPA will not conduct ''five-year reviews'' at this Site.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''all appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate.'' EPA, with concurrence of ADEC, believes that this criterion for deletion has been met. The groundwater and soil data confirm that the ROD goals have been met. It is concluded that there is no significant threat to public health or the environment and, therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: April 30, 1996.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 96–11757 Filed 5–10–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5504–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete Martin Marietta Aluminum Company from the National Priorities List Update: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces its intent to delete the Martin Marietta Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Oregon Department of Environmental Quality (DEQ) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before June 12, 1996.

ADDRESSES: Comments may be mailed to: Howard Orlean, Environmental Protection Agency, 1200 Sixth Avenue,

Mail Stop: ECL–113, Seattle, Washington 98101.

Comprehensive information on this Site is available through the Region 10 public docket which is available for viewing at the Martin Marietta Site information repositories at the following locations:

Dalles/Wasco County Library, 722 Court Street, The Dalles, Oregon 97058.

United States Environmental Protection Agency, Region 10 Office of Environmental Cleanup - Records Center, Attn: Lynn Williams, 1200 Sixth Avenue, Mail Stop, ECL–113, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT:

Howard Orlean, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop: ECL–113, Seattle, Washington 98101, (206) 553–6903.

SUPPLEMENTARY INFORMATION

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I. Introduction
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III. Deletion Procedures
IV. Basis of Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete a site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300, and requests comments to this deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. As described in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Martin Marietta Aluminum Company Site (''Site'') at 3313 West 2nd Street, The Dalles, Oregon 97058, from the NPL.

EPA will accept comments on the plan to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Martin Marietta Aluminum Company Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that ''releases'' (sites) may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

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

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of the Martin Marietta Aluminum Company Site, hazardous substances remain on the Site which are above health-based levels, therefore, access restrictions, monitoring, operation and maintenance activities, and periodic five-year reviews will continue. In addition, whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 10 issued preliminary and final close out reports which documented the achievement of cleanup goals; (2) The Oregon Department of Environmental Quality (DEQ) concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself, create, alter or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision. The Agency will prepare a Responsiveness Summary if any significant public comments are received.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

A. Site Background

Martin Marietta Aluminum was an aluminum reduction facility located in The Dalles, Wasco County, Oregon, just west of the Columbia River and east of the Union Pacific Railroad tracks at 3313 West 2nd Street. The area surrounding the site is primarily mixed heavy and light industrial and manufacturing property.

B. History

Aluminum production operations were begun at the Site by Harvey Aluminum, Inc. in 1958. Harvey Aluminum, Inc. became a wholly owned subsidiary of Martin Marietta Corporation (MMC) in 1970. The Martin Marietta facility continued operations until 1984, when the plant was shut down. In September of 1986, MMC leased a portion of the facility to Northwest Aluminum Company (NWA), which resumed primary aluminum operations in late 1986. In October 1991, MMC sold the portion of the facility not affected by deed restrictions to NWA. In 1995, MMC merged with Lockheed Corporation to form Lockheed Martin. Lockheed Martin, as successor to MMC, maintains the portion of the NWA plant affected by CERCLA remedial actions. The NWA plant still produces aluminum by electrolytic reduction of alumina.

During facility operation, waste constituents were stored, treated, and disposed of at the Site. Hazardous substances generated by the Martin Marietta facility included fluoride, sodium, sulfate, cyanide and polynuclear aromatic hydrocarbons (PAHs).

A landfill located in the northern portion of the Site was used to dispose of primarily construction debris from the plant. Other materials disposed of in this landfill included asbestos

insulation, coke, pitch and cathode waste.

In the Spring of 1983, the presence of cyanide compounds was detected in the ground water at the Martin Marietta facility. The site was proposed for inclusion on the NPL in October 1984. On June 10, 1986 the Site was placed on the NPL.

In September 1985, MMC and EPA entered into a Consent Order to conduct a remedial investigation/feasibility study (RI/FS) for the Site. On September 29, 1988, EPA signed a Record of Decision (ROD) that addressed the potential sources of contamination as identified in the RI/FS. The selected remedial action in the ROD included the following components:

- Consolidate on-Site residual cathode waste and fill material into the existing Landfill;
- Cap the existing Landfill in place with a multi-media cap meeting Resource Conservation and Recovery Act (RCRA) performance criteria;
- Place a soil cover over two Sludge Ponds;
- Plug and abandon nearby production wells and connect users to the City of The Dalles water supply system;
- Collect and treat leachate generated from the Landfill;
- Recover and treat contaminated ground water from a perched zone near the Unloading Area portion of the Site;
- Prepare ground-water quality monitoring and contingency plans to perform additional recovery of ground water in the event that further contamination is detected above health based standards; and
- Implement institutional controls including deed restrictions and fencing, to assure that the remedial action will protect human health and the environment during and after implementation.

An Explanation of Significant Differences (ESD) was signed by EPA Region 10 on September 23, 1994. The ESD documented modifications to remedial actions which were anticipated in the ROD, and an addition to the remedial action which was not anticipated in the ROD.

Changes to the ROD which are documented in the ESD include the following:

- The ROD anticipated that the volume of leachate generated from the Landfill would be reduced to a negligible flow within five years. However, since the signing of the ROD, the leachate flow rate has not decreased significantly. As a result, the leachate will have to be treated for a longer term than expected.
- The ROD also required treatment of contaminated ground water in an area known as the Unloading Area. Additional ground-water information which was collected since the ROD, has made it unnecessary to treat the ground water in the Unloading Area.

C. Characterization of Risk

Prior to remediation, the preliminary environmental pathways of concern related to the wastes from the aluminum reduction facility were ground water and on-Site soils.

The remedial action commenced on August 29, 1989 and consisted of the following activities:

- Consolidation and capping of wastes and debris from three former operating units.
- Excavation and consolidation of cathodic wastes into the Landfill, and placement of a multi-layered RCRA performance cap over the Landfill.
- Construction of a Leachate Collection System and Cyanide Destruction Treatment System to collect and transfer any generated leachate from the Landfill for treatment.
- Abandonment of four potable water wells in the vicinity of the Site, and connecting their users to the municipal supply.
- Implementation of institutional controls.
- Implementation of a ground-water monitoring program.

On-Site containment of contaminated soils and debris has reduced exposure and inhibited the source of ground-water contamination. Analytical data based on five years of ground-water monitoring following the remedial action indicate concentrations of contaminants of concern do not exceed ROD cleanup levels.

All pathways by which environmental receptors could potentially be exposed to Site-related contaminants have been eliminated.

Since hazardous substances will remain on Site, operation and maintenance activities will continue, and institutional controls will remain in effect. A long-term ground-water monitoring program has been implemented at the Site. In addition, the Site will continue to be subject to periodic five-year reviews to ensure that the remedy remains protective of human health and the environment.

D. Public Participation

Community input has been sought by EPA Region 10 throughout the cleanup process for the Site. Community relations activities have included public meetings prior to signing of the ROD, several public notices in local newspapers, and routine publication of progress fact sheets. A copy of the Deletion Docket can be reviewed by the public at the Dalles/Wasco County Library or the EPA Region 10 Superfund Records Center. The Deletion Docket includes this Notice, the ROD, ESD, Remedial Action Construction Report, Preliminary Site Close-Out Report, and Final Site Close-Out Report. EPA Region 10 will also announce the availability of the Deletion Docket for public review in a local newspaper and informational fact sheet.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''responsible parties or other persons have implemented all appropriate response actions required''. EPA, with the concurrence of DEQ, believes that this criterion for deletion has been met. Ground water and soil data from the Site confirm that the ROD cleanup goals have been achieved. It is concluded that there is no significant threat to human health or the environment and, therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: May 2, 1996.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 96–11756 Filed 5–10–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–98, DA 96–700]

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Increase in Page Limits for Comments and Reply Comments on Proposed Rule

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On April 19, 1996, the Commission adopted and released a Notice of Proposed Rulemaking (NPRM) to implement provisions of the Telecommunications Act of 1996 that address local competition. In addition to seeking comment on substantive rules, the NPRM established a limit of seventy-five (75) pages for the initial round of comments and thirty-five (35) pages for reply comments. Exhibits, appendices, and affidavits of expert

witnesses are counted towards these page limits. In response to motions filed by GTE Service Corporation and the Consumer Federation of America, the Commission hereby increases the limit for initial comments from 75 to 120 pages and the limit for replies from 35 to 50 pages. In addition, the Commission expands the exclusion from these page limits to include any technical diagrams submitted by commenters in addition to the previously excluded documents. These modifications are intended to permit the development of the best possible record in light of the statutory deadline.

DATES: Comments on all sections of the NPRM other than Dialing Parity, Number Administration, Public Notice of Technical Changes, and Access to Rights of Way, must be submitted on or before May 16, 1996. Reply Comments must be filed on or before May 30, 1996. Comments on the remaining sections must be submitted on or before May 20, 1996. Reply comments for these sections must be submitted on or before June 3, 1996.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554. A copy of Comments and Reply Comments on Dialing Parity, Number Administration, Public Notice of Technical Changes, and Access to Rights of Way should be submitted to Gloria Shambley of the Network Services Division, Common Carrier Bureau, 2000 M Street, N.W., Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be remitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554 or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Kalpak Gude at (202) 418–1580, Common Carrier Bureau, Policy and Program Planning Division.

SUPPLEMENTARY INFORMATION:

Adopted: May 7, 1996

Released: May 7, 1996

By the Chief, Common Carrier Bureau:

1. On April 19, 1996, the Commission released a Notice of Proposed Rulemaking (Notice) in CC Docket No. 96–98 to implement the local competition provisions of the Telecommunications Act of 1996. *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, CC Docket No. 96–98, FCC 96–182, 61 FR 18311 (April 25, 1996). The NPRM provided that comments were to be no longer than seventy-five (75) pages and that reply comments were to be no longer than thirty-five (35) pages, including exhibits, appendices, and affidavits of expert witnesses. Empirical economic studies and copies of relevant state orders were not to be counted against these page limits. The NPRM required parties to file comments by May 16, 1996 and reply comments by May 30, 1996. The NPRM established separate comment and reply dates for issues regarding Dialing Parity, Number Administration, Notice of Technical Changes, and Access to Rights of Way. Nothing in this order alters or affects filing procedures regarding those issues.

2. On May 1, 1996, GTE Service Corporation (GTE) and the Consumer Federation of America (CFA) filed motions for extension of time. GTE Motion for Extension of Time and for Waiver of Page Limits (filed May 1, 1996); CFA Request for Extension of Time (filed May 1, 1996). GTE argued that, in light of the number of issues to be addressed, the inclusion of appendices in the page limits, the 35 page limit for replies, and the 14 day time period for replies, will preclude development of the most helpful and informative record. Among other things, GTE emphasized the difficulty of reviewing the record and filing reply comments within 14 days. GTE urged the Commission to modify the comment filing procedures to provide that: (1) Exhibits, appendices, and affidavits not be counted against the page limits; (2) the page limit for replies be 50 pages; and (3) the date for filing reply comments be increased from 14 to 21 days after the comment due date, i.e., June 6, 1996.

3. CFA argued that this proceeding and the universal service proceeding are inextricably linked, and that the limited comment periods in this proceeding would have a disproportionate negative effect on the ability of public interest groups to file comments. *Federal-State Joint Board on Universal Service*, Notice of Proposed Rulemaking and Order Establishing Joint Board, CC Docket No. 96–45, FCC 96–93, 61 FR 10499 (March 14, 1996). CFA argued that large telecommunications companies with substantial resources would have less difficulty participating in both proceedings, while public interest groups may be forced to either file comments which are less than complete or not file comments at all. CFA asserted that this would result in an incomplete record. CFA requested the Commission to extend the time to file comments until June 13, 1996 and the time for reply comments until July 3, 1996.

4. In light of concerns expressed by the parties, and in the interest of building the best record possible under the existing circumstances, the page limitations are modified as follows: (1) Comments must be no longer than one hundred twenty (120) pages and reply comments no longer than fifty (50) pages; (2) in addition to empirical economic studies and copies of relevant state orders, technical diagrams will not count against these page limitations; and (3) an additional 4 copies of comments and reply comments must be sent to Janice Myles of the Common Carrier Bureau, 1919 M Street, NW., Room 544, Washington, DC 20554. We decline to adopt GTE's request that exhibits, appendices and affidavits be excluded from the page limit since we believe that this could easily be tantamount to removing the page limitations altogether. In lieu of this, we are increasing the page limit for comments substantially, from 75 to 120 pages. We are also increasing the page limit for replies to 50 pages as requested by GTE.

5. We deny the GTE and CFA requests for extension of the dates for filing comments and/or replies. Although the current pleading schedule is relatively compressed given the scope of the issues involved, we do not believe that we can extend the filing dates without compromising the Commission's ability to meet the implementation schedule mandated by Congress.

6. In order to facilitate development of the best possible record within existing constraints, we stress the need for interested parties to present their positions fully in their initial comments. We emphasize that the purpose of reply comments is to permit parties to respond to the original comments. 47 CFR § 1.415(c).

7. Accordingly, it is ordered that the motion for extension of time and for waiver of page limits filed by GTE Service Corporation is granted to the extent indicated above and otherwise denied.

8. It is further ordered that the request for extension of time filed by the Consumer Federation of America is denied.

Federal Communications Commission.

Regina M. Keeney,

Chief, Common Carrier Bureau.

[FR Doc. 96–11965 Filed 5–10–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapters 1 and 2

[FAR Case 96–308]

Federal Acquisition Regulation; Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act

AGENCIES: Department of Defense, General Services Administration, and National Aeronautics and Space Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Acquisition Regulatory Council is soliciting comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104–106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503). The additional provisions of law that could be determined inapplicable to commercially available off-the-shelf items are listed under **SUPPLEMENTARY INFORMATION** below.

DATES: Comments should be submitted to the address shown below by June 28, 1996.

ADDRESSES: Interested parties should submit comments to the FAR Secretariat, General Services Administration, 18th and F Sts. NW, Washington, DC 20405. Please cite FAR Case 96–308.

FOR FURTHER INFORMATION CONTACT: FAR Secretariat, (202) 501–4755.

SUPPLEMENTARY INFORMATION: 15 U.S.C. 637(d) (2) and (3), Utilization of Small Business Concerns (see 52.219–8); 15 U.S.C. 637(d)(4), Small Business Subcontracting Plan (see 52.219–9); 15 U.S.C. 637(a)(14), Limitation on Subcontracting (see 52.219–14); 19 U.S.C. 1202, Tariff Act of 1930 (see 52.225–10); 19 U.S.C. 1309, Supplies for Certain Vessels and Aircraft (see 52.225–10); 19 U.S.C. 2701, *et seq.*, Authority to Grant Duty Free Treatment (see 52.225–10); 29 U.S.C. 793, Affirmative Action for Handicapped Workers (see 52.222–36); 38 U.S.C. 4212, Affirmative Action for Special Disabled Vietnam Era Veterans (see 52.222–35); 38 U.S.C. 4212(d)(1), Employment Reports on Special disabled Veterans and Veterans of the Vietnam Era (see 52.222–37); 41 U.S.C. 10, Buy American Act—Supplies (see 52.225–3); 41 U.S.C. 253d, Validation of Proprietary Data Restrictions (see 52.227–14); 41 U.S.C. 253g and 10 U.S.C. 2482, Prohibition on Limiting Subcontractor Direct Sales to the United States (see 52.203–6); 41 U.S.C. 254(b) and 10 U.S.C. 2306a, Truth in Negotiations Act (see 15.804); 41 U.S.C. 254d(c) and 10 U.S.C. 2513(c), Examination of Records of Contractor (see 52.215–2); 41 U.S.C. 418a, Rights in Technical Data (see 52.227–14); 41 U.S.C. 442, Cost Accounting Standards (see FAR Appendix B, 48 CFR Chapter 99); 41 U.S.C. 423(e)(3), Administrative Actions (see 3.104); 46 U.S.C. 1241(b), Transportation in American Vessels of Government Personnel and Certain Cargo (see 52.247–64); 49 U.S.C. 40118, Fly American Provisions (see 52.247–63); For purposes of this notice, a ''commercially available off-the-shelf item'' means—

(1) a commercial item as defined in FAR 2.101;

(2) an item sold in substantial quantities in the commercial marketplace; and

(3) an item is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace. This does not include bulk cargo, as defined in 46 U.S.C. App. 1702, such as agricultural and petroleum products. The FAR Council is requesting any interested parties to provide advance comments on:

(1) the definition of ''commercially available off-the-shelf item'' cited above.

(2) whether the above cited list of statutory provisions that could be determined inapplicable to commercial off-the-shelf items is complete.

(3) whether the specific provisions of law should be determined to be inapplicable. Comments received will be considered in the development of proposed or interim rules. In addition, a 60-day public comment period will be provided once proposed and/or interim FAR rules are drafted. Noted that agency specific statutory provisions will be addressed in separates Federal Register notices.

Dated: May 7, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 96–11862 Filed 5–10–96; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 537

[Docket No. 96–38, Notice 01]

RIN 2127–AG00

Automotive Fuel Economy; Semi-Annual Reports

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes various revisions to the required form and contents of the semi-annual reports which automobile manufacturers are statutorily required to submit under the Federal automotive fuel economy program. It is intended that these revisions will reduce the paperwork burdens imposed on manufacturers without inhibiting the agency's ability to comply with its statutory requirements. NHTSA undertakes this action as part of its effort to implement the President's Regulatory Reinvention Initiative to make regulations easier to understand and apply.

ADDRESSES: Comments should refer to the docket and notice number set forth above and be submitted to: Docket

Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590.

DATES: Comments on this notice must be received by July 12, 1996. The final rule would apply to reports submitted for model years beginning after publication of the final rule.

FOR FURTHER INFORMATION CONTACT: Alan Berkowitz, Office of Planning and Consumer Programs, Safety Performance Standards, NHTSA, 400 7th St., SW., Washington DC 20590. Telephone: (202) 366–4795.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995, directive ''Regulatory Reinvention Initiative'' from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations and directives. During the course of this review, the agency identified rules that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, usefulness, and appropriateness. NHTSA has identified the Semi-Annual Reports for Automotive Fuel Economy as a candidate for review.

Background

Section 32907 of Chapter 329 of Title 49 of the U.S. Code (49 U.S.C. 32901 *et seq.*) requires each automobile manufacturer (other than those small manufacturers which have been granted an alternative fuel economy standard under section 32902(d)) to submit semi-annual reports to the agency relating to that manufacturers' efforts to comply with average fuel economy standards. One report is due during the 30-day period preceding the beginning of each model year (the ''pre-model year report'') and the other is due during the 30-day period beginning on the 180th day of the model year (the ''mid-model year report'').

Since the various manufacturers have different annual production periods, the agency determined in 42 FR 62374 (December 12, 1977) that there was no single model year designation applicable to all companies. Therefore, in accordance with section 32901(a)(15) of Chapter 329, the agency determined that the calendar year should serve as the ''model year'' for purposes of section 32907, making the pre-model year report for any year due in December of the prior year and the mid-model year report for any year due in July of that year. For the major domestic manufacturers, this means that the pre-model year report is submitted well into their actual production period and the mid-model year report is due near the end of that period.

Section 32907(a)(1) of Chapter 329 provides that each report must contain a statement as to whether the manufacturer will comply with average fuel economy standards for that year, a plan describing the steps the manufacturer has taken or will take to comply with the standards, and any other information the agency may require. Whenever a manufacturer determines that a plan it has submitted in one of its reports is no longer adequate to assure compliance, it must submit a revised plan. Section 32907(a)(1)(C) of Chapter 329 also permits the agency to issue rules prescribing the form and content of reports.

Proposed Revisions

The revised text for 49 CFR Part 537 presented in this notice proposes to reduce the amount of detailed specification data required of manufacturers in their reports to the agency. Specifically, the agency is asking for data to be consolidated at the model level instead of the configuration level. This would reduce the volume of information that must be submitted. The proposed revision provides the data in a form that more closely matches the format of information that the agency uses in analyzing the manufacturers' fleets for purposes of its annual report to the Congress and special reports and studies of fuel economy standards. The format of the report is revised to delete some items that the agency has not used in recent years, i.e., engine code, emission control system, existence of overdrive, axle ratio, existence of temporary living quarters, expansion of cargo carrying capacity by removal of seats, and frontal area.

The proposed text also changes the time of submission of the detailed specification information from the pre-model year report to the mid-model year report. This will result in the manufacturers providing more complete and correct data as the data will be assembled near the end of the typical production period for each model. The data will still be provided to the agency in time for incorporation in the annual report to the Congress.

Finally, the text description for supplementary reports (§ 537.8) is deleted. Manufacturers have not been furnishing this report to the agency, nor has the agency been requesting it. Its purpose, to explain how a fleet that is below the average fuel economy standard will be brought into compliance, can be fulfilled by the addition of an appropriate statement in either the pre- model year or mid-model year report. Some manufacturers currently use this procedure. That statement is specified in the revised text in § 537.7(b)(4).

Impact Analyses

1. Economic Impacts

This notice of proposed rulemaking (NPRM) was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this request for comment and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. The agency anticipates, if a final rule should result from this NPRM, new requirements would not be imposed on manufacturers.

2. Impacts on Small Entities

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking would have on small entities. Few, if any, automobile manufacturers subject to the proposed rule would be classified as a ''small business'' under the Regulatory Flexibility Act. I certify that this action would not have a significant economic impact on a substantial number of small entities.

3. Impact of Federalism

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 rule would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

4. Paperwork Reduction Act

Information collection requirements contained in this NPRM represent an amendment to those approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96–511) and assigned OMB Control Number 2127–0019. The agency believes that the changes proposed in this notice will result in a small reduction in the paperwork burden of this reporting requirement. The agency solicits comment on the expected change in paperwork burden that this proposal would entail.

5. National Environmental Policy Act

The agency has analyzed this rule for the purpose of the National Environmental Policy Act and determined that it would not have any

significant impact on the quality of the human environment.

6. Civil Justice Reform

This proposed rule would not have any retroactive effect and it does not preempt any State law. 49 U.S.C. 32909 sets forth a procedure for judicial review of automobile fuel economy regulations. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Comments

NHTSA is providing a comment period, ending on July 12, 1996 for interested parties to present data and views on the issues raised in this notice, as well as any other issues commenters believe are relevant to this proceeding. It is requested but not required that 10 copies be submitted.

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

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

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

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

List of Subjects in 49 CFR Part 537

Fuel economy, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Part 537 would be revised to read as follows:

PART 537—AUTOMOTIVE FUEL ECONOMY REPORTS

Sec.
537.1 Scope.
537.2 Purpose.
537.3 Applicability.
537.4 Definitions.
537.5 General requirements for reports.
537.6 General content of reports.
537.7 Pre-model year and mid-model year reports.
537.8 [Reserved].
537.9 Determination of fuel economy values and average fuel economy.
537.10 Incorporation by reference.
537.11 Public Inspection of Information.
537.12 Confidential Information.

Authority: 49 U.S.C. 32907; 49 CFR 1.50.

§ 537.1 Scope.

This part establishes requirements for automobile manufacturers to submit reports to the National Highway Traffic Safety Administration regarding their efforts to improve automotive fuel economy.

§ 537.2 Purpose.

The purpose of this part is to obtain information to aid the National Highway Traffic Safety Administration in valuating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards.

§ 537.3 Applicability.

This part applies to automobile manufacturers, except for manufacturers subject to an alternate fuel economy standard under 49 U.S.C. 32902(d).

§ 537.4 Definitions.

(a) Statutory terms. (1) The terms average fuel economy standard, fuel, manufacture, and model year are used as defined in 49 U.S.C. 32901.

(2) The term manufacturer is used as defined in 49 U.S.C. 32901 and in accordance with Part 529 of this chapter.

(3) The terms average fuel economy, fuel economy, and model type are used as defined in Subpart A of 40 CFR Part 600.

(4) The terms automobile, automobile capable of off-highway operation, and passenger automobile are used as defined in 49 U.S.C. 32901 and in accordance with the determinations in Part 523 of this chapter.

(b) Other terms. (1) The term loaded vehicle weight is used as defined in Subpart A of 40 CFR Part 86.

(2) The terms base level, body style, car line, combined fuel economy, equivalent test weight, inertia weight, transmission class, and vehicle configuration are used as defined in Subpart A of 40 CFR Part 600.

(3) The term light truck is used as defined in Part 523 of this chapter and in accordance with determinations in that part.

(4) The terms approach angle, axle clearance, breakover angle, cargo-carrying volume, departure angle, passenger-carrying volume, and running clearance are used as defined in Part 523 of this chapter.

(5) The term incomplete automobile manufacturer is used as defined in Part 529 of this chapter.

(6) As used in this part, unless otherwise required by the context:

(i) Administrator means the Administrator of the National Highway Traffic Safety Administration or the Administrator's delegate.

(ii) Current model year means:

(A) In the case of a pre-model year report, the full model year immediately following the period during which that report is required by 537.5(b) to be submitted.

(B) In the case of a mid-model year report, the model year during which that report is required by 537.5(b) to be submitted.

(iii) Average means a production weighted harmonic average.

(iv) Total drive ratio means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

§ 537.5 General requirements for reports.

(a) For each current model year, each manufacturer shall submit a pre-model year report and a mid-model year report.

(b)(1) The pre-model year report required by this part for each current model year must be submitted during the month of December (e.g., the pre-model year report for the 1997 model year must be submitted during December, 1996).

(2) The mid-model year report required by this part for each current model year must be submitted during the month of July (e.g., the mid-model year report for the 1997 model year must be submitted during July 1997).

(c) Each report required by this part must:

(1) Identify the report as a pre-model year report or mid-model year report;

(2) Identify the manufacturer submitting the report;

(3) State the full name, title, and address of the official responsible for preparing the report;

(4) Be submitted in 10 copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590;

(5) Identify the current model year;

(6) Be written in the English language; and

(7)(i) Specify any part of the information or data in the report that the manufacturer believes should be with held from public disclosure as trade secret or other confidential business information.

(ii) With respect to each item of information or data requested by the manufacturer to be withheld under 5 U.S.C. 552(b)(4) and 15 U.S.C. 2005(d)(1), the manufacturer shall:

(A) Show that the item is within the scope of sections 552(b)(4) and 2005(d)(1);

(B) Show that disclosure of the item would result in significant competitive damage;

(C) Specify the period during which the item must be withheld to avoid that damage; and

(D) Show that earlier disclosure would result in that damage.

(d) Each report required by this part must be based upon all information and data available to the manufacturer 30 days before the report is submitted to the Administrator.

§ 537.6 General content of reports.

(a) Pre-model year and mid-model year reports. Except as provided in paragraph (b) of this section, each pre-model year report and the mid-model year report for each model year must contain the information required by 537.7(a).

(b) Exceptions. The pre-model year report and the mid-model year report submitted by an incomplete automobile manufacturer for any model year are not required to contain the information specified in 537.7 (c)(4)(xix) (A) and (B)(1), (3), and (4) and (c)(5). The information provided by the incomplete automobile manufacturer under 537.7(c) shall be according to base level instead of model type or car line.

§ 537.7 Pre-model year and mid-model year reports.

Each manufacturer submitting a report shall:

(a)(1) Provide the information required by paragraphs (b) and (c) of this section for the manufacturer's passenger automobiles for the current model year.

(2) After providing the information required by paragraph (a)(1) of this section provide the information required by paragraphs (b) and (c) of this section for the manufacturer's light trucks for the current model year.

(b) Projected average Fuel economy. (1) State the projected average fuel economy for the manufacturer's automobiles determined in accordance with 537.9 and based upon the fuel economy values and projected sales figures provided under paragraph (c)(2) of this section.

(2) State the projected final average fuel economy that the manufacturer anticipates having if changes implemented during the model year will cause that average to be different from the average fuel economy projected under paragraph (b)(1) of this section.

(3) State whether the manufacturer believes that the projection it provides under paragraph (b)(2) of this section, or if it does not provide an average under that paragraph, the projection it provides under paragraph (b)(1) of this section sufficiently represents the manufacturer's average fuel economy for the current model year for the purposes of the statute. In the case of a manufacturer that believes that the projection is not sufficiently representative for those purposes, state the reason for the insufficiency and the specific additional testing or derivation of fuel economy values by analytical methods believed by the manufacturer necessary to eliminate the insufficiency and any plans of the manufacturer to undertake that testing or derivation voluntarily and submit the resulting data to the Environmental Protection Agency under 40 CFR 600.509.

(4) If the projected average fuel economy provided under section (b)(1) or (b)(2) of this section does not comply with the applicable average fuel economy standard, state what actions the manufacturer has taken or intends to take to comply with the standard and whether those actions are sufficient to ensure compliance.

(c) Model type fuel economy and technical information. (1) For each model type of the manufacturer's automobiles, provide the information specified in paragraph (c)(2) of this section in tabular form. List the model types in order of increasing equivalent test weight from top to bottom down the left side of the table and list the information categories in the order specified in paragraph (c)(2) of this section from left to right across the top of the table.

(2)(i) Combined fuel economy for each model type and CAFE for the fleet; and

(ii) Projected production for the current model year and total production of all model types.

(3) (Mid-model report only.) For each model type provide the information specified in paragraph (c)(4) at this section either in tabular form or preferably as a database formatted computer disk. If a tabular form is used then list the vehicle model types in the order listed under paragraph (c)(2) of this section from top to bottom down the left of the table and list the information categories across the top of the table from left to right in the order specified in paragraph (c)(4) of this section. Other formats (such as copies of EPA reports), which contain all the required information in a readily identifiable form, are also acceptable. If a computer disk is used, any NHTSA approved database structure may be used, but each model type record should identify the manufacturer, model type, and for light trucks the drive wheel code, e.g. 2- or 4- wheel drive. At least the information categories specified here and in paragraph (c)(4) must be provided, but if preferred, the disk may contain any additional categories. Each computer disk record must contain all the required categories of information to enable direct reading and interpretation in the database format that was approved. Parameters that vary within the model type (e.g., loaded vehicle weight) should be weighted by the production share of each distinct value.

(4)(i) Loaded vehicle weight;

(ii) Equivalent test weight;

(iii) Engine displacement, liters;

(iv) Number of engine cylinders;

(v) SAE net rated power, kilowatts;

(vi) Type of fuel injection;

(vii) Transmission class;

(viii) Number of forward speeds;

(ix) Total drive ratio (N/V);

(x) Combined fuel economy, mpg;

(xi) Projected production for the current model year;

(xii) Road load power at 50 miles per hour;

(xiii) (A) In the case of passenger automobiles:

(*1*) Interior volume index, determined in accordance with Subpart D of 40 CFR Part 600, and

(*2*) Body style;

(B) In the case of light trucks:

(*1*) Passenger-carrying volume; and

(*2*) Cargo-carrying volume.

(5) For each model type of automobile which is classified as an automobile capable of off-highway operation under Part 523 of this chapter, provide the following data:

(i) Approach angle;
(ii) Departure angle;
(iii) Breakover angle;
(iv) Axle clearance;
(v) Minimum running clearance; and
(vi) Existence of 4-wheel drive (indicate yes or no).

(6) The fuel economy values provided under paragraphs (c) (2) and (4) of this section shall be determined in accordance with § 537.9.

§ 537.8 [Reserved]

§ 537.9 Determination of fuel economy values and average fuel economy.

(a) Base level and model type fuel economy values. For each base level and model type, the manufacturer shall submit a fuel economy value based on the vehicle configuration values that have been determined and approved under 40 CFR part 600, or, if such a value does not exist, a value based on a comparable test or analysis, and calculated in the same manner as base level and model type fuel economy values are calculated for use under Subpart F of 40 CFR part 600.

(b) Average fuel economy. Average fuel economy must be based upon fuel economy values calculated under paragraph (a) of this section for each model type and must be calculated in accordance with 40 CFR 600.506, using the configurations specified in 40 CFR 600.506(a)(2), except that fuel economy values for running changes and for new base levels are required only for those changes made or base levels added before the average fuel economy is required to be submitted under this part.

§ 537.10 Incorporation by reference.

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by references a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

§ 537.11 Public inspection of information.

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in Part 7 of this title.

§ 537.12 Confidential information.

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 32910(c) of Chapter 329 and section 552(b) of Title 5 of the United States Code, and is not subsequently released under paragraph (c) of this section in accordance with section 32910 of Chapter 329.

(b) Denial of confidential treatment. When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the manufacturer written notice of the denial and reasons for it. Public disclosures of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) Release of confidential information. After giving written notice to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

Issued on: May 7, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–11720 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board

49 CFR Part 1185

[STB Ex Parte No. 543]

Revision of Regulations for Interlocking Rail Officers

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (the Board) is seeking comments on proposed revisions to the regulations for authorization of interlocking rail officers and directors.

DATES: Comments on the proposed revisions are due June 3, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 543 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–7513. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA) abolished the Interstate Commerce Commission (ICC) and established within the Department of Transportation the Board. Section 204 of the ICCTA provides that ''[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act.''

Under the prior statute at 49 U.S.C. 11322, a person wishing to hold a position of officer or director of more than one rail carrier of any size was required to seek prior ICC authorization. The ICC, however, exercising its general exemption authority under former 49 U.S.C. 10505, adopted rules at 49 CFR 1185 exempting from regulation as a class requests to assume the position of director or officer of a rail carrier while holding the position of director or officer of another rail carrier, except where both carriers are Class I railroads. *Exemption—Certain Interlocking Directorates*, 5 I.C.C.2d 7 (1988) (*Interlocking Directorates*). The class exemption does not apply to an individual who is an officer or director of a Class I carrier and who wishes to become an officer or director of another Class I railroad; that individual is required to file either an application (or petition for an individual exemption).

The ICCTA revised the statute so that, under new 49 U.S.C. 11328, individuals seeking to hold the position of officer or director only of Class III railroads are no longer required to seek Board authorization, either through exemption or through affirmative approval. We propose to revise 49 CFR part 1185 to reflect this statutory change and to eliminate other unnecessary and redundant provisions. The changes would clarify that the class exemption applies exclusively to interlocking directorates that (a) Do not involve an officer or director of a Class I rail carrier who seeks to become an officer or director of another Class I rail carrier, and (b) do not involve only Class III rail

carriers.[1] The proposed rules would also make clear that, where the class exemption applies, it is not necessary to make a filing with the Board to invoke the exemption. *See Southern Electric—Petition for Exemption—Construction of a Rail Line in Shelby Co., AL,* Finance Docket No. 31498 *et al.* (ICC served Sept. 19, 1989).

The proposed revision would also update and clarify the term ''carrier'' for purposes of administering the interlocking officer and director provisions of the statute. Former 49 U.S.C. 11322, and the current regulations at 49 CFR 1185.2, use the term ''carrier'' as defined at former 49 U.S.C. 11301(a)(1).[2] New 49 U.S.C. 11328 does not separately define ''carrier.'' We note that the general definition of ''rail carrier'' in new 49 U.S.C. 10102(5) refers to a person providing common carrier railroad transportation ''for compensation,'' but not to a ''sleeping car carrier'' or ''a corporation organized to provide transportation.''[3]

In defining ''carrier'' for interlocking directorate purposes, we propose to exclude ''sleeping car carrier'' and to add ''for compensation.'' We also believe that, in the context of interlocking directorates, the term ''rail carrier'' should be interpreted to embrace corporations organized to provide transportation. Because an individual would need Board approval after a corporation becomes a carrier, we believe it is appropriate to allow an individual to obtain early Board consideration, thereby providing more commercial certainty. This would also benefit the Board, by giving us an earlier opportunity to analyze a potential interlocking officer position or directorate. We thus propose the following definition of rail carrier in our proposed rule 1185.1(d):

A rail carrier means a person providing common carrier transportation for compensation (except a street, suburban, or interurban electric railway not operating as part of the general system of rail transportation), and a corporation organized to provide transportation by rail carrier.

We also propose to change the requirements for the form of the application to comply with our rules of practice (proposed section 1185.3). Finally, we seek specific comment on whether to include proposed section 1185.4, which would revise current 49 CFR 1185.9, *General authority,* pertaining to receipt of general authority to hold a directorship with subsidiary or affiliated companies. We question whether this provision is needed, because there are two other similar sections, proposed section 1185.5, *Common control* (currently section 1185.10) and proposed section 1185.6, *Jointly used terminal properties* (currently section 1185.11).[4] All three of these provisions concern interlocking directorships among carriers in an established system. *See Governing Officers,* 363 I.C.C. at 681 and 683.

The Board certifies that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. In response to the statutory change, this proposed rule will reduce regulation and it imposes no new reporting requirements on small entities. Requirements for the form of the application have been slightly modified to conform to the Board's rules of practice. The Board, however, seeks comments on whether there would be effects on small entities that should be considered.

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

List of Subjects in 49 CFR Part 1185

Administrative practice and procedure, Railroad.

Decided: April 23, 1996.

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

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X, part 1185 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 1185—INTERLOCKING OFFICERS

Sec.
1185.1 Definitions and scope of regulations.
1185.2 Contents of application.
1185.3 Procedures.
1185.4 General authority.
1185.5 Common control.
1185.6 Jointly used terminal properties.

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 721, 10502, and 11328.

§ 1185.1 Definitions and scope of regulations.

(a) Under 49 U.S.C. 11328, authorization of the Board is required before a person may hold the position of officer or director of more than one rail carrier, except where only Class III carriers are involved. Board authorization is not needed for individuals seeking to hold the positions of officers or directors only of Class III railroads. 49 U.S.C. 11328(b).

(b) When a person is an officer of a Class I railroad and seeks to become an officer of another Class I railroad, an application under 49 U.S.C. 11328(a) (or petition for individual exemption under 49 U.S.C. 10502) must be filed. All other ''interlocking directorates'' are exempt as a class from the prior approval requirements of 49 U.S.C. 11328(a). For such interlocking directorates exempted as a class, no filing with the Board is necessary to invoke the exemption.

(c) An ''interlocking directorate'' exists whenever an individual holds the position of officer or director of one rail carrier and assumes the position of officer or director of another rail carrier. This provision applies to any person who performs duties ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, freight traffic manager, passenger traffic manager, chief engineer, general superintendent, general land and tax agent or chief purchasing agent.

(d) For purposes of this part, a rail carrier means a person providing common carrier railroad transportation for compensation (except a street, suburban, or interurban electric railway not operating as part of the general system of rail transportation), and a corporation organized to provide such transportation.

§ 1185.2 Contents of application.

(a) Each application shall state the following:

[1] All other ''interlocking directorates'' are exempted as a class by virtue of the decision of the ICC in *Interlocking Directorates, supra.* The Board proposes to expressly affirm and adopt that exemption.

[2] The definition in former section 11301(a)(1) read:

''carrier'' means a rail or *sleeping car carrier* providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title (except a street, suburban, or interurban electric railway not operated as part of a general railroad system of transportation), and *a corporation organized to provide transportation by rail carrier subject to that subchapter.* (Emphasis supplied.)

[3] Under new 49 U.S.C. 10102(5), rail carrier is defined as:

a person providing common carrier railroad transportation for compensation, but does not include street, suburban,or interurban electric railways not operated as part of the general system of rail transportation[.]

[4] *In Revised Regulations Governing Officers,* 336 I.C.C. 679 (1970) (*Governing Officers*), the ICC issued rules, codified at 49 CFR 1185.10 and 11, that would allow individuals to hold interlocking directorate positions with carriers lawfully operated under common control and to hold interlocking directorate positions with a carrier and a terminal railroad whose facilities are operated or used by the carrier jointly with other carriers.

(1) The full name, occupation, business address, place of residence, and post office address of the applicant.

(2) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and accurate description of, the securities, owned or held by him, of each carrier for which he seeks authority to act. (Whenever it is contemplated that the applicant will represent on the board of directors of any carrier securities other than those owned by him, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners, and the general nature of the business conducted by such owner or owners.)

(3) Each and every position with any carrier which is held by the applicant at the time of the application; and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance. (A decision authorizing a person to hold the position of director of a carrier will be construed as sufficient to authorize him to serve also as chairman of its board of directors or as a member or chairman of any committee or committees of such board; and, therefore, when authority is sought to hold the position of director, the applicant need not request authority to serve in any of such other capacities.)

(4) As to each carrier covered by the requested authorization, whether it is an operating carrier, a lessor company, or any other corporation organized for the purpose of engaging in rail transportation. (If any such carrier neither operates nor owns any railroad, transportation by which is subject to the Act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the former Interstate Commerce Commission (ICC) or with the Board, reference thereto, with amendments, if any, will suffice.)

(5) Thereafter a full statement of pertinent facts relative to any carrier which does not make annual reports to the Board, authorization for a position with which is sought.

(6) Full information as to the relationship, operating, financial, competitive, or otherwise, existing between the carriers covered by the requested authorization.

(7) Every corporation—industrial, financial, or miscellaneous—of which the applicant is an officer or director, and the general character of the business conducted by such corporation.

(8) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests.

(9) Whether or not any other application for authority has been made in behalf of the applicant and, if so, the date and docket number thereof, by who made, and the action thereon, if any.

(b) When application has been made in behalf of any person, a subsequent application by him need not repeat any statement contained in the previous application but may incorporate the same by appropriate reference.

§ 1185.3 Procedures.

The original application or petition shall be signed by the individual applicant or petitioner and shall be verified under oath. Petitions and applications should comply with the Board's general rules of practice set forth at 49 CFR part 1104. Applications or petitions may be made by persons on their own behalf.

§ 1185.4 General authority.

Any person who holds or may seek specific authority to hold positions with a carrier may also request general authority to act as an interlocking officer for all affiliated or subsidiary companies or properties used or operated by the carrier, either separately or jointly, with other carriers. A carrier may apply for general authority on behalf of an individual who has already received authority to act as an interlocking officer. However, a carrier may not apply for general authority for an individual who holds a position with another railroad which is not an affiliate or subsidiary of the carrier or whose properties are not used or operated by the carrier, either separately or jointly with other carriers.

§ 1185.5 Common control.

It shall not be necessary for any person to secure authorization under the foregoing provisions to hold the position of officer or director of two or more carriers, if such carriers are operated under common control or management, either:

(a) Pursuant to approval and authority of the ICC granted under former 49 U.S.C. 11343–44 (repealed effective January 1, 1996) or by the Board granted under 49 U.S.C. 11323–24, or

(b) Pursuant to an exemption authorized by the ICC under former 49 U.S.C. 10505 (repealed effective January 1, 1996) or by the Board under 49 U.S.C. 10502, or

(c) Pursuant to a controlling, controlled, or common control relationship which has existed between such carriers since before June 16, 1933.

§ 1185.6 Jointly used terminal properties.

Any person holding the position of officer or director of a carrier is hereby relieved from the foregoing provisions to the extent that he may also hold a directorship and any other position to which he may be elected or appointed with a terminal railroad the properties of which are operated or used by the carrier jointly with other carriers.

[FR Doc. 96–11716 Filed 5–10–96; 8:45 am]

BILLING CODE 4915–00–P

Notices

Federal Register
Vol. 61, No. 93
Monday, May 13, 1996

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: The 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's (RHS) intention to request an extension for a currently approved information collection in support of the program for Housing Application Packaging Grants.

DATES: Comments on this notice must be received by July 12, 1996 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Betsy McDaniel, Loan Specialist, Single Family Housing Processing Division, RHS, U.S. Department of Agriculture, Ag Box 0783, Washington, DC 20250, Telephone (202) 720–1486.

SUPPLEMENTARY INFORMATION:

Title: Housing Application Packaging Grants.

OMB Number: 0575–0157.

Expiration Date of Approval: September 1996.

Type of Request: Extension of a currently approved information collection.

Abstract: The Rural Housing Service under Section 509 of the Housing Act of 1949, as amended, authorizes grants to public and private nonprofit organizations and state and local governments to package housing applications for Sections 502, 504, 514/516, 515, and 533 in colonias and designated counties. Eligible organizations will aid very low- and low-income individuals and families in obtaining benefits from RHS housing programs.

RHS will be collecting information from grantees to assure the organizations participating in this program are eligible entities and have participated in RHS training in application packaging. The respondents are nonprofit organizations, States, State agencies, and units of general local government. The information required for approval of housing application packaging grants is used by RHS personnel to verify program eligibility requirements and to secure grant assistance. The information is collected at the RHS field office responsible for the processing of the application being submitted. The information is also used to insure the program is administered in a manner consistent with legislative and administrative requirements. If not collected, RHS would be unable to determine if a grantee would qualify for grant assistance.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4.5 hours per response.

Respondents: Private and public nonprofit organizations, and State and local governments.

Estimated Number of Respondents: 400.

Estimated Number of Responses per Respondent: 4.5.

Estimated Total Annual Burden on Respondents: 1800 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 RHS, including whether the information will have practical utility; (b) the accuracy of RHS'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, Rural Development, Ag Box 0743, 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: May 6, 1996.

Maureen Kennedy,

Administrator, Rural Housing Service.

[FR Doc. 96–11832 Filed 5–10–96; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1996 Community Census.

Form Number(s): DT–1A, 1B, 1(E), 1(E)SUPP, 10, 20A, 31, 14B.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 1,203 hours.

Number of Respondents: 11,000.

Avg Hours Per Response: 7 minutes.

Needs and Uses: The Census Bureau plans to conduct the 1996 Community Census to test new and improved methodologies for reducing the differentials in the census among the various components of the population and for containing costs associated with conducting a census. The test will be conducted on two American Indian Reservations and in 6 census tracts in Chicago, Illinois. Objectives are to test the Integrated Coverage Measurement Program in a reengineered census setting and compare rostering strategies for improving within–household coverage. We will use respondent friendly forms to maximize mail response. We also plan to implement and evaluate a partnership agreement with tribal governments and expand the Tribal Liaison's role to include involvement in census operational activities.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Jerry Coffey, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jerry Coffey, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: May 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–11820 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–07–F

Bureau of the Census

1997 Census of Agriculture

ACTION: 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: Written comments must be submitted on or before July 12, 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: Joseph Reilly, Bureau of the Census, AGFS Division, Room 437, Iverson Mall, Washington, DC 20233. Phone: (301) 763–8557.

SUPPLEMENTARY INFORMATION:

I. Abstract

A census of agriculture is taken to obtain measures of agricultural activity and productivity for each county or county equivalent and state in the United States and the outlying areas. The census of agriculture is conducted on the same 5-year cycle as the other economic censuses. The 1997 Census of Agriculture covers all agricultural operations in each state, the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands which meet the census farm definition. The farm definition for the 1997 Census of Agriculture for the 50 states is any place that produced and sold, or normally would produce and sell, $1,000 or more of agricultural products during 1997. This is the identical definition used for the 1992 Census of Agriculture. The Commonwealth of Puerto Rico farm definition has been changed from the 1992 definition, and will be the same as the definition used in the United States. The farm definition for Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands will stay at its 1992 level of $100 in sales.

To minimize respondent burden, the Census Bureau limits the items asked on the report forms for all farms to just these basic subjects: land use and ownership, irrigated land, crop acreages and quantities harvested, livestock and poultry inventories and value of products sold, acres set aside under Federal acreage-reduction programs, payment for participation in Federal farm programs, the amount received from Commodity Credit Corporation loans, number of injuries and deaths, and operator characteristics. Additionally, 25 percent of the report forms include additional questions on number of hired farm workers, production expenses, fertilizer and chemicals, machinery and equipment, market value of land and buildings, and income from farm-related sources. The Census Bureau designs regionalized report forms that are tailored for various parts of the country and are specific to the crops grown in a farmer's particular area.

The census of agriculture is authorized by law under Title 13, United States Code, sections 142(a) and 191. Individual farm operators are guaranteed by this same law that their individual information will be kept confidential. The Census Bureau uses the information only for statistical purposes and publishes data only as tabulated totals. The census of agriculture is the only comprehensive source of agricultural statistics at the county level. These agricultural statistics are used by Congress in developing and changing farm programs. Many national and state programs are designed or allocated on the basis of census data such as funds for extension services, research, and soil conservation projects. Private industry uses census statistics to provide a more effective production and distribution system for the agricultural community.

II. Method of Collection

The 1997 Census of Agriculture for the United States and the Commonwealth of Puerto Rico will be conducted primarily using mailout/mailback procedures for data collection. For Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands direct enumeration methods will be used for data collection.

III. Data

OMB Number: Not Available.

Form Number: 97–A0101–97–A0111, 97–A0114, 97–A0201–97–A0216, 97–0216(SP), 97–A1(G), 97–A1(VI), 97–A1(NM), and 97–A46.

Type of Review: Regular.

Affected Public: Farms.

Estimated Number of Respondents: 3,590,000.

Estimated Time Per Response: 22.5 minutes.

Estimated Total Annual Burden Hours: 1,346,250.

Estimated Total Annual Cost: $113.2 million over a 6-year cycle (1995–2000).

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: May 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–11826 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–07–P

1997 Economic Census Covering Transportation of Commodities

ACTION: 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: Written comments must be submitted on or before July 12, 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 John Fowler, Bureau of the Census, Room 2724, Building 3, Washington, DC 20230 on (301) 457–2108.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector and provider of timely, relevant, and quality data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The economic census, conducted under authority of Title 13, U.S.C., is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business and the general public. The 1997 Economic Census will cover virtually every sector of the U.S. Economy.

The 1997 Commodity Flow Survey, a component of the Economic Census, will produce key statistics on the movement of freight in the United States. In the past, these types of data were used primarily by governmental agencies in planning for transportation infrastructure. Now these types of data are becoming increasingly important to the business sector for making decisions related to marketing and transportation strategies. The Commodity Flow Survey will be conducted with the guidance and co-sponsorship of the Bureau of Transportation Statistics, Department of Transportation. This survey will provide a range of transportation statistics including value of shipments, weight of shipments, commodities shipped, mode(s) of transportation used, origin and destination of shipments, ton-miles and average miles per shipment. The Census Bureau will publish shipment characteristics at the national, state, and National Transportation Analysis Region levels.

Primary strategies for reducing respondent burden in the Commodity Flow Survey include:

- Employing a stratified random sample to use the least number of establishments required to produce reliable statistics;
- Accepting estimates;
- Requesting data on a limited sample of shipments.

We will introduce additional strategies for reducing overall respondent burden for the 1997 Commodity Flow Survey, based on experience gained from the 1993 survey. These include:

- Decreasing the total sample size by nearly one half;
- Reducing the reporting period from two weeks to one week each quarter;
- Offering electronic reporting options.

II. Method of Collection

The Commodity Flow Survey will survey a sample of business establishments in mining, manufacturing, wholesale, and selected retail industries. Each selected establishment will receive, by mail, four questionnaires—one during each quarter of 1997. On each form, an establishment will be asked to report data for an average of 25 shipments, selected during a designated one-week reporting period.

III. Data

OMB Number: Not Available.

Form Number: CFS–1000.

Type of Review: Regular review.

Affected Public: Businesses and Other For-profit, Small Businesses or Organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 800,000.

Estimated Total Annual Cost: The cost to the government for this work, to be shared between the Department of Transportation and the Census Bureau is estimated to be $22.5 million.

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 utility of the information to businesses/private industry for marketing/cost evaluation/planning; (c) the accuracy of the agency's estimate of burden (including hours and cost) of the proposed collection of information; (d) ways to enhance the quality, utility, and clarity of the information to be collected; and (e) 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: May 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–11827 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–07–P

Wave 3 of the 1996 Panel Survey of Income and Program Participation (SIPP)

ACTION: 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: Written comments must be submitted on or before July 12, 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 Michael McMahon, Room 3319–3, Washington DC 20233–8400, or telephone 301/457–3819.

SUPPLEMENTARY INFORMATION:

I. Abstract

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single, unified data base so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic policy formulators depend heavily upon SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits, and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since late 1983, permitting levels of economic well-being and changes in these levels to be measured over time.

The survey is molded around a central ''core'' of labor force and income questions that will remain fixed throughout the life of a panel. The core is supplemented with questions designed to answer specific needs such as estimating eligibility for government programs, examining pension and health care coverage, and analyzing individual net worth. These supplemental questions are included with the core and are referred to as ''topical modules.''

The topical modules for the 1996 Panel Wave 3 are the following: (1) Assets and Liabilities; (2) Medical Expenses and Work Disability, and (3) Real Estate, Shelter Costs, Dependent Care, and Vehicles; and (4) the Poverty Module. Also, additional topical module items will be asked at the end of the core instrument concerning Earnings and Employment, General Income Amounts, Stocks and Mutual Fund Shares, Rental Income, Mortgages, Royalties, and Other Financial Investments. Wave 3 interviews will be conducted from December 1996 through March 1997.

II. Method of Collection

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every 4 years, with each panel having a duration of about 4 years in the survey. All household members 15 years old or older are interviewed using regular proxy-respondent rules. They are interviewed a total of 12 times (12 waves) at 4-month intervals, making the SIPP a longitudinal survey. Sample persons (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP Primary Sampling Unit (PSU) will be followed and interviewed at their new address. Persons 15 years old or older who enter the household after Wave 1 will be interviewed; however, if these persons move, they are not followed unless they happen to move along with a Wave 1 sample person. A reinterview with a sample of participants is also conducted to ensure quality in responses.

III. Data

OMB Number: 0607–0813.

Form Number: SIPP–16303 Reminder Card; SIPP/CAPI Automated Instrument.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 77,700 (interview), 2,500 (reinterview).

Estimated Time Per Response: 30 minutes (interview), 10 minutes (reinterview).

Estimated Total Annual Burden Hours: 116,550*

Interview	*116,500
Reinterview	*1,250
Total	117,800

* Estimates based on conducting 3 waves in a year.

Estimated Total Annual Cost: $28,000,000.

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: May 7, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–11828 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–07–P

Economics and Statistics Administration

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. app. 2, (1973), and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Census Advisory Committee on Agriculture Statistics is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was established July 16, 1962. It was initially chartered under the Federal Advisory Committee Act in January 1973. The Committee's purpose is to advise the Director, Bureau of the Census, on the conduct of the periodic censuses and surveys of agriculture and related surveys and the kind of information to obtain from respondents associated with agriculture production. The Committee also prepares recommendations regarding the content of agriculture reports, and presents the views and needs for data of major suppliers and users of agriculture statistics. The Committee draws on the experience and expertise of its members to form a collective judgment concerning agriculture data collected and the statistics the Census Bureau issues.

The committee will function solely as an advisory body and will comply fully with the provisions of the Federal Advisory Committee Act. The advisory committee shall consist of 21 member organizations. Each of the member organizations shall appoint a representative to the committee, subject to the concurrence of the Director, Bureau of the Census.

The committee shall report to the Director, Bureau of the Census.

The Department of Commerce will file copies of the committees' renewal charters with appropriate committees in Congress.

You may address inquires or comments to Maxine Anderson-Brown, Committee Liaison Officer, Bureau of the Census, Room 3039, FB 3, Washington, D.C. 20233, telephone (301) 457–2308, TDD (301) 457–2540.

Dated: May 7, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–11888 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–BS–P

International Trade Administration

[A–412–817]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Foam Extruded PVC and Polystyrene Framing Stock From the United Kingdom

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

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch, Dorothy Tomaszewski, or Erik Warga, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3773, (202) 482–0631, or (202) 482–0922, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act (''URAA'').

Preliminary Determination

As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, the Department of Commerce (''the Department'') has exercised its discretion to toll all deadlines for the duration of the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 16, 1995, through January 6, 1996. Thus, the deadline for the preliminary determination in this investigation has been extended by 28 days, *i.e.*, one day for each day (or partial day) the Department was closed. As such, the deadline for this determination is no later than May 3, 1996.

We preliminarily determine that foam extruded PVC and polystyrene framing stock (''framing stock'') from the United Kingdom (''U.K.'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation (Notice of Initiation of Antidumping Duty Investigation: Foam Extruded PVC and Polystyrene Framing Stock from the United Kingdom (60 FR 52370, October 6, 1995), the following events have occurred:

On October 25, 1995, the United States International Trade Commission (''ITC'') issued an affirmative preliminary injury determination in this case (*see* ITC Investigation No. 731–TA–738).

On November 9, 1995, the Department issued an antidumping duty questionnaire to each of the three U.K. companies (Ecoframe Ltd., (''Ecoframe'') Magnolia Group PLC, (''Magnolia'') and Robobond Ltd., (''Robobond'')) that produced and sold the subject merchandise during the period of investigation (''POI''), September 1, 1994, through August 31, 1995. The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively. Section D requests information on the cost of production (''COP'') of the foreign like product and constructed value (''CV'') of the subject merchandise.

On January 11, 1996, Robobond submitted a letter requesting that it be excused from reporting its home market and U.S. sales made from inventory, referred to as ''501 stock'' sales, on the grounds that the transactions were small quantities, represented a small percentage of overall sales, and would be burdensome to report and verify. *See* ''Export Price'' and ''Normal Value'' sections of this notice, below.

Ecoframe requested on January 11 and March 3, 1996, that the Department exclude from its margin analysis ''ecopasta,'' ''special offer'' and scrap sales in both the United States and home markets, as well as a ''special circumstance'' sale to one U.S. customer. *See* ''Export Price'' and ''Normal Value'' sections of this notice, below.

On February 9, 1996, Magnolia requested (1) a quantity adjustment (*see* ''Normal Value'' section of this notice, below) and (2) the exclusion of certain home market sales from reporting requirements. The Department granted Magnolia's exclusion request by a March 25, 1996, letter.

Based on timely allegations by petitioner, Marley Mouldings, the Department began investigations into whether the three respondents had made sales in the home market at prices that were below COP pursuant to section 773(b) of the Act (*see* February 28 and March 4, 1996, memoranda from team to Gary Taverman).

On February 16, 1996, petitioner made a timely request that, pursuant to section 733(c)(1)(A) of the Act, the Department postpone its preliminary determination in this proceeding. Accordingly, we postponed the preliminary determination until not later than May 3, 1996 (61 FR 7240, February 27, 1996). (As noted above, all deadlines were tolled 28 days as a result of the two federal government shutdowns totaling 28 days; therefore, the original deadline of February 15, 1996, had already been extended to March 14, 1996.)

Respondents submitted responses to the various sections of the questionnaire from December 1995 through April 1996. For respondents' responses to sections A, B and C, the Department issued supplemental requests for information from February through April 1996. Responses to these supplemental requests were received in March and April 1996. Robobond and Ecoframe also filed supplements to their section D responses on April 17 and May 1, 1996, respectively.

Petitioner filed comments on Robobond's response to section D on April 29, 1996. Robobond argued in April 30 and May 2, 1996, letters that petitioner's comments were too late to be considered for the preliminary determination.

Postponement of Final Determination

On April 25, 1996, Robobond requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, Robobond accounts for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting Robobond's request and postponing the final determination.

Consistent with the General Agreement on Tariffs and Trade (''GATT''), section 773(d) of the Act permits the Department to extend suspension of liquidation from four to six months at the request of exporters representing a significant proportion of exports of the subject merchandise. The structure of the statute integrally links a

request to extend the final determination and extension of suspension of liquidation. This linkage balances the goals of providing an expeditious remedy to the domestic industry against the desire to avoid undue harm to the exporters who have requested extension of the final determination. Accordingly, we consider a request by an exporter to extend the final determination as containing an implied request to extend suspension of liquidation. We are, therefore, extending suspension of liquidation in this case.

Scope of Investigation

This investigation covers all extruded PVC and polystyrene framing stock regardless of color, finish, width or length. Finished frames assembled from foam extruded PVC and polystyrene framing stock are excluded. The merchandise under investigation is currently classifiable under subheadings 3924.90.20.00; 3926.90.90.90; 3926.90.95.90; and 3926.90.98.90 of the Harmonized Tariff Schedules of the United States (''HTS''). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

Period of Investigation

The POI is September 1, 1994, through August 31, 1995.

Fair Value Comparisons

To determine whether sales of the subject merchandise by respondents to the United States were made at less than fair value, we compared the export price (''EP'') to the Normal Value (''NV''), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i), we compared POI-wide weighted-average EPs to weighted-average NVs. In determining averaging groups for comparison purposes, we considered the appropriateness of such factors as physical characteristics and level of trade.

A. Physical Characteristics

In accordance with section 771(16) of the Act, we considered all products covered by the description in the *Scope of Investigation* section, above, produced in the United Kingdom and sold in the home market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the Department's antidumping questionnaire. In making the product comparisons, we relied on the following criteria (in order of preference): material; weight per linear foot; profile type; width; finish type (pasta/compo, foil, mylar, laminated/wrapped, embossed plain substrate, embossed substrate with foil, embossed substrate with mylar, wet system (*e.g.*, paint), or other); and total number of finishes.

B. Level of Trade

In accordance with section 773(a)(7)(A) of the Act and the Statement of Administrative Action accompanying the Uruguay Round Agreements Act (''SAA''), H.R. Doc. No. 316, 103d Cong., 2d Sess. 829–831 (1994), to the extent practicable, the Department will calculate NV based on sales at the same level of trade as the U.S. sale. When the Department is unable to find sale(s) in the comparison market at the same level of trade as the U.S. sales(s), the Department may compare sales in the U.S. and foreign markets at one or more different levels of trade.

Of the three respondents in this proceeding, only Robobond reported that different levels of trade existed, claiming that its sales from inventory are at a different level than its non-inventory sales.

We preliminarily find that different levels of trade do not exist for Robobond. In its level-of-trade claim, Robobond stated that sales from inventory constituted a separate level from non-inventory sales. We are not satisfied that this difference rises to the level of a different level of trade. *See* May 3, 1996, memorandum, on file in Room B–099 of the Main Commerce Building. However, we will examine this issue further at verification and consider arguments that parties may make during the briefing process.

What Robobond has characterized as a level-of-trade difference appears to stem from a concern that comparisons be made using comparable quantities. However, Robobond has not explained how comparable quantities might be defined or whether price comparability is affected by comparing different quantities. The Department must, in considering the question of level of trade categorization, ensure there are different selling functions at the alleged different levels, and distinguish differences in level of trade from other differences among sales, such as quantity differences. *See* SAA at 830. While differences in quantity may be an appropriate factor to consider in making fair value comparisons, such differences do not constitute level-of-trade differences.

Accordingly, we preliminarily find that no level of trade differences exist and that level of trade does not need to be considered in price averaging.

Export Price

We calculated EP, in accordance with subsections 772(a) and (c) of the Act, for each of the respondents, where the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and use of constructed export price was not otherwise warranted based on the facts of record.

We made company-specific adjustments as follows:

Ecoframe

We calculated EP based on packed, ex-works, FOB port, and delivered prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for the following charges: international freight (including plant-to-port-of-exit freight; brokerage and handling; and ocean freight).

For sales of a particular model to one U.S. customer, Ecoframe requested exclusion because certain designing and tooling costs had been paid separately by the customer. Rather than exclude these sales, we increased export price to account for the revenue. The Department may consider such revenue to be a component of the price charged to the customer. See Final Results of Antidumping Duty Administrative Review: Certain Forged Steel Crankshafts from the United Kingdom (56 FR 5975, February 14, 1991). We will fully examine the nature of this revenue during verification of Ecoframe's questionnaire response.

We excluded Ecoframe's scrap sales to U.S. customers. These were sales that were discounted when it was discovered after sale that the merchandise sold as prime merchandise was actually substandard. The sales involved relatively insignificant quantities. We did not exclude ''ecopasta'' or ''special offer'' sales because Ecoframe did not adequately explain why such sales should be excluded nor does the record indicate that the sales were extraordinary.

Finally, we recalculated credit expenses because the reported figure did not comport with the narrative description.

Magnolia

We calculated EP based on packed, delivered prices to unaffiliated customers in the United States. Where

appropriate, we made deductions from the starting price (gross unit price) for the following charges: international freight (including plant-to-port-of-exit freight; U.K. inland insurance; brokerage and handling; ocean freight; marine insurance; U.S. inland port-to-warehouse freight; U.S. inland warehouse-to-customer freight; U.S. inland insurance; and other U.S. transportation charges) and U.S. duty.

Robobond

We calculated EP based on packed, delivered/duty unpaid and ex-works prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for the following charges: international freight (including UK inland freight, UK brokerage & handling, ocean freight, U.S. brokerage and handling, and U.S. inland freight). We added to the starting price an amount for reported freight revenue, where appropriate. We recalculated reported credit expenses using the average U.S.-dollar prime interest rate because the interest rate used for the reported figures was not based on information from the POI but rather on information provided by a bank for purposes of the questionnaire response.

We did not exclude ''501 stock'' sales because the record does not indicate that these sales were materially different from Robobond's other U.S. sales. Although Robobond characterized these sales as being a separate level of trade based on seller function, such a difference, if found to exist, is properly considered in the context of making fair value comparisons rather than by exclusions. As discussed above, Robobond has not established that these sales are at a different level of trade.

Normal Value

Cost of Production Analysis

As noted in the ''Case History'' section above, based on the petitioners' allegations, the Department found reasonable grounds to believe or suspect that each respondent made sales in the home market at prices below the cost of producing the merchandise. As a result, the Department initiated investigations to determine whether the respondents made home market sales during the POI at prices below their respective COPs within the meaning of section 773(b) of the Act.

Before making any fair value comparisons, we conducted the COP analysis described below.

A. Calculation of COP

We calculated the COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for home market general, and administrative expenses (''G&A'') and packing costs in accordance with section 773(b)(3) of the Act. We relied on the respondents' submitted COP amounts except in the following specific instances wherein the reported costs were improperly valued:

Ecoframe: different costs had been reported for identical products and were weight averaged to derive a single, product-specific cost; and the reported amount for variable overhead was recalculated to exclude packing expenses.

Magnolia: indirect selling expenses were recalculated to adjust for improper allocation.

Robobond: reported G&A expenses were adjusted to reflect expenses for all affiliated companies; and reported depreciation expenses were revised to reflect Robobond's historical treatment of depreciation rather than an accounting practice adopted after the filing of the petition.

B. Test of Home Market Prices

We used the respondents' adjusted weighted-average COP for the POI. We compared the weighted-average COP figures to home market sales of the foreign-like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at below-cost prices within an extended period of time in substantial quantities, and were not at prices which permit recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(C) where less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product during the POI were at prices less than the COP, we disregarded the below-cost sales because such sales were found to be made in substantial quantities within an extended period of time (in accordance with section 773(b)(2)(B) of the Act) and at prices which would not permit recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act).

Where there were no above-cost sales available for matching purposes, export prices that would have been compared to home market prices for these models were instead compared to CV.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of a respondent's cost of materials, fabrication, selling, general, and administrative expenses (''SG&A'') and U.S. packing costs as reported in the U.S. sales databases. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. Where appropriate, we calculated each respondent's CV based on the methodology described in the calculation of COP above. For selling expenses, we used the weighted-average home market selling expenses. For Robobond, we calculated interest based on actual interest expenses incurred rather than the reported figure, which improperly included an adjustment for imputed interest.

Adjustments to Prices

We made company-specific adjustments to prices used as NV, as follows:

Ecoframe

We calculated NV based on packed, delivered prices to unaffiliated customers. We made deductions from the starting price for inland freight. In addition, where appropriate, we adjusted for differences in circumstances of sale for imputed credit expenses, credit insurance expenses, and commissions (including appropriate offsets). We adjusted reported gross unit prices to reflect the actual unit price of the quantity delivered.

We excluded Ecoframe's scrap sales to home market customers. Some were sales that were discounted when it was discovered after sale that the merchandise sold as prime merchandise was actually substandard; others were off-prime production sold as scrap. All types of excluded sales involved relatively insignificant quantities. We did not exclude ''ecopasta'' or ''special offer'' sales because Ecoframe did not adequately explain why such sales should be excluded nor does the record indicate that the sales were extraordinary.

Magnolia

We calculated NV based on packed, delivered prices to unaffiliated customers. We made deductions from the starting price for inland freight and early payment discounts. In addition, we adjusted for differences in circumstances of sale for imputed credit

expenses (which we recalculated using the proper base price). Magnolia also reported an amount upon which to base an adjustment for differences in quantities sold between the U.S. and U.K. markets, pursuant to 19 CFR 353.55(a). Although Magnolia claimed that it incurred differing manufacturing costs depending on quantity, it did not demonstrate, nor did data on the record show, that pricing differences were related to quantity. Accordingly, we have not made the requested adjustment.

Robobond

We calculated NV based on packed, ex-works or delivered prices to unaffiliated customers. We made deductions from the starting price for inland freight, where appropriate. We added to the starting price an amount for reported freight revenue, where appropriate. In addition, we adjusted for differences in circumstances of sale for imputed credit expenses, post-sale clearing of accounts receivable (U.S. and home market), bank charges (U.S. and home market), post-sale ''overcharging'' credits, post-sale ''shortage'' credits, and customer-specific freight charges not allocable to specific sales. We reclassified as indirect selling expenses reported direct selling expenses for bad debt and for net expense freight on return merchandise. Neither expense was attributable to specific customers. We recalculated reported credit expenses using the average U.K.-pound-sterling lending rate because the interest rate used for the reported figures was not based on information from the POI but rather on information provided by a bank for purposes of the questionnaire response.

For each respondent, we made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Where the difference in merchandise adjustment for every comparison product exceeded 20 percent, we based NV on CV. In addition, in accordance with section 773(a)(6)(B), we deducted home market packing costs and added U.S. packing costs for all respondents.

We did not exclude ''501 stock'' sales from the home market sales listing for the reasons described in the ''Export Price'' section of this notice, above.

Price to CV Comparisons

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses (where appropriate) in accordance with section 773(a)(8) of the Act.

Currency Conversion

We made currency conversions into U.S. dollars based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. Section 773A(a) of the Act directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars. Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. A sustained movement has occurred when the weekly average of actual daily rates exceeds the weekly average of benchmark rates by more than five percent for eight consecutive weeks. The benchmark is defined as the moving average of rates for the past 40 business days. (For an explanation of this method, see Policy Bulletin 96–1: Currency Conversions (61 FR 9434, March 8, 1996)). Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. The use of an adjustment period was not warranted in this case because the U.K. pound did not undergo a sustained movement, nor were there currency fluctuations during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the export price, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage
Ecoframe	27.26
Robobond/Simons	2.60
Magnolia	81.24
All Others	4.29

Pursuant to section 733(d)(1)(A) and section 735(c)(5) of the Act, the Department has not included zero and *de minimis* weighted-average dumping margins and margins determined entirely under section 776 of the Act, from the calculation of the ''all others'' deposit rate.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than August 1, 1996, and rebuttal briefs, no later than August 8, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on August 15, 1996, the time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: May 3, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–11822 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–825]

Sebacic Acid From the People's Republic of China; Extension of Time Limits of Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limits of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for preliminary and final results in the administrative review of the antidumping duty order on sebacic acid from the People's Republic of China (PRC), covering the period July 13, 1994, through June 30, 1995, because it is not practicable to complete the review within the time limits mandated by the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) (the Act).

EFFECTIVE DATE: May 13, 1996.

FOR FURTHER INFORMATION CONTACT: Andrea Chu or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

The Department received a request to conduct an administrative review of the antidumping duty order on sebacic acid from the PRC. On September 15, 1995, the Department published a notice of initiation of this administrative review covering the period July 13, 1994, through June 30, 1995. The Department adjusted the time limits by 28 days due to the government shutdowns, which lasted from November 14, 1995, to November 20, 1995, and from December 15, 1995, to January 6, 1996. *See* memoranda to the file from Susan G. Esserman, Assistant Secretary for Import Administration, dated November 22, 1995, and January 11, 1996. As adjusted, the current time limits are April 29, 1996, for the preliminary results and August 27, 1996, for the final results.

It is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with that section, the Department is extending the time limits for the preliminary results to August 27, 1996, and for the final results to February 24, 1997.

Intersted parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 353.34(b).

These extensions are in accordance with section 751(a)(3)(A) of the Act.

Dated: April 29, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–11821 Filed 5–10–96; 8:45 am]

BILLING CODE 5510–DS–M

National Institute of Standards and Technology

Visiting Committee on Advanced Technology; Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Institute of Standards and Technology's Visiting Committee on Advanced Technology (NIST) will meet on Tuesday, June, 11, 1996, from 8:30 a.m. to 5:00 p.m., and on Wednesday, June 12, 1996, from 8:30 a.m. to 9:30 a.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. On June 11, 1996, the agenda will include an update on NIST programs by NIST Director Prabhakar; presentations on strategic planning for Standards in Trade, Information Technology and Biotechnology; predictions about the future of the internet; impact of advancing technology on metrology needs; and a laboratory tour. On June 12, 1996, the agenda will include presentations on the ATP Focused Program, Tools for DNA Diagnostics and the Baldrige Pilot Programs in Education and Health Care.

DATES: The meeting will convene June 11, 1996, at 8:30 a.m., and will adjourn at 9:30 a.m. on June 12, 1996.

ADDRESSES: The meeting will be held in the Employees Lounge (seating capacity 80, includes 38 participants), Administration Building, at NIST, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Chris E. Kuyatt, Visiting Committee Executive Director, NIST, Gaithersburg, Maryland 20899, telephone number (301) 975–6090.

Dated: May 7, 1996.

Samuel Kramer,

Associate Director.

[FR Doc. 96–11929 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–13–M

National Technical Information Service

Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the ''Board'') will meet on Monday, June 17, 1996, from 9:00 a.m. to 4:00 p.m. This meeting will be closed to the public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on June 17, 1996, at 9:00 a.m. and adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held in Room 2029, Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

PUBLIC PARTICIPATION: This one-day meeting will be closed to the public.

FOR FURTHER INFORMATION CONTACT:

Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, Telephone: (703) 487–4636; Fax (703) 487–4093.

Dated: May 6, 1996.

Donald R. Johnson,

Director.

[FR Doc. 96–11871 Filed 5–10–96; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 12, 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 action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service 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 service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service 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 service 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 service has been proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Administrative/General Support Services (GSA/FSS Region 7), General Products Commodity Center Fort Worth, Texas (Up to 50% of the Government's requirement)

NPA:

The Arkansas Lighthouse for the Blind, Little Rock, Arkansas
High Plains Lighthouse for the Blind, Amarillo, Texas
The Lighthouse for the Blind in New Orleans, New Orleans, Louisiana
Louisiana Association for the Blind, Shreveport, Louisiana
New Mexico Industries for the Blind, Albuquerque, New Mexico
The Oklahoma League for the Blind, Oklahoma City, Oklahoma
The Travis Association for the Blind, Austin, Texas
South Texas Lighthouse for the Blind, Corpus Christi, Texas
Tarrant County Association for the Blind, Fort Worth, Texas
Dallas Lighthouse for the Blind, Inc., Dallas, Texas
The Lighthouse of Houston, Houston, Texas
West Texas Lighthouse for the Blind, San Angelo, Texas
San Antonio Lighthouse, San Antonio, Texas
Beacon Lighthouse, Inc., Wichita Falls, Texas
East Texas Lighthouse for the Blind, Tyler, Texas
Industries for the Blind and Visually Impaired, Delhi, Louisiana
Baton Rouge Industries for the Blind, Baton Rouge, Louisiana
El Paso Lighthouse for the Blind, El Paso, Texas
Center for the Retarded, Inc., Houston, Texas
Pathfinder Schools, Inc., Jacksonville, Arkansas
Goodwill Industries of Amarillo, Inc., Amarillo, Texas
RCI, Inc., Albuquerque, New Mexico
Expanco, Inc., Fort Worth, Texas
Goodwill Industries of Central Texas, Inc., Austin, Texas
Goodwill Industries of Fort Worth, Fort Worth, Texas
Goodwill Industries of San Antonio, San Antonio, Texas
Goodwill Industries of Southeastern Louisiana, Inc., New Orleans, Louisiana
Oklahoma Goodwill Industries, Inc., Oklahoma City, Oklahoma
Goodwill Industries of Dallas, Inc., Dallas, Texas
Abilene Goodwill Industries, Inc., Abilene, Texas
North Louisiana Goodwill Industries & Rehabilitation Center, Inc., Shreveport, Louisiana
Work Services Corporation, Wichita Falls, Texas
Fairweather Associates, Inc., Dallas, Texas
Louisiana Industries for the Disabled, Baton Rouge, Louisiana
Association for Retarded Citizens, New Orleans, Louisiana
Goodwill Industries of South Texas, Corpus Christi, Texas

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96–11922 Filed 5–10–96; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange: Proposed Amendments to the New York Harbor No. 2 Heating Oil Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the proposed amendments to the New York Harbor No. 2 heating oil futures contract.

SUMMARY: The New York Mercantile Exchange (NYMEX or Exchange) has submitted for the Commission's approval, under Section 5a(a)(12) of the Commodity Exchange Act and Commission Rule 1.41(b), proposed amendments to its New York Harbor No. 2 heating oil futures contract. The proposed amendments relate to the dyeing and color standards and testing requirements for deliverable heating oil and would apply to all newly listed and existing contracts beginning with the August 1996 delivery month. The Acting Director of the Division of Economic Analysis (Division) of the Commission has determined that obtaining public comment on the proposed rule amendments 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. Accordingly, the Division, pursuant to the authority delegated by Commission Rule 140.96, is hereby providing notice of, and seeking comment on, the proposed rule amendments.

DATES: Comments must be received on or before June 12, 1996.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Reference should be made to the New York Harbor No. 2 heating oil futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact John Forkkio of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, telephone 202–418–5281.

SUPPLEMENTARY INFORMATION: The Exchange is proposing the following primary amendments to the No. 2 heating oil futures contract:

1. Adopt the IRS Dye Requirement: The Exchange is proposing to adopt the IRS dye requirement for tax-free sales or uses of diesel fuel, in lieu of the current EPA specification in the futures contract. In this regard, the Exchange is proposing two methods for testing for dye concentration: the IRS test method and the PetroSpec dye analyzer method.

The Exchange justified these proposed amendments by stating that:

> In conversations with market participants, the Exchange has learned that heating oil dyed to the IRS specification has become the standard in the heating oil cash market in New York Harbor. Market participants stated that this product became the dominant type of heating oil this past winter after test methods became available to measure for the IRS dye concentration. * * * [t]here was no way to test or verify this exact level of concentration until recently. Consequently, the IRS did not begin to enforce the dye concentration requirement until the Fall of 1994, when the IRS purchased the PetroSpec dye analyzer for its enforcement agents use in the field.
>
> In the heating oil cash market, buyers specifically request fuel dyed to the IRS requirement. Thus, the Exchange is proposing to adopt the IRS dye specification so that the NYMEX No. 2 heating oil futures contract will conform more closely to cash market standards.

2. Eliminate the ASTM D1500 Color Test: The NYMEX is proposing to eliminate the ASTM D1500 color test requirement in the heating oil futures contract. According to the NYMEX, this test no longer is valid for testing dyed fuel. With the dye requirement now in effect, the Exchange stated that it is no longer possible to run the ASTM D1500 test accurately on dyed fuel, and, consequently, the cash market no longer requires this test. The NYMEX further stated that inspectors have been unable to assess the color of dyed fuel, the ASTM D1500 color test is no longer performed in the cash market, since it is not useful as a test of fuel quality for dyed heating oil.

3. Require Five Additional Tests in Lieu of the Color Test: In order to replace the ASTM D1500 color test, and to provide substantively similar information on fuel quality, the Exchange proposes to adopt five additional tests of deliverable fuel oil to measure stability, haze, carbon residue, ash, and corrosion. According to the Exchange:

> both Colonial and Buckeye Pipelines require the five additional tests * * *. The current NYMEX heating oil specifications already require these five additional tests only for heating oil samples that do not meet the maximum color level of 2.5 on the ASTM D1500 color test. The proposed amendments would bring the NYMEX heating oil futures contract specifications more into conformity with the Colonial and Buckeye Pipeline specifications.

4. Add a Second Test Method for Carbon Residue: Finally, the Exchange is proposing an additional test method for the carbon residue test, *i.e.*, ASTM D4530. According to the NYMEX, Buckeye Pipeline specifies this test method, along with the existing test method specified in the heating oil futures contract, ASTM D524. The NYMEX stated that, ''inspectors from independent labs recommended that the Exchange adopt this additional test method ''since it is newer, more accurate, and easier to run.''

NYMEX intends to apply the amendments to newly listed contracts and to existing contracts beginning with the August 1996 contract month.

The Division is requesting comment on the proposed amendments and the implementation plan.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, D.C. 20581. Copies of the amended 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 NYMEX in support of the proposed amendments 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 regarding the proposed amendments, or with respect to other materials submitted by the NYMEX in support of the proposed amendments, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on May 7, 1996.

Blake Imel,

Acting Director

[FR Doc. 96–11924 Filed 5–10–96; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent to Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the Disposal and Reuse of Certain Real Properties at Naval Training Center, San Diego, California

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) and the California Environmental Quality Act (CEQA), the Department of the Navy, in association with the City of San Diego, California, announces its intent to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to evaluate the environmental effects of the proposed disposal and reuse of certain real properties at the Naval Training Center (NTC), San Diego, California. The Navy will be the lead agency for NEPA documentation and the City of San Diego will be the lead agency for CEQA documentation.

In accordance with the Defense Base Closure and Realignment Act (Public Law 101–510) of 1990, as implemented by the 1993 Base Closure and Realignment process, the Navy was directed to close NTC San Diego. The proposed action involves the disposal of land, buildings, and infrastructure of NTC for subsequent reuses.

The property currently occupied by NTC is approximately 550 acres. Of the 550-acre site, approximately 410 acres are planned for disposal. The remaining 140 acres will be retained by the U.S. Navy for military housing and other uses. NTC is located in a highly developed residential and commercial area approximately two miles from

downtown San Diego at the edge of northern San Diego Bay. It is bordered by the community of Point Loma to the west, the Fleet Anti-Submarine Warfare Training Center to the south, the U.S. Marine Corps Recruit Depot to the northeast, and the San Diego International Airport (Lindberg Field) to the eastern boundary.

The EIS/EIR will analyze the environmental effects of the disposal of NTC based on potential reasonable reuses of the property, taking into account uses identified by the City of San Diego and as determined during the scoping process. The City's NTC Reuse Planning Committee has proposed a draft reuse plan which identifies several uses for the property. The draft reuse plan includes such uses as: residential; educational; a mixture of active and passive recreational open space; retail and cultural uses; and galleries and exhibit space in the historic core of the site. Alternatives being considered would include airport expansion, housing types, hotel use, and a Public Safety Academy. Major environmental issues that will be addressed in the document would include, but are not limited to traffic, cultural and biological resources, land uses, visual quality, socioeconomics, community services and utilities, and noise.

ADDRESSES: The Navy will conduct a scoping meeting on Tuesday, June 11, 1996, beginning at 7:00 p.m. at the NTC Support Center, Building 623, Cushing Road (NTC Support Center can be accessed from Gate 1 located at the corner of Lytton Avenue and Barnett Avenue), San Diego, California. A brief description of the proposed action will precede request for public comment. Navy and City representatives will be available at this meeting to receive comments from the public regarding issues of concern. Federal, state and local agencies, and interested parties are invited to be present or represented at the meeting. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. Longer comments should be summarized at the public meeting and submitted in writing either at the meeting or mailed to the address listed below. Written comments must be received by June 25, 1996, to become part of the official record. Additional information concerning this notice may be obtained by contacting: Ms. Sheila Donovan (Code 232.SD), Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, California 92132–5178, telephone (619) 532–3624. For further information regarding the City's NTC Reuse Plan, please contact Mr. Scott Vurbeff, City of San Diego Development Services Department, 1222 First Avenue, Mail Station 501, San Diego California 92101, telephone (619) 236–6947.

Dated: May 8, 1996.

M.A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–11861 Filed 5–10–96; 8:45 am]

BILLING CODE 3810–FF–P

Notice of Intent to Prepare an Environmental Impact Statement for Construction and Operation of an East Coast Shallow Water Training Range

SUMMARY: Pursuant to Executive Order (EO) 12114, and the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR 1500–1508), the Department of Navy announces its intent to prepare an environmental Impact Statement (EIS) for the construction and operation of a shallow water training range (SWTR) near the coast of the United States. The proposed action involves the establishment of an instrumented range in water depths of 120 to 1200 feet.

The project is proposed to meet the new need for shallow water submarine training for the Atlantic Fleet. The action seaward of 12 nautical miles (nm), which will be evaluated under EO 12114, includes installation of bottom-mounted transducers, which will collect information about naval units training in the SWTR. This information will be used to monitor and evaluate the performance of these units during training operations. The SWTR will also be used in conjunction with other offshore air, land, and water-based training activities. The SWTR will be built in four phases of 125 square nautical miles each. The transducers will be connected to the shore by cable, and may be trenched in using standard telephone cabling technology. The action to be evaluated under NEPA includes the cable placement and the shore-based construction associated with the SWTR.

Alternatives to be addressed in the EIS will focus on means of meeting training requirements, including alternative onshore construction sites, and offshore training sites. In order to take advantage of nearby naval facilities such as homeports and training facilities, four sites were evaluated in a site alternatives study: offshore of Cape Ann, Massachusetts (in the Gulf of Maine); offshore of Wallops Island, Virginia; offshore of the New River, North Carolina; and offshore of Charleston, South Carolina. The Cape Ann and Charleston sites were eliminated as unreasonable because they did not meet operational requirements. The site off of Wallops Island, Virginia, and the site offshore of the New River, North Carolina are the reasonable alternatives that will be evaluated in the EIS.

ADDRESSES: Agencies and the public are encouraged to provide written scoping comments. To be most helpful, comments should clearly describe specific issues or topics which the EIS should address. Written comments should be postmarked by June 3, 1996, and should be mailed to Commanding Officer, Altantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, VA 23511–6287, (Attn: Mr. Jim Haluska, Code 2032JH), telephone (804) 322–4889, facsimile (804) 322–4894.

Dated: April 30, 1996.

M.A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–11860 Filed 5–10–96; 8:45 am]

BILLING CODE 3810–FE–M

Office of the Secretary

Defense Science Board Task Force on Deep Attack Weapons Mix Study (DAWMS); Notice of Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Deep Attack Weapons Mix Study (DAWMS) will meet in closed session on June 5, 1996 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will develop an independent assessment of the analytic tools and models employed in the DoD internal DAWNS effort. Specifically, the Task Force will (1) assess the analysis developed in part one of the study, (2) evaluate the soundness of the analytic approach proposed for part two, and (3) review the alternatives—developed in part two to ensure that they are balanced and representative.

In accordance with Section 10(d) of the Federal Advisory Committee Act,

P.L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c) (1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 7, 1996.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–11817 Filed 5–10–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on C4ISR Integration; Notice of Advisory Committee Meeting

SUMMARY: The Defense Science Board Task Force on C4ISR Integration will meet in closed session on May 29, 1996 at Strategic Analysis, Inc., Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will assist the internal DoD process by providing advice to the DoD on all aspects of C4ISR integration.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c) (1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 7, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–11818 Filed 5–10–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board FFRDC & UARC Independent Advisory Task Force; Notice of Advisory Committee Meeting

SUMMARY: The Defense Science Board FFRDC & UARC Independent Advisory Task Force will meet in open session on May 22, 1996 from 8:30 a.m. to 5:00 p.m. at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call the Defense Science Board Secretariat at (703) 695–4157.

Dated: May 7, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–11819 Filed 5–10–96; 8:45 am]

BILLING CODE 5000–04–M

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 187. This bulletin lists revisions in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 187 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: May 1, 1996.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 186. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office.

The text of the Bulletin follows:

BILLING CODE 5000–04–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:				
ADAK 5/	$ 10	$ 34	$ 44	10-01-91
ANAKTUVUK PASS	83	57	140	12-01-90
ANCHORAGE				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
ANIAK	73	36	109	07-01-91
ATQASUK	129	86	215	12-01-90
BARROW	110	76	186	03-01-96
BETHEL	84	54	138	05-01-96
BETTLES	65	45	110	12-01-90
COLD BAY	110	54	164	07-01-93
COLDFOOT	95	59	154	10-01-92
CORDOVA	74	76	150	03-01-96
CRAIG				
05-01--08-31	97	96	193	05-01-96
09-01--04-30	75	94	169	03-01-96
DENALI NATIONAL PARK	113	68	181	05-01-94
DILLINGHAM	85	64	149	11-01-93
DUTCH HARBOR-UNALASKA	113	67	180	05-01-92
EIELSON AFB				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
ELMENDORF AFB				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
EMMONAK	62	61	123	10-01-93
FAIRBANKS				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
FALSE PASS	80	37	117	06-01-91
FT. RICHARDSON				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
FT. WAINWRIGHT				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
GUSTAVUS	70	62	132	03-01-96
HOMER				
05-01--09-30	115	68	183	05-01-96
10-01--04-30	90	65	155	03-01-96
JUNEAU				
05-01--09-30	$ 89	$ 82	$171	05-01-96
10-01--04-30	78	80	158	03-01-96
KATMAI NATIONAL PARK	89	59	148	12-01-90
KENAI-SOLDOTNA				
05-01--09-30	109	74	183	05-01-96
10-01--04-30	76	71	147	03-01-96
KETCHIKAN				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
KING COVE	85	69	154	03-01-96
KING SALMON 3/	77	68	145	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
KLAWOCK				
05-01--08-31	97	96	193	05-01-96
09-01--04-30	75	94	169	03-01-96
KODIAK	79	68	147	03-01-96
KOTZEBUE	133	87	220	05-01-93
KUPARUK OILFIELD	75	52	127	12-01-90
METLAKATLA				
06-01--10-01	95	58	153	06-01-94
10-02--05-31	72	56	128	02-01-94
MURPHY DOME				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
NELSON LAGOON	102	39	141	06-01-91
NOATAK	133	87	220	05-01-93
NOME	86	67	153	05-01-96
NOORVIK	133	87	220	05-01-93
PETERSBURG	77	62	139	03-01-96
POINT HOPE	99	61	160	12-01-90
POINT LAY 6/	106	73	179	12-01-90
PRUDHOE BAY-DEADHORSE	73	60	133	11-01-93
SAND POINT	64	67	131	08-01-94
SEWARD				
05-16--08-31	115	60	175	05-16-96
09-01--05-15	83	57	140	03-01-96
SHUNGNAK	133	87	220	05-01-93
SITKA-MT. EDGECOMBE				
04-01--10-31	94	58	152	04-01-96
11-01--03-31	83	57	140	03-01-96
SKAGWAY				
05-16--09-15	$ 86	$ 72	$158	05-16-96
09-16--05-15	73	70	143	03-01-96
SPRUCE CAPE	79	68	147	03-01-96
ST. GEORGE	100	39	139	06-01-91
ST. MARY'S	77	59	136	06-01-93
ST. PAUL ISLAND	62	63	125	10-01-93
TANANA	86	67	153	05-01-96
TOK				
05-01--09-30	70	51	121	05-01-96
10-01--04-30	50	49	99	03-01-96
UMIAT	97	63	160	12-01-90
VALDEZ				
05-01--09-14	99	66	165	05-01-96
09-15--04-30	83	64	147	03-01-96
WAINWRIGHT	90	75	165	12-01-90
WALKER LAKE	82	54	136	12-01-90
WRANGELL				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
YAKUTAT	77	58	135	11-01-93
OTHER 3, 4, 6/	60	56	116	03-01-96
AMERICAN SAMOA	73	48	121	11-01-94
GUAM	190	85	275	05-01-96

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
HAWAII:				
ISLAND OF HAWAII: HILO	73	64	137	10-01-95
ISLAND OF HAWAII: OTHER	98	63	161	10-01-95
ISLAND OF KAUAI	105	75	180	10-01-95
ISLAND OF KURE 1/		13	13	12-01-90
ISLAND OF MAUI				
04-18--11-30	105	73	178	10-01-95
12-01--04-17	116	75	191	12-01-95
ISLAND OF OAHU	100	70	170	10-01-95
OTHER	79	62	141	06-01-93
JOHNSTON ATOLL 2/	22	22	44	08-01-94
MIDWAY ISLANDS		13	13	12-01-90
NORTHERN MARIANA ISLANDS:				
ROTA	83	90	173	05-01-96
SAIPAN	138	89	227	05-01-96
TINIAN	$ 61	$ 72	$133	06-01-95
OTHER	20	13	33	12-01-90
PUERTO RICO:				
BAYAMON				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
CAROLINA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
MAYAGUEZ	93	70	163	11-01-95
PONCE	107	64	171	11-01-95
ROOSEVELT ROADS				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
SABANA SECA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
OTHER 7/	75	52	127	11-01-95
VIRGIN ISLANDS OF THE U.S.:				
ST. CROIX				
04-15--12-14	119	73	192	08-01-94
12-15--04-14	169	78	247	12-15-94
ST. JOHN				
06-01--12-14	255	78	333	11-01-94
12-15--05-31	370	90	460	12-15-94
ST. THOMAS				
04-17--12-17	141	106	247	08-01-94
12-18--04-16	220	114	334	12-18-94
WAKE ISLAND 2/	30	25	55	10-01-94
ALL OTHER LOCALITIES	20	13	33	12-01-90

FOOTNOTES

1/ Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

2/ Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

3/ On any day when US Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

4/ On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

5/ On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

6/ The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

	Daily Rate
DOD Personnel	$13
Non-DOD Personnel	$30

7/ (Eff 9-1-94) A per diem rate of $200 (lodging $148; M&IE $52) will be in effect for Las Croabas, Puerto Rico, during the Annual Conference of the National Association of State Boating Law Administrators (NASBLA) being held at the El Conquistador Resort and Country Club. This rate will be in effect from 4-12 September 1994 only for travelers attending the conference and only for travelers staying at the El Conquistador Resort.

Dated: May 6, 1996.

L. M. Bynum,

Alternate OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 96–11816 Filed 5–10–96; 8:45 am]

BILLING CODE 5000–04–C

Department of the Navy

Record of Decision for the Disposal and Reuse of the Charleston Naval Base, North Charleston, SC

The Department of the Navy (Navy), pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500–1508, hereby announces its decision to dispose of the Charleston Naval Base in North Charleston, South Carolina.

Navy intends to dispose of the Charleston Naval Base in a manner that is consistent with Alternative Reuse Scenario 3, described in the Final Environmental Impact Statement (FEIS) as the preferred alternative. Alternative Reuse Scenario 3, composed of three Development Concepts approved by the Local Redevelopment Authority (LRA), the Charleston Naval Complex Redevelopment Authority, is characterized by high density redevelopment of the entire 1,500-acre Naval Base.

In deciding to dispose of the Naval Base property in a manner consistent with Alternative Reuse Scenario 3, Navy has determined that high density redevelopment of this Base bears the greatest potential for achieving the goals of local economic redevelopment of the closed military facility and creation of new jobs. This Record of Decision does not mandate selection of any one Development Concept. Rather, it leaves selection of the particular means to achieve high density redevelopment to the acquiring entity and the local zoning authority.

In addition to the Naval Base property in North Charleston, the Commander of the Naval Base at Charleston also exercised jurisdiction over the Clouter Island Dredged Material Disposal Facility located across the Cooper River from the Naval Base and over the Charleston Naval Station Annex located five miles north of the Naval Base, adjacent to the Charleston Air Force Base and the Charleston International Airport. Neither of these properties is subject to this Record of Decision.

The Department of the Army requested an interservice transfer of the Clouter Island facility under the authority of 10 U.S.C. 2571. Navy will prepare appropriate NEPA documentation for this transfer.

The Department of the Air Force requested transfer of the Naval Station Annex but later withdrew its request. In light of Air Force's request, the initial 1993–1994 LRA for the Naval Base, known as Trident's BEST (Building Economic Solutions Together) Committee, established in 1993 by Executive Order of the Governor of South Carolina and composed of representatives from the three concerned counties of Berkeley, Charleston, and Dorchester, did not consider the Annex available for reuse and did not plan for its redevelopment. The Charleston Naval Complex Redevelopment Authority will develop a reuse plan for the Naval Station Annex, and Navy will prepare a separate environmental analysis under NEPA to address disposal and reuse of this property.

Background

The 1993 Defense Base Closure and Realignment Commission recommended closure of Naval Station Charleston and the Charleston Naval Shipyard. This recommendation was then approved by President Clinton and accepted by the One Hundred Third Congress in 1994. Operations at the Naval station and the Shipyard ceased on April 1, 1996, and the property has been in caretaker status since that date.

The Charleston Naval Base is located within the City of North Charleston and covers 1,575 acres of fee-owned land. The Naval Base is composed of the Naval Station which covers 842 acres, the Naval Shipyard which covers 505 acres, the Fleet and Industrial Supply Center which covers 194 acres, the Fleet and Mine Warfare Training Center which covers 10 acres, and the Chicora Tank Farm which covers 24 acres. Collectively, these properties are designated in the FEIS as the Naval Base.

Two other Federally owned parcels of land lie within the boundaries of the Charleston Naval Base but are not part of the Base property: an 8.7 acre parcel owned by the Department of State and a four acre parcel owned by the Department of Commerce for the use of the National Oceanic and Atmospheric Administration. The FEIS prepared by Navy did not address the property held by State and Commerce, because the actions of the 1993 Defense Base Closure and Realignment Commission did not affect these parcels.

A Notice of Intent was published in the Federal Register on April 26, 1994, stating that Navy would prepare an Environmental Impact Statement that analyzed the impacts of disposal and reuse of the land, buildings, and infrastructure at the Base. A 90-day public scoping period was established, and Navy held four scoping meetings. Two meetings were held in the City of North Charleston on May 11, 1994, and meetings were also held in the towns of Goose Creek and Summerville on May 12, 1994.

On October 21, 1994, Navy distributed a Draft Environmental Impact Statement (DEIS) to Federal, State, and local agencies, elected officials, special interest groups, and interested persons. Navy held two public hearings on November 28 and 29, 1994, at the Chicora Community Center and at City Hall in North Charleston. Federal agencies, South Carolina state agencies, local governments, and the general public commented on the DEIS. These comments and Navy's responses were incorporated in the FEIS, which was distributed to the public on June 23, 1995, for a review period that concluded on July 24, 1995. Public comments on the FEIS were considered before preparation of the Record of Decision.

Alternatives

NEPA requires Navy to evaluate a reasonable range of alternatives for disposal and reuse of this Federal property. In the NEPA process, Navy analyzed the environmental impacts of various proposed reuses that could result from disposal of the Naval Base property. As the basis for this analysis, Navy initially relied upon the reuse and redevelopment alternatives identified by the BEST Committee, the first LRA that prepared the Charleston Naval Complex Reuse Plan presented to the Department of the Navy on June 9, 1994.

On June 30, 1994, the State of South Carolina authorized creation of a redevelopment authority to oversee disposal of the Base property and on September 30, 1994, the Governor of South Carolina established the Charleston Naval Complex Redevelopment Authority, known a the RDA, that succeeded the BEST Committee as the LRA. The LRA, as the Local Redevelopment Authority, adopted the BEST Committee's reuse plan for the Naval Base, characterized by high density redevelopment of the entire Base. In April 1995, the State of South Carolina reorganized the Charleston Naval Complex Redevelopment Authority and appointed new members to succeed the RDA established in September 1994. In June 1995, the new RDA, as the Local Redevelopment Authority for the Charleston Naval Base, endorsed high density redevelopment of the Naval Base, with two variations from the BEST Committee's reuse plan.

The BEST Committee considered three levels of reuse and redevelopment. The first level proposed reuse and redevelopment of 500 acres of Naval Base property; the second level

proposed reuse and redevelopment of 1000 acres of Naval property; and the third level proposed reuse and redevelopment of the entire 1500 acre Naval Base property. The BEST Committee adopted the third level, reuse and redevelopment of the entire Naval Base, as its proposed reuse plan for the property. This plan was treated in the FEIS as an element of Alternative Reuse Scenario 3.

In the first two levels of redevelopment, the LRA did not propose to develop the entire Naval Base property. Thus, in order to evaluate the environmental impacts caused by disposing of the entire Naval Base in light of these proposals, Navy projected and analyzed likely categories of reuse for these areas of the Naval Base property that the LRA did not propose to develop in its 500 and 1000 acre scenarios.

In the FEIS, Navy evaluated a ''no action'' alternative and three ''action'' alternatives for the entire Naval Base property. The first alternative was the ''No Action'' alternative which would leave the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety. The first ''action'' alternative, Alternative Reuse Scenario 1, proposed mixed use of the property with minimal infrastructure improvements and reflected the 500 acre redevelopment scenario examined by the LRA. This alternative utilized existing Naval Base administrative areas for office space, Naval Shipyard property for an industrial park, and open space areas for passive recreation. Alternative Reuse Scenario 2 proposed a more intensive mixed use and reflected the 1000 acre redevelopment scenario evaluated by the LRA. This alternative provided an industrial district near the piers but also sought to attract tourism with a ''destination'' mixed use waterfront district, a commercial marina, civic and office buildings, and large active recreation areas. Alternative Reuse Scenario 3 proposed the most intensive redevelopment and reflected the high density redevelopment scenario adopted by the LRA as its proposed reuse plan. This alternative proposed a high level of industrial and commercial redevelopment of the 1500 acre property that could be achieved through several different approaches and is described in the FEIS as the preferred alternative.

Alternative Reuse Scenario 3 is composed of three high density redevelopment Concepts that Navy analyzed and designated as Development Concepts 3, 3A, and 3B. Concept 3 reflected the BEST Committee's reuse plan; Concept 3A reflected Navy's modification of Concept 3, to take account of the environmental remediation planned for two sites on the Base; and Concept 3B, added by the RDA in February 1995, reflected the City of North Charleston's opposition to an intermodal cargo terminal and its preference for maritime industrial development. Alternative Reuse Scenario 3 with its variations is the proposed reuse plan endorsed by the RDA in June 1995.

Development Concept 3, the plan advanced by the BEST Committee, provided areas for civic and community use and proposed five major employment centers: an office district, a shipyard district, a marine industrial district, an intermodal cargo facility, and an industrial park related to and located behind the intermodal facility. Part of the proposed intermodal cargo terminal would be built on a pile-supported platform over the Cooper River. An adjacent railroad yard would also be constructed behind the terminal. Concept 3 emphasized government and port-related activities.

Development Concept 3A is similar to Concept 3. It proposed the same major employment centers but changed the locations of the intermodal cargo terminal, the related railroad yard, and the marine (or maritime) industrial district to avoid incompatibility with the environmental remediation planned for two sites on the Naval Station, *i.e.,* Solid Waste Management Units (SWMU) 9 and 14. These changes decreased the potential impact on wetlands by affecting only 9.3 acres as compared with 20.5 acres under Concept 3 and also reduced the impact on a vegetated buffer area along Shipyard Creek. Concept 3A would move the intermodal cargo facility farther out into the Cooper River and change its shape to retain the same area; it would not build any facilities over the two SWMS's; it would move the related railroad yard farther away from wetlands and the vegetated area along Shipyard Creek; and it would change the shape of the maritime industrial district.

Development Concept 3B proposed the use and expansion of existing Naval Shipyard and Naval Station facilities to develop an extensive maritime industrial district. Under Concept 3B, the intermodal cargo facility would not be built. Instead, the shipyard area would be enlarged and the maritime industrial facilities would be expanded to include the property where the cargo facility would be constructed under Concepts 3 and 3A.

The maritime industrial district covers much of the Naval Station property south of the Naval Shipyard that would be occupied by the intermodal cargo facility proposed in Development Concepts 3 and 3A. The proposal embodied in Concept 3B would avoid the impacts on waterways caused by building the intermodal cargo terminal over the Cooper River and the railway and elevated highway across Shipyard Creek. Concept 3B would further reduce the potential impact on wetlands by affecting only 4 acres as compared with 9.3 acres under Concept 3A and 20.5 acres under Concept 3. Concept 3B would not develop the sites at SWMU 9 and SWMU 14, instead leaving them as open space. Additionally, the vegetated buffer area along Shipyard Creek would not be developed. Concept 3B would also provide an office district, a cultural park district, a community support district, and areas for open space and recreation.

Environmental Impacts

The potential impacts of all three ''action'' Alternative Reuse Scenarios were analyzed for their effects on adjacent land use, traffic and transportation, noise, air quality, water quality, hazardous materials, biological resources, historic and archaeological resources, economics, environmental justice, aesthetics, and public services. Each of these Alternative Reuse Scenarios has the potential for causing impacts on the environment. This Record of Decision will focus on the impacts associated with the preferred alternative, Alternative Reuse Scenario 3, and its three Development Concepts. All three Concepts are generally compatible with the use of adjacent lands.

Each of the three Development Concepts would cause adverse local impacts on traffic. As a consequence of activity associated with the intermodal cargo facility proposed in Concepts 3 and 3A, rail and truck traffic in the area would increase. The traffic levels (composed of trucks and automobiles) generated by Concepts 3 and 3A would likely exceed by about 13 per cent those experienced during operation of the Naval Base. To accommodate this increase in traffic, it would be necessary for State and local governments to modify the transportation infrastructure by realigning rail lines, building additional access to Interstate Highway I–26, widening local roads, and modernizing local intersections. These, or similar, actions should mitigate the effects of the increased traffic.

The traffic associated with Concept 3B, which did not propose an

intermodal facility, would exceed by about 3 per cent the level experienced during operation of the Naval Base. Concept 3B did not propose any changes to the existing railroad or roadway networks, but would upgrade certain roadways on the Base to accommodate commercial vehicles.

Re-use under any of the three Development Concepts would not significantly affect ambient noise levels. However, long term increases in noise would occur on those local roadways that would experience increases in traffic. Under Concepts 3 and 3A, vehicular noise would increase in neighborhoods adjacent to the proposed I–26 highway connection at the south end of the Base. The intermodal cargo facility and related railroad yard that would be developed under Concepts 3 and 3A would also increase ambient noise levels, although not significantly. Since Concept 3B did not propose an intermodal cargo facility, the associated increase in noise would be less than that associated with Concepts 3 and 3A. Under Concept 3B, traffic and resultant noise would increase on local roads.

Re-use under any of the three Development Concepts would not significantly affect air quality. The sources of air pollutants associated with the proposed redevelopment would be motor vehicles, demolition and construction, ships, trains, and industrial operations. However, with the exception of Nitrogen Oxides from diesel locomotives associated with the intermodal railroad yard in Concepts 3 and 3A, the emissions that would arise out of the proposed redevelopment are not likely to generate a net increase over those present when the Base was operating.

Under Concept 3B, the level of emissions would be determined by the nature and extent of industrial activity conducted on the property. It would be necessary, of course, for those conducting such activities to obtain appropriate permits from the South Carolina Department of Health and Environmental Control.

The Base is located in a region that is in attainment with National Ambient Air Quality Standards. Therefore, an analysis under the Clean Air Act Conformity Rule is not required.

All three Development Concepts would cause adverse impacts on wetlands, surface waters, and aquatic habitats. The construction of new facilities under Development Concepts 3, 3A and 3B would remove, respectively, 20.5, 9.3 and 4 acres of wetlands. The stringent requirements of Sections 401 and 404 of the Clean Water Act (CWA), 33 U.S.C. 1252, *et seq.*, however, should provide adequate mitigation for the loss of wetlands. Under CWA, wetland replacement may be required when wetlands are filled as envisioned in Alternative Reuse Scenario 3.

Development of the intermodal cargo facility under Concepts 3 and 3A would require construction of a pile-supported platform over, respectively, 80 and 130 acres of the Cooper River and construction of a railway and an elevated highway across Shipyard Creek. The pile-supported cargo terminal would likely alter the flow characteristics of the Cooper River and cause a gradual buildup of sediments under the platform similar in effect to that of the existing Navy piers. Concept 3B would have no similar impact on hydrology because it did not propose to build the intermodal cargo terminal.

Before building the intermodal cargo facility, the acquiring entity would be required to obtain permits under Section 404 of CWA and the Rivers and Harbors Act, 33 U.S.C. 401, (which together control construction of facilities over navigable waters) for any construction that affects the Cooper River or Shipyard Creek. These permits are reviewed and approved by several Federal and State environmental agencies through public processes, and the agencies may require substantial environmental mitigation as a condition of approving the proposed construction.

Under all three Development Concepts, the impact on surface water quality caused by stormwater runoff would be regulated by the South Carolina Stormwater Management and Sediment Reduction Act, 48 S.C. Code Ann. § 48–14–10, *et seq*. This statute requires the acquiring entity to submit a sediment and erosion control plan to the State for approval, and the State may impose mitigation measures on the developer to minimize adverse effects from stormwater runoff. Future development will be subject to the prescriptions of CWA and the South Carolina statute, which require management of stormwater runoff into surface waters such as the Cooper River, Shipyard Creek, and Noisette Creek.

Because of the construction required for the intermodal cargo terminal, implementation of Development Concepts 3 and 3A would also have an impact on several State-designated species of concern that currently or historically have existed at the Base. Sea purslane, a plant species classified as a State species of concern, would likely be eliminated from the site of the marine industrial park if Concept 3 were implemented. Least terns, a threatened species under South Carolina law, nest on the roofs of buildings that would be demolished if the intermodal facility proposed in Concepts 3 and 3A were built. Thus, demolition should be coordinated with the South Carolina Department of Natural Resources. Two bat species that have been listed as candidates for the Federal endangered species list are present in the Charleston Harbor area, may roost in some buildings on the Base, and could also be affected by the demolition of buildings. Thus, the U.S. Fish and Wildlife Service may request that the acquiring entity conduct surveys of Base buildings before demolition in order to avoid causing harm to the least terns and bats.

Development Concept 3B would not have an impact on the least terns and would have less impact on the bats, because the proposed shipyard and maritime industrial complex would not require the extent of building demolition that would be necessary if the intermodal cargo facility were built. Redevelopment under all three Development Concepts would affect, by removal or alteration, more than half of the wooded areas on the Base.

Navy is evaluating the extent of existing contamination on the Base. Navy, the Environmental Protection Agency, and the South Carolina Department of Health and Environmental Control (DHEC) will review and approve the risk assessments developed to ascertain the potential impacts of existing contamination on human health and the environment before Navy remediates the contaminated sites and conveys the property.

There are three historic districts (Naval Shipyard, Naval Hospital and Officer Housing), one archeological site (a prehistoric site near Quarters L), and three individually eligible structures (Navy Chapel, Marine Barracks, and Coast Guard Air Station Bachelor Officers Quarters) on the Base. Navy, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer entered into a Programmatic Agreement on July 10, 1995. Under this Agreement, Navy will encourage adaptive reuse of the historic structures and maintain and preserve the buildings and the archeological site until a decision is made concerning their ultimate disposal. Additionally, Navy will include protective covenants in the deeds for parcels that contain historic structures and the archeological site.

Navy also analyzed the impacts on low income and minority populations pursuant to Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority

Populations and Low-Income Populations'' and found that there will be no disproportionately high and adverse human health or environmental effects on minority and low income populations. Any impacts related to reuse of the Base will be experienced equally by all groups within the regional population.

Mitigation

No mitigation measures are required to implement Navy's decision to dispose of the Naval Base property. Navy's FEIS identified and discussed the actions that would be necessary to mitigate the impacts associated with reuse and redevelopment. The acquiring entity, under the direction of Federal, State and local agencies with regulatory authority over protected resources, will be responsible for implementing these mitigation measures.

Absent statutory authority, Navy cannot impose restrictions on the future use of this surplus Federal property. Navy will, however, include appropriate notifications in the deeds for any parcels that contain wetlands, lie within floodplains or are inhabited by threatened or endangered species protected under Federal and State laws.

Comments Received on the FEIS

Navy received nine comment letters from regulatory agencies, a citizens group, and individual citizens. These comments did not raise new issues concerning potential problems with implementation of the reuse plan or propose mitigation measures other than those addressed in the FEIS. While some expressed concern that there was insufficient detail describing implementation of the reuse plan, these concerns may be addressed by the entity that acquires the Naval Base as it develops its implementation plan.

The South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM) requested that Navy either develop a Basewide stormwater management plan or require the acquiring entity to develop such a plan as a condition of conveyance. Navy will instead rely upon the applicability of the South Carolina Stormwater Management and Sediment Reduction Act, 48 S.C. Code Ann. § 48–14–10, *et seq.*, and local ordinances that require the acquiring entity to submit a stormwater management plan to OCRM for approval.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal action under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note, selection of Alternative Reuse Scenario 3 as the preferred alternative was based upon the environmental analysis in the FEIS and application of the standards set forth in DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR Part 101–47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DOD Rule), 32 CFR Parts 90 and 91.

Section 101–47.303–1 of the FPMR requires that the disposal of Federal property benefit the Federal government and constitute the highest and best use of the property. The FPMR defines the ''highest and best use'' as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The ''highest and best use'' determination must be based upon the property's economic potential, qualitative values, and utilization factors such as zoning, physical characteristics, other private and public uses in the vicinity, former Government uses, access, roads, location and environmental considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the highest and best use of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth at Sections 101–47.1 through 101–47.8 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by Section 2905(b)(4) of DBCRA, may Navy apply disposal procedures other than the FPMR's prescriptions.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103–160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103–160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the property disposal process. Under Section 2905(b)(2)(E) of DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in Section 90.4 of the DOD Rule, is to help base closure communities achieve rapid economic recovery through expeditious reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the Local Redevelopment Authority's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, *e.g.*, reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, Section 91.7(d)(3) of the DOD Rule provides that the Local Redevelopment Authority's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484, as implemented by the FPMR and DBCRA, identifies several mechanisms for disposing of surplus base closure property: By public benefit conveyance (FPMR Sec. 101–47.303–2); by economic development conveyance (DBCRA Sec. 2905(b)(4)); by negotiated sale (FPMR Sec. 101–47.304–8); and by competitive sale (FPMR Sec. 101–47.304–7). The selection of any

particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid are committed by law to agency discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

Alternative Reuse Scenario 3 with its three Development Concepts presents the highest and best use of the Charleston Naval Base. The local community, represented by the Charleston Naval Complex Redevelopment Authority, has determined in its reuse plan that the property should be used for a high density mix of commercial, industrial and recreational activities. The property's physical characteristics and past use and the current use of adjacent lands make it appropriate for this high density mix of redevelopment. Additionally, utilizing the existing infrastructure on the Base to the maximum extent, this redevelopment would produce an environment most likely to create jobs.

Alternative Reuse Scenario 3 responds to local economic conditions, promotes rapid economic recovery from the impact of base closure, and is consistent with President Clinton's Five-Part Plan for revitalizing base closure communities, which emphasizes local economic redevelopment of the closing military facility and creation of jobs as the means to revitalize these communities. 32 CFR Parts 90 and 91, 59 FR 16,123 (1994). The resultant environmental impacts can be mitigated by the acquiring entity under the direction of Federal, State and local regulatory authorities.

If only environmental considerations were determinative, the proposal with the least potential for causing adverse environmental impacts would be Alternative Reuse Scenario 1. This alternative, however, does not constitute the highest and best use of the Base property. While Alternative Reuse Scenario 1 presents a reasonable use which could benefit residents of the local community, this alternative does not take full advantage of the property's physical characteristics and past use, does not make maximum use of the existing infrastructure to support redevelopment, and does not have as high a potential for job creation.

Additionally, Alternative Reuse Scenario 1 does not provide the level of activity sought in the LRA's reuse plan and would not foster rapid economic recovery for this base closure community through redevelopment of the closed Base and job creation. Consequently, Alternative Reuse Scenario 1 does not constitute the highest and best use of the property. Similarly, Alternative Reuse Scenario 2 does not take full advantage of the potential for redevelopment of the Base property and is not as likely to achieve economic redevelopment of the Base as is Alternative Reuse Scenario 3.

Accordingly, Navy will dispose of the Charleston Naval Base in a manner that is consistent with the Charleston Naval Complex Redevelopment Authority's proposed reuse plan for the property.

Dated: May 7, 1996.

William J. Cassidy, Jr.,

Deputy Assistant Secretary of the Navy (Conversion And Redevelopment).

[FR Doc. 96–11889 Filed 5–10–96; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

Storage and Disposition of Weapons-Usable Fissile Materials Draft Programmatic Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of extension of public comment period.

SUMMARY: The Department of Energy (DOE) announced the availability of the Storage and Disposition of Weapons-Usable Fissile Materials Draft Programmatic Environmental Impact Statement (Storage and Disposition Draft PEIS) (DOE/EIS–0229–D) for public review and comment in the March 8, 1996, Federal Register (61 FR 9443). The Department is announcing that the public comment period which began on March 8, 1996 and was to close on May 7, 1996 has been extended to June 7, 1996, for the Storage and Disposition Draft PEIS.

DATES: The public is invited to submit written and oral comments on any or all portions of the Storage and Disposition Draft PEIS during the extension of the public comment period that began on March 8, 1996 and now continues until June 7, 1996. Comments postmarked after that date will be considered to the extent practicable. Comments submitted during the original public comment period do not have to be resubmitted. DOE's responses to comments received during the public comment period will be presented in the Storage and Disposition Final PEIS. The Department held eight public meetings to discuss and receive comments on the Storage and Disposition Draft PEIS during the period from March 26, 1996 through April 30, 1996.

ADDRESSES AND FURTHER INFORMATION: Written comments on the Storage and Disposition Draft PEIS should be mailed to the following address: DOE-Office of Fissile Materials Disposition, P.O. Box 23786, Washington, DC 20026–3786. Comments may also be submitted orally (to a recording machine) or by fax by calling 1–800–820–5156, or to the Office of Fissile Materials Disposition's INTERNET (World Wide Web) address at URL=http://web.fie.com/htdoc/fed/doe/fsl/pub/menu/any/index.htm.

Requests for further information concerning the Storage and Disposition Draft PEIS should be directed to: Office of Fissile Materials Disposition (MD–4), Attention: Storage and Disposition PEIS, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585; by calling 1–800–820–5134; or by using the above INTERNET address.

Information regarding the DOE National Environmental Policy Act process should be directed to: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, by calling (202) 586–4600 or leaving a message at 1–800–472–2756.

DOE Public Reading Rooms

Copies of the draft Storage and Disposition PEIS, as well as technical data reports and other supporting documents, are available for public review at the following locations:

Albuquerque Operations Office

National Atomic Museum, 20358 Wyoming Boulevard, SE, Kirtland AFB, NM 87117, 505–284–3243

Amarillo Area Office

U.S. Department of Energy, Amarillo College, Lynn Library/Learning Center, 2201 South Washington, P.O. Box 447, Amarillo, TX 79178, 806–371–5400

U.S. DOE Reading Room, Carson County Library, 401 Main Street, P.O. Box 339, Panhandle, TX 79068, 806–537–3742

Chicago Operations Office

Office of Planning, Communications and EEO, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, Il 60439, 708–252–2013

Headquarters, Department of Energy

U.S. Department of Energy, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, 202–586–3142

Idaho Operations Office

Idaho Public Reading Room, 1776 Science Center Drive, Idaho Falls, ID 83402, 208–526–0271

Los Alamos National Laboratory

U.S. Department of Energy, c/o Los Alamos Community Reading Room, 1350 Central, Suite 101, Los Alamos, NM 87544, 505–665–2127

Nevada Operations Office

Nevada Operations Office, U.S. Department of Energy, Public Reading Room, 2621 Losse Road, North Las Vegas, NV 89030, 702–295–1128

Oak Ridge Operations Office

U.S. Department of Energy, Public Reading Room, 55 South Jefferson Circle, Room 112, P.O. Box 2001, Oak Ridge, TN 37831–8501,423–241–4780

Richland Operations Office

Washington State University, Tri-Cities Branch Campus, 100 Sprout Road, Room 130 West, Richland, WA 99352, 509–376–8583

Rocky Flats Office

Front Range Community College Library, 3645 West 112th Avenue, Westminister, CO 80030, 303–469–4435

Sandia National Laboratory

Livermore Public Library, 1000 S. Livermore Avenue, Livermore, CA 94550, 510–373–5500

Savannah River Operations Office

Gregg-Graniteville Library, University of South Carolina-Aiken, 171 University Parkway, Aiken, SC 29801, 803–641–3320

Issued in Washington, DC, May 7, 1996.

Gregory P. Rudy,

Acting Director, Office of Fissile Materials Disposition

[FR Doc. 96–11911 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation.

DATES: Wednesday, June 5, 1996: 6:00 p.m.–9:00 p.m.

ADDRESSES: Oak Ridge Inn (formerly Holiday Inn), 420 South Illinois Avenue, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Sandy Perkins, Site-Specific Advisory Board Coordinator, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, (423) 576–1590.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

June Meeting Topics

The Board will be briefed on the air monitoring program for the Oak Ridge Reservation.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Sandy Perkins at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 8:30 am and 5:00 pm on Monday, Wednesday, and Friday; 8:30 am and 7:00 pm on Tuesday and Thursday; and 9:00 am and 1:00 pm on Saturday, or by writing to Sandy Perkins, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, or by calling her at (423) 576–1590.

Issued at Washington, DC on May 3, 1996.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–11910 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Privacy Act of 1974; Notice To Amend an Existing System of Records

AGENCY: Department of Energy (DOE).

ACTION: Proposed amendment to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, Title 5, United States Code, Section 552a, the Department of Energy is publishing for public comment a revision to an existing system of records, ''DOE–34, Employee Assistance Program (Alcohol and Drug Abuse Program)'' including the renaming of the system to ''DOE–34, Employee Assistance Program (EAP) Records.'' The revision expands the scope of the system to include assistance on all behavioral problems or issues. The revision also proposes to increase system locations, expand the categories of individuals covered and the categories of records in the system, establish new routine uses, delete existing routine uses, and update other information related to the system.

DATES: The proposed revisions will become effective without further notice 40 days after publication in the Federal Register, unless comments are received on or before that date that would result in a contrary determination and a notice is published to that effect.

ADDRESSES: Written comments should be directed to the following address: Director, FOIA/Privacy Act Division, Office of the Executive Secretariat, HR–78, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Written comments will be available for inspection at the above address between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: GayLa D. Sessoms, Director, FOIA/Privacy Act Division, HR–78, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–5955; Bruce Murray, Office of Personnel Policy, Programs and Assistance, HR–323, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–3372; or Harold Halpern, Office of General Counsel, GC–80, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8618.

SUPPLEMENTARY INFORMATION: The Department proposes to amend its system of records, ''DOE–34, Employee Assistance Program (Alcohol and Drug Abuse Program)'' and to rename the system ''DOE–34, Employee Assistance Program (EAP) Records.'' The revision expands the scope of the system to include assistance on all behavioral problems or issues. The existing system covers only those records relating to counseling and referral services to resolve alcohol and/or drug abuse problems.

The system location is extended to include the offices of off-site Department of Energy service providers. The categories of individuals covered is extended to former employees and the categories of records in the system will now include a detailed employee profile, interest inventory and/or psychological test results, issue inventory, case notes, consent/release forms, and psychological reports.

Records from this system will be used to provide information to the employee assistance program provider, program coordinator, and program evaluators to assist the operation of the program. The information will also be provided to appropriate Departmental management officials regarding possible health, safety, or security risks.

The new routine uses permit the disclosure of information maintained in the system of records (other than records pertaining to alcohol and substance abuse which are subject to the more restrictive confidentiality constraints set forth at Title 42, United States Code, Section 290dd–2, and Title 42, Code of Federal Regulations, Part 2) to: (1) Department contractors providing services to the Program and their personnel who have a need for the records in the performance of their duties; (2) appropriate community officials regarding suspected child, spousal, or elder abuse; (3) any persons to the extent necessary to prevent an imminent or potential crime which directly threatens loss of life or serious bodily injury; (4) qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation; (5) appropriate Federal agencies in defending claims against the United States when the claim results from actions against an individual based upon the individual's behavior, or mental, or physical condition, or is alleged to have arisen because of activities of any Federal agency in connection with the individual, and; (6) the United States Enrichment Corporation to enable it to perform functions transferred to it from the Department.

This notice also deletes the routine uses listed for the system in the Department's complete compilation of Privacy Act system of records (47 Federal Register 14306, April 2, 1982) and later Federal Register re-publications. All intended disclosures of information maintained in the system are included in the new routine uses proposed to be established in this notice.

The text of the system notice is set forth below.

Issued in Washington, DC, this 24th day of April, 1996.

Archer L. Durham,

Assistant Secretary for Human Resources and Administration.

DOE–34

SYSTEM NAME:

Employee Assistance Program (EAP) Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

These records are maintained at Department of Energy offices or, when Departmental service providers (counselors) are off-site, in the office of the provider.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Department of Energy employees who have contacted a service provider and have received counseling and/or been referred out for assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records generated in the course of managing and monitoring employee referrals and participation in the Employee Assistance Program, such as:

a. Employee profile—Name; social security number; work and home addresses and phone numbers; job title and grade level; organization; supervisor's name and phone number; sex; race; marital status; spouse and family members' names; name, address, and phone number of any previously seen counselor or treatment facility; security clearance.

b. Interest inventory and/or psychological test results.

c. Issue(s) inventory.

d. Case notes.

e. Consent/release forms.

f. Correspondence, including referrals to community resources and/or treatment facilities.

g. Medical and/or psychological reports.

All employee counseling records are owned by the Department.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 91–616, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; Public Law 102–143, The Omnibus Transportation Employee Testing Act of 1991; Title 5, United States Code, Sections 301, 7901, and 7904; Title 5, Code of Federal Regulations, Part 792; and Section 641 of the Department of Energy Organization Act, codified at Title 42, United States Code, Section 7251, incorporating Title 42, United States Code, Section 2201 and Title 15, United States Code, Section 764.

PURPOSE:

These records are used by the Department of Energy to maintain documentation on employees seeking assistance on behavioral problems or issues. Records from this system will be used to provide information to the employee assistance program provider, program coordinator, program evaluators to assist the operation of the program and, in cases of employee supervisor initiated referrals and others, if the employee waives confidentiality, records will also be provided to the employee's supervisor.

The information will also be provided to appropriate Departmental management officials regarding possible health, safety, or security risks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records regarding drug and alcohol use are subject to the confidentiality and disclosure provisions at Title 42, United States Code, Section 290dd–2, and the regulations at Title 42, Code of Federal Regulations, Part 2. All other counseling records will be treated with the same degree of confidentiality, with the exception that they may be disclosed:

1. To Department contractors who provide services to the Employee Assistance Program, their officers and employees, in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

2. To appropriate community officials if the employee is suspected of child, spousal, or elder abuse.

3. To any person or entity to the extent necessary to prevent an imminent or potential crime which directly threatens loss of life or serious bodily injury.

4. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report, or otherwise disclose patient identities in any manner.

5. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States, when the claim results from action against an individual based upon the individual's behavior, or mental or physical condition, or is alleged to have arisen because of activities of any Federal agency in connection with the individual.

6. To the United States Enrichment Corporation to enable the Corporation to perform functions transferred to it from the Department of Energy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in any form, including hard copy and automated.

RETRIEVABILITY:

By employee's name or other personal identifier, such as, social security number.

SAFEGUARDS:

Records must be maintained in locked file cabinets or offices. Access to records is to authorized personnel only.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the General Records Schedule and DOE records schedules which have been approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

a. Headquarters: Deputy Assistant Secretary for Human Resources, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585.

b. Field Offices: Personnel Officers at all other Departmental locations including the Office of Inspector General.

NOTIFICATION PROCEDURES:

Requests by an individual to determine if a system of records contains information about him/her should be directed to either the Director, FOIA/Privacy Act Division, Office of the Executive Secretariat, HR–78, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, for Headquarters, or the Privacy Act Officer at each field location in accordance with the Department's Privacy Act regulations (Title 10, Code of Federal Regulations, Section 1008, 45 FR 61576, September 16, 1980, or its successor issuance).

Requests should include the requester's complete name, social security number, the geographic location(s) where the requester believes the records may be located, and time period.

RECORD ACCESS PROCEDURES:

With proper identification in accordance the Department's Privacy Act regulations, a current or former employee may obtain a copy of his/her employee assistance file, unless, in the opinion of the service provider, the medical or psychological information contained in it would be inappropriate for release directly to the individual. In such a case, the requester should provide the name of his/her attending counselor so the file can be sent directly to the counselor and the information released pursuant to the Privacy Act, Title 5, United States Code, Section 552a(f)(3).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

a. The subject employee.

b. The employee's supervisor(s).

c. The employee assistance program coordinator.

d. Staff of the applicable servicing personnel office.

e. Staff of the applicable personnel security office.

f. Therapists or institutions providing treatment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 96–11919 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–215–001]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 7, 1996.

Take notice that on May 2, 1996, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective June 1, 1996:

Subsitute Original Sheet No. 129C
Subsitute Original Sheet No. 129D

FGT states that on April 25, 1996 FGT filed tariff sheets to provide for the resolution of Unscheduled Deliveries on FGT's system. Subsequently, FGT has become aware that Original Sheet Nos. 129C and 129D included in the April 25 filing has been previously filed on December 30, 1994 in FGT's rate case in RP95–103. These tariff sheets were never motioned into effect and were subsequently withdrawn by default by FGT's settlement dated August 24, 1995 as approved by Commission Order dated October 11, 1995. In the instant filing, FGT is submitting Substitute Original Sheet Nos. 129C and 129D because these tariff sheets were previously filed as original sheets.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11840 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–231–000]

Kern River Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 7, 1996.

Take notice that on May 3, 1996, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to become effective June 3, 1996:

First Revised Volume No. 1

Second Revised Sheet No. 11
First Revised Sheet No. 12
Second Revised Sheet No. 15
Second Revised Sheet No. 51
First Revised Sheet No. 55
First Revised Sheet No. 56
First Revised Sheet No. 70
First Revised Sheet No. 83
Third Revised Sheet No. 93
First Revised Sheet No. 111
First Revised Sheet No. 116
Third Revised Sheet No. 121
Third Revised Sheet No. 122
First Revised Sheet No. 126

Second Revised Sheet No. 127
Original Sheet No. 128
First Revised Sheet No. 200
First Revised Sheet No. 202
First Revised Sheet No. 203
First Revised Sheet No. 300
First Revised Sheet No. 301
First Revised Sheet No. 302
First Revised Sheet No. 303
First Revised Sheet No. 354
First Revised Sheet No. 356
First Revised Sheet No. 357
First Revised Sheet No. 400
First Revised Sheet No. 401
First Revised Sheet No. 500A
First Revised Sheet No. 523
First Revised Sheet No. 524
First Revised Sheet No. 533
First Revised Sheet No. 534
First Revised Sheet No. 600A
First Revised Sheet No. 623
First Revised Sheet No. 632
First Revised Sheet No. 633
First Revised Sheet No. 700A
First Revised Sheet No. 726
First Revised Sheet No. 728
First Revised Sheet No. 736
First Revised Sheet No. 802
First Revised Sheet No. 823
Second Revised Sheet No. 827
First Revised Sheet No. 844
First Revised Sheet No. 872
First Revised Sheet No. 876
Second Revised Sheet No. 878
First Revised Sheet No. 879

Kern River states that, in partial compliance with Order No. 582, it is revising its tariff to (1) update references in its tariff to the former Part 154 regulations; (2) include a statement on Kern River's ''order of discounting'' and; (3) include a statement of Kern River's policy with respect to the construction of delivery facilities.

Kern River further states that it is proposing revisions to its tariff sheets to reflect a change in Kern River's principal place of business and other minor corrective changes.

Any person desiring to be heard or protest this 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants 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 to public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96–11841 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–159–000]

Shell Gas Pipeline Company; Notice of Technical Conference

May 7, 1996.

Take notice that the technical conference in the above captioned proceeding, previously scheduled for April 17, 1996, has been rescheduled to be held on May 16, 1996. The Conference will be convened at 10:00 p.m. at the Commission's offices, located at 888 First St., N.E., Washington, D.C. 20426. All parties are invited to attend. For further information contact Fred Koester, (202) 208–2258, or Robert Wolfe, (202) 208–2098.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96–11833 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1930–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

May 7, 1996.

On May 2, 1994, Southern California Edison Company, licensee for the Kern River No. 1 Project No. 1930, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 1930 is located on the Kern River in Kern County, California.

The license for Project No. 1930 was issued for a period ending April 30, 1996. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given than an annual license for Project No. 1930 is issued to Southern California Edison Company for a period effective May 1, 1996, through April 30, 1997, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before April 30, 1997, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Kern River No. 1 Project No. 1930 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96–11835 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1932–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

May 7, 1996.

On April 29, 1994, Southern California Edison Company, licensee for the Lytle Creek Project No. 1932, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 1932 is located on Lytle Creek in San Bernardino County, California.

The license for Project No. 1932 was issued for a period ending April 30, 1996. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise

disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1932 is issued to Southern California Edison Company for a period effective May 1, 1996, through April 30, 1997, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license or (other disposition) does not take place on or before April 30, 1997, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Lytle Creek Project No. 1932 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11836 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1933–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

May 7, 1996.

On April 29, 1994, Southern California Edison Company, licensee for the Santa Ana Nos. 1 and 2 Project No. 1933, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 1933 is located on the Santa Ana River and its tributaries in San Bernardino County, California.

The license for Project No. 1933 was issued for a period ending April 30, 1996. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 1933 is issued to Southern California Edison Company for a period effective May 1, 1996, through April 30, 1997, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before April 30, 1997, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Santa Ana Nos. 1 and 2 Project No. 1933 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11837 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1934–000]

Southern California Edison Company; Notice of Authorization for Continued Project Operation

May 7, 1996.

On April 29, 1994, Southern California Edison Company, licensee for the Mill Creek Nos. 2 and 3 Project No. 1934, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 1934 is located on Mill Creek and its tributary, Mountain Home Creek, in San Bernardino County, California.

The license for Project No. 1934 was issued for a period ending April 30, 1996. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 1934 is issued to Southern California Edison Company for a period effective May 1, 1996, through April 30, 1997, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before April 30, 1997, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Southern California Edison Company is authorized to continue operation of the Mill Creek Nos. 2 and 3 Project No. 1934 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11838 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–35–000, et al.]

Central Vermont Public Service Corporation, et al.; Electric Rate and Corporate Regulation Filings

April 29, 1996.

Take notice that the following filings have been made with the Commission:

1. Central Vermont Public Service Corporation

[Docket No. ER94–35–000]

Take notice that on April 24, 1996, Central Vermont Public Service Corporation tendered for filing an amendment to its filing in this docket. The amendment responds to informal requests of the Commission Staff.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. New England Power Pool

[Docket No. ER96–1621–000]

Take notice that on April 23, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Global Petroleum Corporation (Global). 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 Global to join the over 90 other electric utilities and independent power producers that already participate in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Global a Participant in the Pool. NEPOOL requests an effective date of June 1, 1996 for commencement of participation in the Pool by Global.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Pool

[Docket No. ER96–1622–000]

Take notice that on April 23, 1996, the New England Power Pool Executive Committee filed a signature page to the NEPOOL Agreement dated September 1, 1971, as amended, signed by Wheeled Electric Power Company (Wheeled Electric). 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 Wheeled Electric to join the over 90 Participants already in the Pool. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Wheeled Electric a Participant in the Pool. NEPOOL requests an effective date on or before March 28, 1996 for commencement of participation in the Pool by Wheeled Electric.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power Corporation

[Docket No. ER96–1623–000]

Take notice that on April 23, 1996, Florida Power Corporation tendered for filing a service agreement providing for service to Louisville Gas and Electric Company, pursuant to Florida Power's power sales tariff. Florida Power requests that the Commission waive its notice of filing requirements and allow the Service Agreement to become effective on April 24, 1996.

Florida Power requests that the Commission waive its notice of filing requirements to allow the Service Agreement to become effective on the date listed above.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER96–1624–000]

Take notice that on April 23, 1996, Florida Power Corporation (Florida Power), tendered for filing service agreements providing for service to Louisville Gas and Electric Company pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective on April 24, 1996.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Company

[Docket No. ER96–1625–000]

Take notice that on April 23, 1996, Idaho Power Company (IPC), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff, Second Revised, Volume No. 1 between USGen Power Services, L.P. and Idaho Power Company, and a Certificate of Concurrence.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Company, NEES Transmission Services, Inc., Granite State Electric Company, Massachusetts Electric Company and the Narragansett Electric Company

[Docket No. ER96–1626–000]

Take notice that on April 23, 1996, New England Power Company, NEES Transmission Services, Inc., and certain of its affiliates tendered a series of agreements and amendments to agreements to permit Massachusetts Electric Company to implement two Pilot Programs approved by the Massachusetts Department of Public Utilities that are designed to allow retail electricity sales by alternative suppliers in Massachusetts Electric Company's service territory.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Power Company

[Docket No. ER96–1627–000]

Take notice that on April 23, 1996, Duke Power Company (Duke), tendered for filing a Service Agreement for Market Rate (Schedule MR) Sales between Duke and Entergy Services, Inc. and Schedule MR Transaction Sheets thereunder.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Duke Power Company

[Docket No. ER96–1628–000]

Take notice that on April 23, 1996, Duke Power Company (Duke), tendered for filing Schedule MR Transaction Sheets under Service Agreement No. 3 of Duke's FERC Electric Tariff, Original Volume No. 3.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Power and Light Company

[Docket No. ER96–1629–000]

Take notice that on April 19, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Valero Power Services Company (Valero). WP&L respectfully requests a waiver of

the Commission's notice requirements, and an effective date of April 8, 1996.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Entergy Services, Inc.

[Docket No. ER96–1630–000]

Take notice that on April 24, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Arkansas Power & Light Company, Gulf States Utilities Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service, Inc. (Entergy Operating Companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and Central and South West Services, Inc., acting as agent for Southwestern Electric Power Company. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide firm transmission service under their Transmission Service Tariff.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Family Fiber Connection

[Docket No. ER96–1631–000]

Take notice that on April 24, 1996, Family Fiber Connection (FFC), tendered for filing FFC Rate Schedule FERC No. 1, under which FFC will engage in wholesale electric power and energy transactions as a marketer. FFC requests that the Commission accept the rate schedule for filing effective the earlier of 60 days from the date of this filing or the date the Commission issues an order accepting the rate schedule.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Florida Power Corporation

[Docket No. ER96–1632–000]

Take notice that on April 24, 1996, Florida Power Corporation (FPC), tendered for filing a contract for the provision of interchange service between itself and Western Power Services, Inc. (WPS). The contract provides for service under Schedule J, Negotiated Interchange Service, and OS, Opportunity Sales. Cost support for both schedules has been previously filed and approved by the Commission. No specifically assignable facilities have been or will be installed or modified in order to supply service under the proposed rates.

FPC requests Commission waiver of the 60-day notice requirement in order to allow the contract to become effective as a rate schedule on April 25, 1996. Waiver is appropriate because this filing does not change the rate under these two Commission accepted, existing rate schedules.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Portland General Electric Company

[Docket No. ER96–1633–000]

Take notice that on April 24, 1996, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, 1st Revised Volume No. 2, executed Service Agreements for Industrial Energy Applications and Utah Municipal Power Agency.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirement of 18 CFR 35.3 to allow the executed Service Agreement to become effective April 1, 1996.

A copy of this filing was served upon Industrial Energy Applications and Utah Municipal Power Agency.

Comment date: May 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Maine Public Service Company

[Docket No. ER96–1634–000]

Take notice that on April 24, 1996, Maine Public Service Company submitted an agreement under its Umbrella Power Sales tariff.

Comment date: May 13, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11842 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EG96–60–000, et al.]

O'Brien (Parlin) Cogeneration, Inc., et al.; Electric Rate and Corporate Regulation Filings

May 7, 1996.

Take notice that the following filings have been made with the Commission:

1. O'Brien (Parlin) Cogeneration, Inc.

[Docket No. EG96–60–000]

On April 29, 1996, O'Brien (Parlin) Cogeneration, Inc. (''Parlin''), 225 South Eighth Street, Philadelphia, PA 19106, 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.

Parlin is a Delaware corporation 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.

Parlin owns a 122 MW topping-cycle cogeneration facility located in Parlin, New Jersey.

Comment date: May 28, 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. O'Brien (Newark) Cogeneration, Inc.

[Docket No. EG96–61–000]

On April 29, 1996, O'Brien (Newark) Cogeneration, Inc. (''Newark''), 225 South Eighth Street, Philadelphia, PA 19106, 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.

Newark is a Delaware corporation 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.

Newark owns a 52 MW topping-cycle cogeneration facility located in Newark, New Jersey.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. QST Energy Trading Inc.

[Docket No. ER96–553–001]

Take notice that on April 16, 1996, QST Energy Trading Inc. amended its compliance filing in this docket.

Comment date: May 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Citizens Utilities Company

[Docket No. ER96–899–001]

Take notice that on April 22, 1996, Citizens Utilities Company tendered for filing its refund report in the above-referenced docket.

Comment date: May 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Illinois Power Company

[Docket No. ER96–1537–000]

Take notice that on April 29, 1996, Illinois Power Company tendered for filing an amendment to the April 9, 1996, filing that it made in this proceeding.

Comment date: May 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Company

[Docket No. ER96–1625–000]

Take notice that on May 1, 1996, Idaho Power Company (IPC) tendered for filing a letter requesting an amended effective date of April 3, 1996, for its Service Agreement under Idaho Power Company FERC Electric Tariff, Second Revised, Volume No. 1 between USGen Power Services, L.P. and Idaho Power Company.

Comment date: May 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Southwestern Public Service Company

[Docket No. ER96–1666–000]

Take notice that on April 29, 1996, Southwestern Public Service Company (Southwestern), tendered for filing a new rate schedule. The new rate schedule is for economy and system participation capacity service to The Empire District Electric Company (Empire District). Service to Empire District is scheduled to start June 1, 1996.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Power Company

[Docket No. ER96–1667–000]

Take notice that on April 29, 1996, Duke Power Company (Duke), tendered for filing with the Commission Supplement No. 9 to Supplement No. 24 to the Interchange Agreement between Duke and Carolina Power & Light Company (CP&L) dated June 1, 1961, as amended (Interchange Agreement). Supplement No. 9 changes Duke's monthly transmission capacity rate under the Interchange Agreement from $1.0908 per KW per month to $1.0758 per KW per month. Duke has proposed an effective date of July 1, 1996, for the revised charge.

Copies of this filing were mailed to Carolina Power & Light Company, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Niagara Mohawk Power Corporation

[Docket No. ER96–1669–000]

Take notice that on April 29, 1996, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing pursuant to Section 35.13 of the Federal Energy Regulatory Commission's Regulations, 18 CFR 35.13, an Amendment to its FERC Rate Schedule No. 165, an agreement between Niagara Mohawk and New York State Electric & Gas Corporation (NYSEG) and NYSEG's Certificate of Concurrence with respect to NYSEG FERC Rate Schedule No. 115.

These rate schedules consist of a January 1, 1990, agreement, as amended and supplemented from time to time (the 1990 Agreement) pursuant to which Niagara Mohawk and NYSEG (the Parties) provide certain transmission services to each other. The Amendment modifies the rates that each Party charges the other for transmission services under the 1990 Agreement and was negotiated at arm's length. Under the Amendment, the fixed monthly charge that NYSEG pays Niagara Mohawk will increase from $1,162,083 to $1,164,250 (an increase of $2,167 per month or $26,004 per year).

Niagara Mohawk requests that the Amendment become effective on September 1, 1995, and requests waiver of the notice requirements for good cause shown.

Niagara Mohawk served copies of the filing upon the New York State Public Service Commission and NYSEG.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Washington Water Power Company

[Docket No. ER96–1670–000]

Take notice that on April 29, 1996, Washington Water Power Company, tendered for filing with the Federal Energy Regulatory Commission, pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with E Prime, Inc.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power & Light Company

[Docket No. ER96–1671–000]

Take notice that on April 29, 1996, Florida Power & Light Company (FPL), tendered for filing a document entitled Florida Southern Export Allocation Agreement Among Florida Power & Light Company, Florida Power Corporation, Jacksonville Electric Authority, and the City of Tallahassee, Florida (Export Agreement). FPL's filing includes a Certificate of Concurrence executed by Florida Power Corporation in lieu of an independent filing.

FPL states that the Export Agreement establishes limits on the Contracting Parties' right to export power at the Florida Southern Interface, by allocating the Florida Southern Interface export capability among the Contracting Parties.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the Export Agreement be made effective on May 14, 1996. FPL states that copies of the filing were served on Florida Power Corporation, Jacksonville Electric Authority, and the City of Tallahassee, Florida.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Florida Power & Light Company

[Docket No. ER96–1672–000]

Take notice that on April 29, 1996, Florida Power & Light Company (FPL), tendered for filing a document entitled Joint Ownership Party Export Allocation Between Florida Power & Light Company and Jacksonville Electric Authority (JEA), (JOP Export Agreement).

FPL states that the JOP Export Agreement establishes limits on FPL's and JEA's right to export power at the Florida Southern Interface, by allocating between FPL and JEA the Interface export capability allocated collectively to FPL and JEA under a separate, simultaneously filed agreement: the Florida Southern Transmission Export Allocation Agreement Among Florida Power & Light Company, Florida Power Corporation, Jacksonville Electric Authority, and City of Tallahassee, Florida.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the JOP Export Agreement be made effective on May 14, 1996. FPL states that copies of the filing were served on JEA.

Comment date: May 20, 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, NE., Washington, DC 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11872 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–199–000]

Egan Hub Partners, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Egan Gas Storage Expansion Project and Request for Comments on Environmental Issues

May 7, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Egan Gas Storage Expansion Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Egan Hub Partners, L.P. (Egan) proposes to construct and operate a second storage cavern and install about 6,260 horsepower of additional compression at the storage facility site in Acadia Parish, Louisiana.

Egan indicates that the new storage facilities would provide up to a total of about 4 billion cubic feet of working gas storage capacity.

The general location of the project facilities are shown in appendix 1.[2]

Land Requirements for Construction

No additional land would be required for the project.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Land use.
- Air quality and noise.
- Public safety.
- Cultural resources.
- Endangered and threatened species.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified two issues that we think deserves attention based on a preliminary review of the proposed facilities and the environmental information provided by Egan. Keep in mind that these are preliminary issues.

- Egan would develop an additional salt storage cavern which would require fresh water withdrawal, saltwater disposal, and surface disposal of insolubles.
- Noise impacts would occur to nearby residences from the operation of the compressors.

The list of issues may be added, subtracted from, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Washington, DC 20426;
- Reference Docket No. CP96–199–000;
- Send a *copy* of your letter to: Mr. Herman K. Der, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., N.E. PR–11.1, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before June 17, 1996.

If you wish to receive a copy of the EA, you should request one from Mr. Herman K. Der at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

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[1] Egan Hub Partners, L.P.'s application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Herman K. Der, EA Project Manager, at (202) 208–0896.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11834 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–166–013]

Panhandle Eastern Pipe Line Company; Notice of Technical Conference

May 7, 1996.

Take notice that a technical conference will be convened in this proceeding on May 16, 1996, at 2:00 p.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, for the purpose of reviewing information submitted by Panhandle pursuant to the Commission's remand order in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information please contact Carmen Gastilo (202) 208–2182 or Kathleen Dias (202) 208–0524.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11839 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–M

Sunshine Act Meeting

May 8, 1996.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: May 15, 1996, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda; Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary,Telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro, 652nd Meeting—May 15, 1996 Regular Meeting (10:00 a.m.)

CAH–1.	DOCKET# P–5984	004	NIAGARA MOHAWK POWER CORPORATION
CAH–2.	OMITTED		
CAH–3.	OMITTED		
CAH–4.	DOCKET# P–11090	001	TUNBRIDGE MILL CORPORATION
CAH–5.	DOCKET# P–11402	001	CITY OF CRYSTAL FALLS, MICHIGAN
CAH–6.	DOCKET# P–2114	040	PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

CONSENT AGENDA—ELECTRIC

CAE–1.	DOCKET# ER—95–203		007 UTILICORP UNITED, INC.
	OTHER#S ER95–216	007	AQUILA POWER CORPORATION
	ER96–988	000	AQUILA POWER CORPORATION
	ER96–1000	000	UTILICORP UNITED, INC.
	ER96–1366	000	AQUILA POWER CORPORATION
CAE–2.	DOCKET# ER96–1121	000	DUKE/LOUIS DREYFUS ENERGY SERVICES (NEW ENGLAND) L.L.C.
	OTHER#S ER96–108	003	DUKE/LOUIS DREYFUS L.L.C.
CAE–3.	DOCKET# ER96–1348	000	CSW POWER MARKETING, INC.
CAE–4.	DOCKET# ER96–1361	000	ATLANTIC CITY ELECTRIC COMPANY
CAE–5.	OMITTED		
CAE–6.	DOCKET# ER96–1428	000	PENNSYLVANIA POWER & LIGHT COMPANY
CAE–7.	DOCKET# ER96–1459	000	BLACK HILLS POWER AND LIGHT COMPANY
CAE–8.	DOCKET# ER96–1461	000	CAMBRIDGE ELECTRIC LIGHT COMPANY
	OTHER#S ER96–49	000	CAMBRIDGE ELECTRIC LIGHT COMPANY
CAE–9.	DOCKET# QF94–160	001	CHEROKEE COUNTY COGENERATION PARTNERS, L.P.
CAE–10.	DOCKET# ER96–1456	000	PUGET SOUND POWER & LIGHT COMPANY
	OTHER#S ER96–697	000	PUGET SOUND POWER & LIGHT COMPANY
CAE–11.	DOCKET# ER95–626	000	PSI ENERGY, INC.
CAE–12.	DOCKET# ER95–1800	001	PUBLIC SERVICE COMPANY OF NEW MEXICO
	OTHER#S EL95–55	001	PLAINS ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC. V. PUBLIC SERVICE CO. OF NEW MEXICO
	EL95–63	001	INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO V. PUBLIC SERVICE COMPANY OF NEW MEXICO
	EL95–65	001	WESTERN AREA POWER ADMINISTRATION V. PUBLIC SERVICE COMPANY OF NEW MEXICO
	EL95–75	001	NAVAJO TRIBAL UTILITY AUTHORITY V. PUBLIC SERVICE COMPANY OF NEW MEXICO

CONSENT AGENDA—GAS AND OIL

CAG–1.	DOCKET# RP96–153	000	ANR PIPELINE COMPANY
CAG–2.	DOCKET# RP95–296	002	WILLIAMS NATURAL GAS COMPANY
CAG–3.	DOCKET# RP96–67	000	MOJAVE PIPELINE COMPANY

Consent Agenda—Hydro, 652nd Meeting—May 15, 1996 Regular Meeting (10:00 a.m.)—Continued

CAG–4.	DOCKET# TM96–2–28	001	PANHANDLE EASTERN PIPELINE COMPANY
CAG–5.	DOCKET# RP96–78	000	STINGRAY PIPELINE COMPANY
CAG–6.	DOCKET# RP95–197	011	TRANSCONTINENTAL GAS PIPE LINE CORPORATION
	OTHER#S RP95–197	009	TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–7.	DOCKET# RP89–186	056	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	OTHER#S ST93–2038	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–2039	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–2040	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–2732	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–2733	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–3139	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–3140	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–3141	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
	ST93–3142	000	GREAT LAKES GAS TRANSMISSION LIMITED PARTNERSHIP
CAG–8.	DOCKET# RP95–187	004	NORTHWEST PIPELINE CORPORATION
	OTHER#S RP94–220	011	NORTHWEST PIPELINE CORPORATION
	TM95–2–37	004	NORTHWEST PIPELINE CORPORATION
CAG–9.	DOCKET# RP95–408	009	COLUMBIA GAS TRANSMISSION CORPORATION
CAG–10.	DOCKET# RP92–237	023	ALABAMA-TENNESSEE NATURAL GAS COMPANY
	OTHER#S RP92–237	022	ALABAMA-TENNESSEE NATURAL GAS COMPANY
CAG–11.	OMITTED		
CAG–12.	DOCKET# FA90–65	002	NORTHERN BORDER PIPELINE COMPANY
CAG–13.	DOCKET# RP96–68	002	NORTHERN NATURAL GAS COMPANY
	OTHER#S RP95–178	000	NORTHERN NATURAL GAS COMPANY
	RP95–179	000	NORTHERN NATURAL GAS COMPANY
	RP95–313	000	NORTHERN NATURAL GAS COMPANY
	RP95–328	001	NORTHERN NATURAL GAS COMPANY
	RP96–164	000	NORTHERN NATURAL GAS COMPANY
CAG–14.	DOCKET# IS92–27	001	LAKEHEAD PIPE LINE COMPANY, LIMITED PARTNERSHIP
	OTHER#S IS93–4	001	LAKEHEAD PIPE LINE COMPANY, LIMITED PARTNERSHIP
	IS93–33	002	LAKEHEAD PIPE LINE COMPANY, LIMITED PARTNERSHIP
CAG–15.	DOCKET# RP95–408	008	COLUMBIA GAS TRANSMISSION CORPORATION
	OTHER#S RP95–408	002	COLUMBIA GAS TRANSMISSION CORPORATION
CAG–16.	DOCKET# RP93–36	015	NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–17.	OMITTED		
CAG–18.	OMITTED		
CAG–19.	OMITTED		
CAG–20.	DOCKET# RA95–2	000	LOVELACE GAS SERVICE, INC.
CAG–21.	DOCKET# MG96–2	001	SEA ROBIN PIPELINE COMPANY
CAG–22.	DOCKET# MG96–9	000	KO TRANSMISSION COMPANY
CAG–23.	OMITTED		
CAG–24.	DOCKET# CP95–791	000	PRIMA EXPLORATION, INC., ET AL. AND BTA OIL PRODUCERS AND NGC ENERGY RESOURCES, LIMITED PARTNERSHIP
	OTHER#S CP95–791	001	PRIMA EXPLORATION, INC., ET AL. AND BTA OIL PRODUCERS AND NGC ENERGY RESOURCES, LIMITED PARTNERSHIP
CAG–25.	DOCKET# CP96–32	000	VIKING GAS TRANSMISSION COMPANY
CAG–26.	DOCKET# CP96–99	000	NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–27.	DOCKET# CP96–126	000	COLUMBIA GAS TRANSMISSION CORPORATION
CAG–28.	DOCKET# CP96–137	000	WILLIAMS NATURAL GAS COMPANY
CAG–29.	DOCKET# CP96–307	000	SHELL GAS PIPELINE COMPANY
CAG–30.	DOCKET# CP91–50	003	SUMAS COGENERATION COMPANY, L.P.
CAG–31.	DOCKET# CP95–35	000	ECOELECTRICA, L.P.
CAG–32.	OMITTED		
CAG–33.	DOCKET# CP96–140	000	TENNECO BAJA CALIFORNIA CORPORATION
CAG–34.	DOCKET# CP96–248	000	PORTLAND NATURAL GAS TRANSMISSION SYSTEM
CAG–35.	DOCKET# CP95–565	000	EQUITRANS, INC.
	OTHER#S CP86–676	000	EQUITRANS, INC.
	CP95–565	001	EQUITRANS, INC.

Consent Agenda—Hydro, 652nd Meeting—May 15, 1996 Regular Meeting (10:00 a.m.)—Continued

CAG–36.	DOCKET# CP95–755	000	MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY V. PANHANDLE EASTERN PIPE LINE COMPANY
CAG–37.	DOCKET# CP96–131	000	CENTANA INTRASTATE PIPELINE COMPANY
	OTHER#S CP96–122	000	TEXAS EASTERN TRANSMISSION CORPORATION
CAG–38.	DOCKET# MT95–7	000	NORTHWEST PIPELINE CORPORATION

HYDRO AGENDA

H–1. RESERVED

ELECTRIC AGENDA

E–1. RESERVED

OIL AND GAS AGENDA

I. PIPELINE RATE MATTERS
PR–1. RESERVED
II. PIPELINE CERTIFICATE MATTERS
PC–1. RESERVED

Lois D. Cashell,
Secretary.
[FR Doc. 96–12023 Filed 5–09–96; 11:13 am]
BILLING CODE 6717–01–P

[Docket No. CP96–348–000, et al.]

Colorado Interstate Gas Company, et al.; Natural Gas Certificate Filings

May 7, 1996.

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Company

[Docket No. CP96–348–000]

Take notice that on April 24, 1996, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP96–348–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct a new delivery facility under CIG's blanket certificate issued in Docket No. CP83–21–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CIG proposes to construct and operate the delivery facility in Sherman County, Texas. The facility will be constructed pursuant to a facilities agreement between CIG and Amarillo Natural Gas Inc. (Amarillo) wherein CIG will tap its 20-inch main line with a 3/4 inch tap and valve for the delivery of gas to Amarillo. The estimated cost of construction is $1,100. The quantity of gas to be delivered is approximately 400 Dth per day on an interruptible basis. CIG states that the gas will be transported for Amarillo for delivery to a feedlot to be used to process feed.

CIG states that this new delivery facility is not prohibited by its existing tariff and that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to other customers. The proposed delivery facility will not have an effect on CIG's peak day and annual deliveries and the total volumes delivered will not exceed total volumes authorized prior to this request.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Williams Natural Gas Company

[Docket No. CP96–373–000]

Take notice that on April 30, 1996, Williams Natural Gas Company (WNG), P.O. Box 2400, Tulsa, Oklahoma, 74102, filed in Docket No. CP96–373–000 a request pursuant to Sections 157.205, and 157.212(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, and 157.212) for approval to install and operate a tap, measuring and appurtenant facilities for the delivery of transportation gas to City Utilities of Springfield (City Utilities) in Christian County, Missouri, under the blanket certificate issued in Docket No. CP82–479–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG states that the facilities for which it seeks construction authorization are designed to accommodate delivery volumes at ant level between 3,500 Dth per day and 125,000 Dth per day. It is indicated that there will be no increase in peak deliveries to City Utilities beyond that requested in Docket No. CP95–700–000. It is further indicated that the estimated cost of construction is $499,737, which will be fully reimbursed by City Utilities to WNG.

WNG indicates that the proposed construction is not prohibited by its existing tariff and that WNG has sufficient capacity to accomplish the deliveries without detriment or disadvantage to its other customers.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. Tennessee Gas Pipeline Company

[Docket No. CP96–402–000]

Take notice that on May 1, 1996, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP96–402–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to replace an existing delivery point in Middlesex County, Massachusetts under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee proposes to replace an existing delivery point in Middlesex County, Massachusetts to accommodate increase natural gas deliveries to Commonwealth Gas Company (Commonwealth). Commonwealth has requested that Tennessee amend the maximum daily delivery quantities under Commonwealth's rate schedule FT-A service agreement to shift primary firm capacity rights from Commonwealth's Worchester delivery point to the Hudson-Commonwealth delivery point. Tennessee states that the requested changes will not increase the overall firm transportation quantity under Commonwealth's Rate Schedule FT–A Service Agreement.

In order to increase the measurement capability at this point, Tennessee indicates that it will remove certain existing measurement, interconnecting

and appurtenant facilities and install dual 6-inch orifice meter tubes, an 8-inch tie in assembly and approximately 150 feet of 8-inch interconnecting pipe. Commonwealth will install the regulation facilities. Tennessee states that it will be fully reimbursed for the cost associated with the replacements at this facility.

Tennessee states that the total quantities to be delivered will not exceed those quantities authorized prior to this request. Tennessee states that the replacement of the proposed delivery point is not prohibited by Tennessee's tariff, and that it has sufficient capacity to accomplish deliveries without detriment or disadvantage to any of Tennessee's other customers.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Columbia Gulf Transmission Company

[Docket No. CP96–429–000]

Take notice that on May 1, 1996, Columbia Gulf Transmission Company (Columbia Gulf), 2603 Augusta STE 125, Houston, Texas 77057–5637, filed in Docket No. CP96–429–000, 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 establish a new interconnection to provide transportation service to Central Louisiana Electric Company, Inc. (CLECO) in Evangeline Parish, Louisiana, under Columbia Gulf's blanket authorization issued in Docket No. CP83–496–000, 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 Gulf explains that this new interconnection has been requested by CLECO to serve Coughlin Power Plant. Columbia Gulf estimates the quantities of natural gas to be delivered at the new interconnection as 85,000 Dth per day and 6 Bcf annually. Columbia Gulf states that the transportation service to be provided to this interconnection will be interruptible service under its Rate Schedule ITS–1. Columbia Gulf states there will be no impact on its existing design day and annual obligation to its customers as a result of this new interconnection.

Columbia Gulf estimates the cost to construct the new interconnection to be approximately $186,000, and states that CLECO will reimburse Columbia Gulf 100% of the total cost of construction. Columbia Gulf states it will comply with all of the environmental requirements of Section 157.206(d) of the Commission's Regulations prior to the construction of any facilities.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

5. Northern Natural Gas Company

[Docket No. CP96–451–000]

Take notice that on May 1, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in the above docket, a request, pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act, for authorization to upgrade the Crosby #4 town border station (TBS), an existing delivery point located in Crow Wing County, Minnesota, to accommodate incremental interruptible natural gas deliveries to UtiliCorp United, Inc. (UCU) under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, Northern states that it requests authorization to upgrade an existing delivery point in Minnesota to accommodate incremental interruptible natural gas deliveries to UCU under its currently effective throughput service agreements. Northern further states that UCU has requested increased service at the Crosby #4 TBS to provide increased service to an industrial end-user.

Northern states that the proposed increase in volumes to be delivered to UCU at the Crosby #4 TBS are an incremental 49 MMBtu on a peak day and 32,618 MMBtu on an annual basis. Northern's estimated cost of upgrading the existing delivery point is $29,250. UCU will reimburse Northern for the total cost of upgrading the existing delivery point.

Northern states that the total volumes to be delivered to the customer after the request do not exceed the total volumes authorized prior to the request. Northern further states that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the changes proposed herein without detriment or disadvantage to its other customers.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

6. Williston Basin Interstate Pipeline Company

[Docket No. CP96–485–000]

Take notice that on May 3, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed in Docket No. CP96–485–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to continue the present operation of a previously installed tap located in Butte County, South Dakota under Williston Basin's blanket certificate issued in Docket No. CP83–1–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Williston Basin states that due to a request by Montana-Dakota Utilities Company (Montana-Dakota), a local distribution company, to commence transportation deliveries of natural gas through the subject tap to an end-user, it is necessary to state separately this delivery point on its master delivery point list. Williston Basin states that the continued operation of the subject tap will have no significant effect on its peak day or annual requirements and capacity has been determined to exist on Williston Basin's system to serve this natural gas market.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

7. El Paso Natural Gas Company

[Docket No. CP96–487–000]

Take notice that on May 3, 1996, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP96–487–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to operate certain existing delivery points under El Paso's blanket certificate issued in Docket No. CP82–435–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso proposes to establish as jurisdictional delivery points certain tap and meter facilities that were originally constructed for the nonjurisdictional delivery of fuel and lift gas to various field operations in the Permian Basin, as listed below. El Paso would now like to use these delivery points to provide gas deliveries to various operators under transportation service agreements.

Delivery point	Location
Sid Richardson Keystone Field Plant Fuel Delivery Point.	Winkler County, Texas
Richardson-Bass Plant Start-Up Fuel Delivery Point.	Winkler County, Texas.
West Texas Gathering Compressor Fuel Delivery Point.	Winkler County, Texas.
Blanket Gas at Jal No. 4 Delivery Point.	Lea County, New Mexico.
SWEPI Terrell Plant Emergency Fuel Delivery Point.	Terrell County, Texas.
Spraberry Lift Gas No. 1 Delivery Point.	Midland County, Texas.
Spraberry Lift Gas No. 11 Delivery Point.	Midland County, Texas.
Meyers LM Water Flood Unit Delivery Point.	Lea County, New Mexico.

Comment date: June 21, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–11873 Filed 5–10–96; 8:45 am]

BILLING CODE 6717–01–P

Office of Hearings and Appeals

Notice of Cases Filed; Week of January 1 Through January 5, 1996

During the week of January 1 through January 5, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 1 through Jan. 5, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 2, 1996	Charter/Mississippi, Jackson, Mississippi	RQ23–601	Application for a Second Stage Refund in the Charter, Amoco II and Oklahoma City Refund Proceedings.
	Oklahoma City/Mississippi, Jackson, Mississippi.	RQ251–602	
	Amoco II/Mississippi, Jackson, Mississippi.	RQ13–603	If granted: The second stage refund application submitted by the State of Mississippi in the Charter, Amoco II and Oklahoma City Refund Proceedings would be granted.
Jan. 2, 1996	Ellsworth Freight Lines, Inc., Memphis, Tennessee.	RR272–228	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The December 7, 1995 Decision and Order, Case No. RF272–97361, issued to Ellsworth Freight Lines, Inc., regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding would be modified.
Do	Tajon, Inc., Memphis, Tennessee	RR272–229	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The December 21, 1995 Decision and Order, Case No. RC272–325, issued to Tajon, Inc., regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding would be modified.
Jan. 4, 1996	Albuquerque Operations Office, Albuquerque, New Mexico.	VSO–0077	Request for Hearing under 10 CFR Part 710. If granted: An individual employed at the Albuquerque Operations Office would receive a hearing under 10 C.F.R. Part 710.
Do	Oakland Operations Office, Oakland, California.	VSO–0078	Request for Hearing under CFR Part 710. If granted: An individual employed at the Oakland Operations Office would receive a hearing under 10 CFR Part 710.

[FR Doc. 96–11912 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Hearings and Appeals

Notice of Cases Filed; Week of January 15 Through January 19, 1996

During the week of January 15 through January 19, 1996, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the

procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 15 through Jan. 19, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 16, 1996	Albuquerque Operations Office, Albuquerque, New Mexico.	VSO–0079	Request for Hearing under 10 CFR Part 710. If granted: An individual employed at Albuquerque Operations Office would receive a hearing under 10 CFR Part 710.
Do	Chris A. Schaefer, San Rafael, California	VFA–0114	Appeal of an Information Request Denial. If granted: The March 20, 1995 Freedom of Information Request Denial issued by Savannah River Operation Office would be rescinded, and Charles A. Schaefer would receive access to certain Department of Energy information.
Do	Stand of Amarillo, Inc., Albuquerque, New Mexico.	VFA–0115	Appeal of an Information Request Denial. If granted: The November 2, 1995 Freedom of Information Request Denial issued by the Albuquerque Operation Office would be rescinded, and Stand of Amarillo, Inc. would receive access to certain Department of Energy information.
Do	Tech, Inc., Herndon, Virginia	VFA–0113	Appeal of an Information Request Denial. If granted: The December 15, 1995 Freedom of Information Request Denial issued by the Western Area Power Administration would be rescinded, and Tech, Inc. would receive access to certain DOE information.
Jan. 17, 1996	Phoenix Rising Communications, Stockton, California.	VFA–0116	Appeal of an Information Request Denial. If granted: The December 28, 1995 Freedom of Information Request Denial issued by the Oakland Operations Office would be rescinded, and Phoenix Rising Communications would receive access to certain DOE information.
Jan. 18, 1996.	Idaho Operations Office, Idaho Falls, Idaho.	VSO–0080	Request for Hearing under 10 CFR Part 710. If granted: An individual employed at Idaho Operations Office would receive a hearing under 10 CFR Part 710.

[FR Doc. 96–11913 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Hearings and Appeals

Notice of Cases Filed; Week of February 19 Through February 23, 1996

During the week of February 19 through February 23, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 19 through February 23, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 20, 1996	Dan's Rental, Memphis, Tennessee	RR300–270	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 29, 1996 Dismissal, Case No. RF300–19585, issued to Dan's Rental in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.
Do	Daniel's Gulf, Memphis, Tennessee	RR300–266	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 29, 1996 Dismissal, Case No. RF300–19586, issued to Daniel's Gulf in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.
Do	Dix Gulf, Memphis, Tennessee	RR300–269	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 29, 1996 Dismissal, Case No. RF300–19588, issued to Dix Gulf in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of February 19 through February 23, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Do	Hilltop Gulf, Memphis, Tennessee	RR300–268	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 31, 1996 Dismissal, Case No. RF300–18730, issued to Hilltop Gulf in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.
Do	John L. Sutton, Jr. Gulf, Memphis, Tennessee.	RR300–267	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 31, 1996 Dismissal, Case No. RF300–21410, issued to John L. Sutton, Jr. Gulf in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.
Do	Moore Brothers, Anaheim, California	RR272–232	Request for Modification/Rescission in the Crude Oil Refund Proceeding.If granted: The January 17, 1990 Decision and Order, Case Number RF272–4527, issued to Moore Brothers regarding the firm's application for refund submitted in the Crude Oil refund proceeding would be modified.
Feb. 21, 1996	Oak Ridge Operations Office, Knoxville, Tennessee.	VSA–0057	Request for Review of Opinion under 10 C.F.R. Part 710. If granted: At the request of an individual employed at the Oak Ridge Operations Office, the January 25, 1996 Opinion of the Office of Hearings and Appeals, Case Number VSO–0057, would be reviewed.
Do	On-Site Fuel Oil Co., Inc. Brooklyn, New York.	RR300–272	Request for Modification/Rescission in the Gulf Oil Refund Proceeding. If granted: The December 14, 1995 Dismissal, Case No. RF300–16898, issued to On-Site Fuel Oil Co., in the Gulf Oil refund rescinded and the firm's refund application reinstated.
Do	Sanders Gulf, Gulf Shores, Alabama	RR300–273	Request for Modification/Rescission in the Gulf Oil Refund Proceeding. If granted: The January 30, 1996 Dismissal, Case No. RF300–18795, issued to Sanders Gulf in the Gulf Oil refund proceeding would be rescinded and the firm's refund application reinstated.
Feb. 23, 1996	C. W. Mullock Gulf, Memphis, Tennessee.	RR300–271	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The February 7, 1996 Dismissal Letter Case Number RF300–18186, issued to C.W. Mullock Gulf in the Gulf refund proceeding would be rescinded and the firm's refund application reinstated.
Do	Government Accountability Project, Washington, DC.	VFA–0134	Appeal of an Information Request Denial. If granted: The January 17, 1996 Freedom of Information Request Denial issued by the Office of Nuclear Safety Enforcement would be rescinded, and the Government Accountability Project would receive access to certain DOE information.

[FR Doc. 96–11914 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed; Week of January 29 Through February 2, 1996

During the week of January 29 through February 2, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 29 through February 2, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 29, 1996	Pittsburgh Naval Reactors Office West Mifflin, Pennsylvania.	VSO–0082	Request for Hearing under 10 CFR Part 710. If granted: An applicant for employment at Pittsburgh Naval Reactors Office would receive a hearing under CFR Part 710, entitled ''Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.''
Jan. 30, 1996	Briggs and Tillman, Inc., Clinton, Missouri.	VEE–0015	Exception to the Reporting Requirements. If granted: Briggs and Tillman, Inc. would not be required to file Form EIA–782B Reseller's/Retailer's Monthly Petroleum Products Sales Report.
Jan. 31, 1996	Albuquerque Operations Office, Washington DC.	VSX–0020	Remand for Opinion under 10 CFR Part 710. If granted: The August 11, 1995 Opinion of the Office of Hearings and Appeals, Case Number VSO–0020, is remanded, and the OHA Hearing Officer will consider the individual's eligibility for access authorization.
Feb. 2, 1996	Kenneth H. Besecker, Martinez, Georgia	VFA–0124	Appeal of an Information Request Denial. If granted: The January 22, 1996 Freedom of Information Request Denial issued by the Office of Economic Impact and Diversity would be rescinded, and Kenneth H. Besecker would receive access to certain DOE information.

[FR Doc. 96–11915 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed; Week of February 26 Through March 1, 1996

During the week of February 26 through March 1, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 26 through March 1, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 26, 1996	Visa Petroleum, Inc., Fresno, California	VEE–0017	Exception to the Reporting Requirements. If granted: Visa Petroleum, Inc., would not be required to file Form EIA–782B ''Reseller's/Retailer's Monthly Petroleum Product Sales Report.''
Feb. 27, 1996	Tajon, Inc., Industry, Pennsylvania	RR272–233	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The December 1, 1995 Decision and Order Case No. RC272–325, issued to Tajon, Inc., regarding the firm's application for refund submitted in the crude oil refund proceeding would be modified.
Feb. 28, 1996	David K. Hackett, Knoxville, Tennessee	VFA–0135	Appeal of an Information Request Denial. If granted: The June 30, 1995 Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and David K. Hackett would receive access to certain DOE information.
Feb. 26, 1996	Nevada Operations Office, North Las Vegas, Nevada.	VSA–0049	Request for Review of Opinion under 10 CFR Part 710. If granted: At the request of an individual employed at the Nevada Operations Office, the January 4, 1996 Opinion of the Office of Hearings and Appeals, Case No. VSO–0049, would be reviewed.

[FR Doc. 96–11916 Filed 5–10–96; 8:45 am]
BILLING CODE 6450–01–P

Notice of Cases Filed; Week of February 5 Through February 9, 1996

During the week of February 5 through February 9, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585–0107.

Dated: April 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 5 through February 9, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 2, 1996	Albuquerque Operations Office, Albuquerque, NM.	VSO–0083	Request for Hearing under 10 CFR Part 710. If granted: An individual employed at the Albuquerque Operations Office would receive a hearing under 10 CFR Part 710.
——Do	Albuquerque Operations Office, Albuquerque, NM.	VSO–0084	Request for Hearing under 10 CFR Part 710. If granted: An individual employed at the Albuquerque Operations Office would receive a hearing under 10 CFR Part 710.
Feb. 5, 1996	Keith E. Loomis, Waterford, NY	VFA–0125	Appeal of an Information Request Denial. If granted: The January 3, 1996 Freedom of Information Request Denial issued by Schenectady Naval Reactors would be rescinded, and Keith E. Loomis would receive access to certain DOE information.
Feb. 6, 1996	Albuquerque Operations Office, Albuquerque, NM.	VSA–0051	Request for Review of Opinion under 10 CFR Part 710. If granted: The December 28, 1995 Opinion of the Office of Hearings and Appeals, Case No. VSO–0051, would be reviewed at the request of an individual employed at the Albuquerque Operations Office.
——Do	Florida Hospital Medical Center, Orlando, FL.	RR272–231	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The May 3, 1995 Dismissal, Case No. RF272–88662, issued to Florida Hospital Medical Center would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
——Do	Georgina Jacobs, Walla Walla, WA	VFA–0126	Appeal of an Information Request Denial. If granted: The January 28, 1996 Freedom of Information Request Denial issued by the External Affairs Office of the Richland Operations Office would be rescinded, and Georgina Jacobs would receive access to certain Department of Energy information.
——Do	William H. Payne, Albuquerque, NM	VFA–0128	Appeal of an Information Request Denial. If granted: The August 7, 1995 Freedom of Information Request Denial issued by Los Alamos National Laboratories would be rescinded, and William H. Payne would receive access to certain DOE information.
Feb. 7, 1996	Burns Concrete, Inc., Idaho Falls, ID	VFA–0127	Appeal of an Information Request Denial. If granted: The January 12, 1996 Freedom of Information Request Denial issued by the Pittsburgh Naval Reactors Office would be rescinded, and Burns Concrete, Inc. would receive access to certain DOE information.
——Do	Melvin Gordon, Streamwood, IL	RR304–71	Request for Modification/Rescission in the Arco Refund Proceeding. If granted: The April 5, 1993 Dismissal Letter, Case Number RF304–9273, issued to Melvin Gordon would be modified regarding the firm's application for refund submitted in the Arco refund proceeding.
Feb. 9, 1996	Nathaniel Hendricks, Putney, VT	VFA–0129	Appeal of an Information Request Denial. If granted: The April 5, 1995 Freedom of Information Request Denial issued by the Argonne Area Office would be rescinded, and Nathaniel Hendricks would receive access to certain DOE information.
Feb. 7, 1996	Hellen Ruth Sutton-Pank, Flandreau, SD	VFA–0130	Appeal of an Information Request Denial. If granted: The January 2, 1996 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Hellen Ruth Sutton-Pank would receive access to certain DOE information.

[FR Doc. 96–11917 Filed 5–10–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–5469–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 22, 1996 Through April 26, 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 5, 1996 (61 FR 15251).

Draft EISs

ERP No. D–AFS–L65255–AK Rating EC2, Control Lake Timber Sale, Implementation, Prince of Wales Island, Tongass National Forest, AK.

Summary: EPA expressed environmental concerns related to potential impacts of the project on water quality and the marine environment.

ERP No. D–AFS–L65259–OR Rating EC2, Foss Perkins Analysis Area, Vegetation Management and Timber Sale, Ochoco National Forest, Snow Mountain Ranger District, Harney County, OR.

Summary: EPA expressed environmental concerns based on potential water quality impacts to Silver Creek, a 303(d) listed, impaired water body according to the Oregon State Department of Environmental Quality.

ERP No. D–AFS–L65260–WA Rating EC2, Taneum/Peaches Road Access Project, Issuance of Two Temporary Permits to Plum Creek for Road Construction, Wenatchee National Forest, Cle Elum Ranger District, Kittitas County, WA.

Summary: EPA expressed environmental concerns related to alternative selection prior to the Plum Creek Habitat Conservation Plan and the Snoqualmie Pass Adaptive Management Area plans and insufficient information to evaluate potential impacts to a 303(d) listed waterbody, Lookout Creek.

ERP No. D–BLM–J65247–UT Rating EC2, Dixie Land and Resource Management Plan, Implementation, Cedar City Ranger District, Washington County, UT.

Summary: EPA expressed environmental concerns due to potential impacts to water quality, air quality and wildlife habitat. EPA requested that the discussion of these issues be expanded in the final document.

ERP No. D–NPS–K65180–CA Rating LO, Lava Beds National Monument, General Management Plan, Implementation, Siskiyou and Modoc Counties, CA.

SUMMARY: EPA had no objections to the proposed action.

Final EISs

ERP No. F–AFS–L02021–00 Umatilla and Malheur National Forests Oil and Gas Exploration and Development, Lease Offerings, several counties, WA and OR.

Summary: EPA expressed environmental concerns that the EIS lacks the criteria for subsequent NEPA documentation which would be tiered from this EIS.

ERP No. F–AFS–L65228–ID Tailholt Administrative Research Study, Timber Harvesting and Road Construction, Payette National Forest, Krassel Ranger District, Valley County, ID.

SUMMARY: EPA had no objections to the preferred alternative as described in the EIS.

ERP No. F–AFS–L65244–ID Fall Creek Post-Fire Project, Harvesting Fire-Killed and Damage Trees, Implementation, McCall Ranger District, Payette National Forest, Valley County, ID.

SUMMARY: EPA had no objections to the preferred alternative as described in the EIS.

ERP No. F–COE–J35010–UT Kennecott Tailings Modernization Project, Tailings Impoundment Expansion, COE Section 404 Permit Issuance, Salt Lake County, UT.

SUMMARY: The FEIS substantively addresses most of EPA's concerns; although the potential for bioaccumulation of selenium is a continuing concern. The CERCLA process and the proposed mitigation and monitoring plans should adequately address issues identified during the ongoing ecological risk assessments.

ERP No. F–SCS–J36046–UT Muddy Creek—Orderville Watershed Plan, Offsite Salt and Sediment Damage to Water Quality in the Virgin River and the Colorado River, Wildlife Habitat and Rangeland Productivity Enhancements, Approvals and Funding, Kane County, UT.

SUMMARY: EPA had no objections to the project as proposed.

ERP No. FS–AFS–L65183–AK Central Prince of Wales Ketchikan Pulp Long-Term Timber Sale, Additional Information, Implementation, Tongass National Forest, Prince of Wales Island, AK.

SUMMARY: EPA had no objections to the preferred alternative as described in the EIS.

Dated: May 8, 1996.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 96–11891 Filed 5–10–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5469–3]

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 29, 1996 Through May 3, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960201, Final EIS, AFS, NV, CA, Heavenly Ski Resort Master Plan, Improvement, Expansion and Management, Lake Tahoe Basin Management Unit, Special-Use-Permit, Douglas County, NV and El Dorado and Alpine Counties, CA, Due: June 10, 1996, Contact: Virgil Anderson (916) 573–2600.

EIS No. 960202, Draft EIS, FHW, WI, US 151 Highway Project, Dickeyville to Belmont, Improvements, Funding and COE Section 404 Permit, Grant and Lafayette Counties, WI, Due: July 1, 1996, Contact: Richard C. Madrzak (608) 829–7510.

EIS No. 960203, Final EIS, AFS, MS, G.F. Erambert and Black Creek Seed Orchards Pest Management Plan, Implementation, Southern Region, National Forests in Mississippi, Forrest and Perry Counties, MS, Due: June 10, 1996, Contact: Dennis Weber (503) 326–7171.

EIS No. 960204, Final EIS, COE, MS, Coldwater River Watershed Demonstration Erosion Control Project, Flood and Sediment Control Measures, Implementation, Yazoo Basin, Marshall, Benton and Tate Counties, MS, Due: June 14, 1996, Contact: Wendell King (601) 631–5967.

EIS No. 960205, Final EIS, AFS, AK, 1995 Mendenhall Glacier Recreation Area Management Plan, Implementation, Tongass National Forest, Juneau Ranger District, Chatham Area, AK, Due: June 10, 1996, Contact: Joni Packard (907) 586–8800.

EIS No. 960206, Draft EIS, AFS, NV, Spring Mountains National Recreation

Area General Management Plan, Toiyabe National Forest Land and Resource Management Plan Amendment, Implementation, Clark and Nye Counties, NV, Due: August 1, 1996, Contact: Jerry Ingersoll (702) 873–8800.

EIS No. 960207, Draft EIS, FHW, IL, Federal Aid Route 310/US 67 Expressway Study, Godfrey to Jacksonville, Funding and COE Section 404 Permit, Madison, Jersey, Greene, Morgan and Scott Counties, IL, Due: July 5, 1996, Contact: Michael A. Cook (217) 492–4600.

EIS No. 960208, Final EIS, FDA, NY, U.S. Food and Drug Administration, Construction of Regional Office and Laboratory, Site Specific, Jamaica Site, Queen County, NY, Due: June 10, 1996, Contact: Peter A. Sneed (212) 264–3581.

EIS No. 960209, Final EIS, AFS, ID, Hungry-Mill Timber Sales, Timber Harvest and Road Construction, Nez Perce National Forest, Clearwater Ranger District, Idaho County, ID, Due: June 10, 1996, Contact: Sue Paradiso (208) 983–1963.

EIS No. 960210, Draft Supplement, AFS, MT, Trail Creek Timber Sale, Implementation, New and Updated Information, Beaverhead National Forest, Wisdom Ranger District, Beaverhead County, MT, Due: June 24, 1996, Contact: Peri Suenram (406) 683–3967.

EIS No. 960211, Draft EIS, USA, CA, Camp Roberts Army National Guard Training Site, Implementation, Combined-Forces Training Activities, New Equipment Utilization and Range Modernization Program, Monterey and San Luis Obispo Counties, CA, Due: June 24, 1996, Contact: William R. Parsonage (805) 238–8207.

EIS No. 960212, Draft Supplement, FHW, CA, CA–238 Hayward Bypass, from Industrial Parkway to the CA–238/I–580 Interchange, Funding and COE Section 404 Permit, (Foothill Boulevard thru downtown Hayward and Mission Boulevard south of Jackson Street, in the City of Hayward and in Unincorporated areas of Alameda County, CA, Due: June 24, 1996, Contact: John R. Schultz (916) 498–5041.

EIS No. 960213, Final EIS, USN, CA, Camp Pendleton Marine Corps Air Station/Marine Corps Base (MCAS/MCB) Realignment and Tustin and EL Toro Marine Corps Bases Closure, Implementation and COE Section 404 Permit Issuance, San Diego County, CA, Due: June 10, 1996, Contact: CW04 Harry Roberts (714) 726–3383.

EIS No. 960214, Draft EIS, USA, NJ, Evans Subpost Disposal and Reuse, Implementation, Fort Monmouth, Ocean and Monmouth Counties, NJ, Due: June 24, 1996, Contact: Dr. Susan Rees (334) 694–4141.

EIS No. 960215, Final EIS, USN, CA, Miramar Naval Air Station (NAS) Realignment or Conversion to Miramar Marine Corps Air Station, Implementation, San Diego, CA, Due: June 10, 1996, Contact: Lt. Col. George Martin (619) 537–6679.

EIS No. 960216, Final EIS, GSA, CO, National Oceanic and Atmospheric Administration (NOAA) Consolidation of Facilities; National Institute of Standards and Technology (NIST) to Upgrade Facilities and National Telecommunications and Information Administration (NITA) to Implement Master Site Development Plan, Site Specific, 325 Broadway Campus, Boulder County, CO, Due: June 10, 1996, Contact: Sharon Malloy (303) 236–7131.

EIS No. 960217, Legislative Draft EIS, AFS, CA, Tahoe National Forest and Portion of Plumas and EL Dorado National Forests, Implementation, Twenty-Two Westside Rivers for Suitability and Inclusion in the National Wild and Scenic Rivers System, Wild and Scenic River Study, Placer, Nevada, Sierra, Plumas, EL Dorado and Yuba Counties, CA, Due: August 9, 1996, Contact: Phil Horning (916) 478–6210.

The U.S. Department of Agriculture's, Forest Service and the US Department of the Interior's, Bureau of Land Management are Joint Lead Agencies for this Project.

EIS No. 960218, Draft EIS, AFS, CO, Lakewood Raw Water Pipeline for Continued Operation, Maintenance, Reconstruction and/or Replacement, Application for Easement, Roosevelt National Forest, Boulder Ranger District, in the City of Boulder, CO, Due: June 24, 1996, Contact: Jean A. Thomas (970) 498–1267.

EIS No. 960220, Final EIS, BLM, WY, Fontenelle Natural Gas Infill Drilling Projects, Implementation, Right-of-Way Grants and Permit Issuance, Sweetwater and Lincoln Counties, WY, Due: June 24, 1996, Contact: Bill Mc Mahan (307) 382–5350.

EIS No. 960221, Draft EIS, COE, MD, DE, Chesapeake and Delaware Canal-Baltimore Harbor Connecting Channel (Deepening), Feasibility Study, Navigation Improvements and Dredged Material Disposal Plan, MD and DE, Due: June 24, 1996, Contact: Barbara Conlin (215) 656–6555.

EIS No. 960222, Draft EIS, BLM, NV, Mule Canyon Surface Gold Mine Development, Operation and Reclamation and Associate Facilities, Plan of Operation Approval, Battle Mountain District, Lander and Eureka Counties, NV, Due: June 10, 1996, Contact: Christopher Stubbs (702) 635–4000.

Amended Notices

EIS No. 960171, Draft EIS, FHW, IN, Southwest Indiana Highway Corridor, Evansville to Bloomington, I–64/I–164/IN–57 to IN–37, Improvements, Gibson, Pike, Warrick, Monroe, Greene and Daviess Counties, IN , Due: August 1, 1996, Contact: Arthur A. Fendrick (317) 226–7475.

Published FR 4–19–96 Correction to EIS Title.

Dated: May 8, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–11892 Filed 5–10–96; 8:45 am]

BILLING CODE 6560–50–U

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 June 7, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. ABC Bancorp, Inc., Moultrie, Georgia; to merge with Central Bankshares, Inc., Cordele, Georgia, and thereby indirectly acquire Central Bank & Trust, Cordele, Georgia.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Prairieland Employee Stock Ownership Plan, Bushnell, Illinois; to acquire an additional 5 percent for a total of 35 percent of the voting shares of Prairieland Bancorp, Inc., Bushnell, Illinois, and thereby indirectly acquire Farmers & Merchants State Bank, Bushnell, Illinois.

Board of Governors of the Federal Reserve System, May 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–11849 Filed 5–10–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 23, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Community Trust Financial Services Corporation, Hiram, Georgia; to acquire Personal Finance Service, Inc., Rossville, Georgia, and Rock City Enterprises, Inc., Rockmart, Georgia, through its subsidiary, Community Loan Company, Hiram, Georgia, and thereby engage in consumer finance business, credit insurance, and tax planning and preparation services, pursuant to §§ 225.25(b)(1)(i), 225.25(b)(8)(ii) and 225.25(b)(21) of the Board's Regulation Y. The proposed activities will be conducted throughout the State of Georgia.

Board of Governors of the Federal Reserve System, May 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–11850 Filed 5–10–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Inspector General; Statement of Organization, Functions and Delegations of Authority

This Notice amends Part A (Office of the Secretary) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) to reflect recent changes in Chapter AF, Office of Inspector General (OIG). Chapter AF was last published in its entirety on November 7, 1989 (54 FR 46775).

The statement of organization, functions and delegations of authority reflects the original transfer of the statutory basis for the Office of Inspector General from Public Law 94–505 to Public Law 95–452 (and made under the Inspector General Act Amendments of 1988, Public Law 100–504), and conforms to and carries out the statutory requirements for operating the Office of Inspector General. A number of revisions have been made to the basic organizational structure of the Office of Inspector General to reflect the break out of functions from the Office of Civil Fraud and Administrative Adjudication (OCFAA) into two separate organizational units, and the effect of recent shifts and changes, such as the separation out of the Social Security Administration in accordance with the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296). As a result, within the organizational structure of the OIG: (1) A new Office of Enforcement and Compliance (OEC) and a new Office of Litigation Coordination (OLC) have been formed, (2) certain units and positions have recently been renamed, (3) minor shifts in reporting relationships have occurred, (4) an additional program unit has been delineated, and (5) some small functional units have been transferred. While relatively minor, these changes have been made in an effort to assist the organization in accomplishing its mission with greater efficiency and effectiveness.

As amended, Chapter AF now reads as follows:

Section AF.00, Office of Inspector General (OIG)—Mission

This organization was established by law as an independent and objective oversight unit of the Department to carry out the mission of promoting economy, efficiency and effectiveness

through the elimination of waste, abuse and fraud. In furtherance of this mission, the organization engages in a number of activities:

A. Conducting and supervising audits, investigations, inspections and evaluations relating to HHS programs and operations.

B. Identifying systemic weaknesses giving rise to opportunities for fraud and abuse in HHS programs and operations and making recommendations to prevent their recurrence.

C. Leading and coordinating activities to prevent and detect fraud and abuse in HHS programs and operations.

D. Detecting wrongdoers and abusers of HHS programs and beneficiaries so appropriate remedies may be brought to bear.

E. Keeping the Secretary and the Congress fully and currently informed about problems and deficiencies in the administration of such programs and operations and about the need for and progress of corrective action, including imposing sanctions against providers of health care under Medicare and Medicaid who commit certain prohibited acts.

In support of its mission, the Office of Inspector General carries out and maintains an internal quality assurance system and a peer review system with other Offices of Inspectors General, that include periodic quality assessment studies and quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed; are effective; and are functioning as intended in OIG operations.

Section AF.10, Office of Inspector General—Organization

There is at the head of the OIG a statutory Inspector General, appointed by the President and confirmed by the Senate. The Office of Inspector General consists of seven organizational units:

A. Immediate Office of the Inspector General (AFA).

B. Office of Management and Policy (AFC).

C. Office of Evaluation and Inspections (AFE).

D. Office of Enforcement and Compliance (AFF).

E. Office of Litigation Compliance (AFG).

F. Office of Audit Services (AFH).

G. Office of Investigations (AFJ).

Section AF.20, Office of Inspector General—Functions

The component sections which follow describe the specific functions of the organization.

Section AFA.00, Immediate Office of the Inspector General (IOIG)—Mission

The Inspector General is directly responsible for meeting the statutory mission of the OIG as a whole and for promoting effective OIG internal quality assurance systems, including quality assessment studies and quality control reviews of OIG processes and products. The Office of Inspector General also plans, conducts and participates in a variety of inter-agency cooperative projects and undertakings relating to fraud and abuse activities with the Department of Justice (DoJ), the Health Care Financing Adminstration (HCFA) and other governmental agencies.

Section AFA.10, Immediate Office of the Inspector General—Organization

The Immediate Office comprises the Inspector General, the Principal Deputy Inspector General, and an immediate staff.

Section AFA.20, Immediate Office of the Inspector General—Functions

As the senior official of the organization, the Inspector General supervises the Deputy Inspectors General and the Assistant Inspector General for Litigation Coordination who head the major OIG components. The Inspector General is appointed by the President, with the advice and consent of the Senate, and reports to and is under the general supervision of the Secretary or, to the extent such authority is delegated, the Deputy Secretary, but does not report to and is not subject to supervision by any other officer in the Department. In keeping with the independence intended in the statutory basis for the OIG and its mission, the Inspector General assumes and exercises, through line management, all functional authorities related to the administration and management of the OIG and all mission related authorities stated or implied in the law or delegated directly from the Secretary.

The Inspector General provides executive leadership to the organization and exercises general supervision over the personnel and functions of its major components. The Inspector General determines the budget needs of the OIG, sets OIG policies and priorities, oversees OIG operations and provides reports to the Secretary and the Congress. In this capacity the Inspector General is empowered under the law with general personnel authority, e.g., selection, promotion, assignment of employees, including members of the senior executive service. The Inspector General delegates related authorities as appropriate.

The Principal Deputy Inspector General assists the Inspector General in the management of the OIG, and during the absence of the Inspector General, acts as the Inspector General.

Section AFC.00, Office of Management and Policy (OMP)—Mission

This office is responsible for the reporting and legislative and regulatory review functions required in the law; for formulating and executing the OIG budget; for managing external affairs; and for establishing functional policies for the general management of the OIG. In support of its mission, the office carries out and maintains an internal quality assurance system. The system includes quality assessment studies and quality control reviews of OMP processes and products to ensure that policies and procedures are followed effectively and function as intended.

Section AFC.10, Office of Management and Policy—Organization

This office is directed by the Deputy Inspector General for Management and Policy, and comprises the Deputy Inspector General for OMP and an immediate staff.

Section AFC.20, Office of Management and Policy—Functions

Through the Deputy Inspector General for Management and Policy:

A. The office conducts and coordinates OIG reviews of existing and proposed legislation and regulations related to HHS programs and operations to identify their impact on economy and efficiency and their potential for fraud and abuse. It develops all OIG sanction and interpretive regulations for publication in the Federal Register and legislative proposals for inclusion in the Department's legislative program. It serves as contact for the press and electronic media and serves as OIG congressional liaison. The office prepares congressional testimony and confers with officials in the Office of the Secretary staff divisions on congressional relations, legislation and public affairs. It develops and publishes OIG newsletters, recruitment brochures and other issuances to announce and promote OIG activities and accomplishments.

B. The office coordinates the development of the OIG long-range strategic plan. It compiles the Semiannual Report to the Congress and operates the Executive Secretariat. It formulates and oversees the execution of the OIG budget and confers with the Office of the Secretary, the Office of

Management and Budget and the Congress on budget issues. It issues quarterly grants to States for Medicaid fraud control units. It conducts management studies and analyses and establishes and coordinates general management policies for the OIG and publishes those policies in the OIG Administrative Manual. It serves as OIG liaison to the Office of the Secretary for personnel issues and other administrative policies and practices, and on equal employment opportunity and other civil rights matters. It coordinates internal control reviews for the OIG.

C. The office is responsible for OIG information resources management (IRM), as defined by the Paperwork Reduction Act, OMB Circular A–130, the Federal Information Resources Management regulations, the Computer Security Act of 1987, HHS IRM Circulars, and by related guidance. The office also provides information technology support to the OIG through management of its local area networks nationwide, provision of headquarters computer end-user support, and support of OIG information systems as required.

Section AFE.00, Office of Evaluation and Inspections (OEI)—Mission

The Office of Evaluation and Inspections is responsible for conducting inspections of HHS programs, operations and processes to identify vulnerabilities, to prevent and detect misconduct, and to promote economy, efficiency and effectiveness in HHS programs and operations. In support of its mission, the office carries out and maintains an internal quality assurance system. The system includes quality assessment studies and quality control reviews of OEI processes and products to ensure that policies and procedures are effective; are followed; and are functioning as intended.

Section AFE.10, Office of Evaluation and Inspections—Organization

This office is directed by the Deputy Inspector General for Evaluation and Inspections, and comprises the Immediate Office, including the Deputy Inspector General for OEI and an immediate staff, and eight regional offices.

Section AFE.20, Office of Evaluation and Inspections—Functions

The office is responsible for carrying out inspections supporting the OIG mission. The Deputy Inspector General provides general supervision to the OEI immediate office staff and supervises the Regional Inspectors General for Evaluation and Inspections who carry out OEI's mission and activities in assigned geographic areas. The Immediate Office carries out OEI's mission in headquarters.

A. The immediate office develops OEI's evaluation and inspections policies, procedures and standards. It assesses the quality of inspections to ensure compliance with policies and procedures. It manages OEI's human and financial resources. It develops and monitors OEI's management information systems. It conducts management reviews within the HHS/OIG and for other OIG's upon request.

B. The immediate office manages OEI's work planning process and reviews legislative, regulatory and program proposals for vulnerabilities to fraud, waste and mismanagement. It develops evaluation techniques and coordinates projects with other OIG and departmental components. It provides programmatic expertise and information on new programs, procedures, regulations and statutes to OEI regional offices. It maintains liaison with other components in the Department, follows up on implementation of corrective action recommendations, evaluates the actions taken to resolve problems and vulnerabilities identified, and provides additional data or corrective action options, where appropriate.

C. The regional offices carry out OEI's mission in the field. The regional offices evaluate HHS programs and produce the results in inspection reports. They conduct data and trend analyses of major HHS initiatives to determine the effects of current policies and practices on program efficiency and effectiveness. They recommend changes in program policies, regulations and laws to improve efficiency and effectiveness, and to prevent fraud, abuse, waste and mismanagement. They analyze existing policies to evaluate options for future policy, regulatory and legislative improvements.

Section AFF.00, Office of Enforcement and Compliance (OEC)—Mission

The Office of Enforcement and Compliance is responsible for the imposition of those mandatory and permissive program exclusions and civil money penalty (CMP) and assessment actions not handled by the Office of Litigation Coordination. The office serves as a liaison with HCFA, State licensing boards and other outside organizations and entities with regard to integrity, compliance and enforcement activities. It develops models for corporate integrity, compliance and enforcement programs; monitors ongoing compliance, exclusion and HCFA suspension agreements; and promotes industry awareness of corporate integrity and enforcement agreements developed by the OIG.

Section AFF.10, Office of Enforcement and Compliance—Organization

This office is directed by the Deputy Inspector General for Enforcement and Compliance, and comprises the Deputy Inspector General for OEC and an immediate staff.

Section AFF.20, Office of Enforcement and Compliance—Functions

Through the Deputy Inspector General for Enforcement and Compliance:

A. The office develops, coordinates and effectuates all health care mandatory and permissive exclusions, with the exception of those handled by the Office of Litigation Coordination. The office develops standards governing the imposition of the mandatory and permissive exclusion authorities within the scope of its responsibility, and develops criteria for evaluating when it will impose such permissive exclusions against health care providers. It reviews all applications for readmission to program participation for purposes of determining whether an excluded provider has demonstrated the ability to comply with program requirements; and ensures enforcement of exclusions imposed through liaison with HCFA, DoJ and other governmental and private sector entities.

B. The office is responsible for developing, improving and maintaining a comprehensive and coordinated OIG data base on all OIG exclusion actions, and promptly and accurately reports all exclusion actions within its authority to the data base. It informs appropriate regulatory agencies, health care providers and the general public of all OIG exclusion actions, and is responsible for improving public access to information on these exclusion actions to ensure that excluded individuals and entities are effectively barred from program participation.

C. The office imposes CMPs and assessments in accordance with the CMP law on those cases not handled by the Office of Litigation Coordination, and ensures that all monetary recoveries are promptly and accurately reported to the appropriate OIG data base.

D. The office monitors corporate and provider compliance plans adopted as part of settlement agreements, and develops audit and investigative review standards for monitoring such plans in cooperation and coordination with other OIG components. It resolves breaches of compliance plans through the development of corrective action plans, on-site reviews, and when appropriate,

refers material breaches of compliance plans to the Office of Litigation Coordination for potential sanctioning.

E. The office serves to increase industry awareness of corporate integrity issues by proactively promoting voluntary adoption of corporate compliance plans through speeches, articles, visits and other liaison activities with governmental and private sector groups.

Section AFG.00, Office of Litigation Coordination (OLC)—Mission

The Office of Litigation Coordination is responsible for the coordination and disposition of all *qui tam* and other False Claims Act matters, and other criminal, civil and administrative matters when DoJ has an interest in the matter; the coordination and disposition of all voluntary disclosure activities; liaison activities with HCFA and outside entities in global settlement negotiations; the development of standards governing use of permissive exclusion authority in cases involving DoJ, including and United States Attorney's Office; and the establishment and maintenance of a data system on settled and pending False Claim Act and CMP cases.

Section AFG.10, Office of Litigation Coordination—Organization

The office is directed by the Assistant Inspector General for Litigation Coordination, and comprises the Assistant Inspector General of OLC and an immediate staff.

Section AFG.20, Office of Litigation Coordination—Mission

Through the Assistant Inspector General for Litigation Coordination:

A. The office oversees all False Claims Act and *qui tam* cases, including the handling of (1) requests for extensions of intervention dates, (2) resource requests from other agencies, (3) resource coordination among the OIG components, (4) settlement negotiations and (5) final sign-off. By coordinating DoJ resource requests, participating in settlement negotiations and providing litigation support, the office serves as the primary focal point for most criminal and civil cases involving other government agencies or more than one OIG component. It coordinates the Department's response to all settlement proposals in cases involving DoJ, including the amount of restitution and resolution of the selected CMP and exclusion liability, and serves as the liaison to other components of the Department in these cases.

B. The office coordinates and resolves all voluntary disclosures through (1) liaison activities with DoJ and the U.S. Attorney's office, (2) the disclosure verification efforts of the Office of Audit Services and the Office of Investigations and (3) final disposition and sign-off of the matter.

C. The office, in coordination with other OIG components, develops both the standards governing the use of permissive exclusion authorities in cases involving other Federal agencies, including DoJ, and the criteria for evaluating whether to impose permissive exclusions against health care providers in such cases. It is responsible for ensuring that all exclusion actions not handled by the Office of Enforcement and Compliance are promptly and accurately reported to the appropriate OIG data base.

D. The office is responsible for developing, improving and maintaining a comprehensive and coordinated data base on all settled and pending False Claims Act and CMP cases under its authority. The office, through this data base, records all monetary recoveries and tracks outstanding *qui tam*, OIG intercomponent and multiple agency health care fraud investigations.

Section AFH.00, Office of Audit Services (OAS)—Mission

The Office of Audit Services provides policy direction for and conducts and oversees comprehensive audits of HHS programs, operations, grantees and contractors, following generally accepted Government auditing standards (GAGAS), the Single Audit Act of 1984, applicable Office of Management and Budget (OMB) circulars and other legal, regulatory and administrative requirements. It maintains an internal quality assurance system, including periodic quality assessment studies and quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed in all audit activities performed by, or on behalf of, the Department. In furtherance of this mission, the organization engages in a number of activities:

A. The office coordinates and confers with officials of the central Federal management agencies (OMB, the General Accounting Office (GAO), the Office of Personnel Management (OPM) and the Department of the Treasury) on audit matters involving HHS programs and operations. It provides technical assistance to Federal, State and local investigative offices on matters concerning the operation of the Department's programs. It participates in interagency efforts implementing OMB Circulars A–128 and A–110, which call for use of the single audit concept for most external audits. It performs audits of activities administered by other Federal departments, following the system of audit cognizance administered by OMB. It participates in the President's Council on Integrity and Efficiency (PCIE) initiatives and other Government-wide projects. It works with other OIG components on special assignments and projects. It responds to congressional oversight interests related to audit matters in the Department.

B. The Office of Audit Services helps HHS operating divisions and the Office of the Secretary staff divisions to develop policies to manage grants and procurements and policies to establish indirect cost rates. It performs pre-award audits of grant or contract proposals to determine the financial capability of the grantees or contractors and conducts post-award audits.

C. The office reviews legislative, regulatory and policy proposals for audit implications. It recommends improvements in the accountability and integrity features of legislation, regulations and policy. It prepares reports of audits and special studies for the Secretary, heads of HHS operating divisions, Regional Directors and others. It gathers data on unresolved audit findings for the statutorily required Semiannual Reports to the Congress and for the Deputy Secretary as Chairman of the Audit Resolution Council. It conducts follow-up examinations and special analyses of actions taken on previously reported audit findings and recommendations to ensure completeness and propriety.

D. The office decides when audits can or may be performed by audit organizations outside the Department, including those by other Federal or nonfederal governmental agencies, contractors, or public accounting firms. It assures that any audit performed by non-OIG auditors complies with the Government auditing standards established by the Comptroller General of the United States. It evaluates audits performed for the Department by outside organizations. It coordinates the development of the OIG Annual Work Plan and produces summaries of both (1) the Orange Book—a summary of unimplemented program and management improvements recommended—and (2) the Red Book - a summary of significant monetary recommendations not yet implemented.

E. The office serves as the focal point for all financial audit activity within the Department and provides the primary liaison conduit between the OIG and

departmental management. The office provides overall leadership and direction in carrying out the responsibilities mandated under the Chief Financial Officers Act relating to financial statement audits.

Section AFH.10, Office of Audit Services—Organization

The Office of Audit Services comprises the following components:

A. Immediate Office

B. Audit Operations and Financial Statement Activities.

C. Health Care Financing Audits.

D. Administrations of Children, Family and Aging Audits.

E. Public Health Audits.

Section AFH.20, Office of Audit Services—Functions

A. *Immediate Office of the Deputy Inspector General for Audit Services.* This office is directed by the Deputy Inspector General for Audit Services who carries out the functions designated in the law for the position, Assistant Inspector General for Auditing. The Deputy Inspector General for Audit Services is responsible to the Inspector General for carrying out OIG's audit mission and supervises the Assistant Inspectors General heading OAS offices described below.

The Immediate Office manages the human and financial resources of the Office of Audit Services including developing staffing allocation plans and issuing policy for, coordinating and monitoring all budget, staffing, recruiting and training activities of the office. It maintains a professional development program for Office of Audit Services staff which meets the requirements of Government auditing standards. The office provides liaison with the General Accounting Office. It reviews all replies to GAO reports to ensure they are responsive, properly coordinated and representative of HHS policy and advises the Secretary and other officials about significant findings.

B. *Audit Operations and Financial Statement Activities.* This office is directed by the Assistant Inspector General for Audit Operations and Financial Statement Activities. In addition to directing this office, the Assistant Inspector General supervises the eight Regional Inspectors General for Audit Services. The office's principal functions include providing direction and oversight to OAS through its work planning and quality assurance activities; the direct-line responsibility for audits of financial statements and financial related audits, including internal audits of functional areas within the Department; and directing field audit operations.

1. The office serves as the focal point for all financial statement and financial related audit activity within the Department and serves as the primary liaison conduit between the OIG and departmental management.

2. The office operates an internal quality assurance system that provides reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed in all audit activities performed by, or on behalf of, the Department.

3. The office evaluates audit work, including performing quality control reviews of audit reports, and develops and monitors audit work plans. It develops audit policy, procedures, standards, criteria and instructions for all audit activities performed by, on behalf of, or conforming with departmental programs, grants, contracts or operations in accordance with GAGAS and other legal, regulatory and administrative requirements.

4. The office tracks, monitors and reports on audit resolution and follow-up in accordance with OMB Circular A–50.

5. The office provides oversight for audits of governments, universities and nonprofit organizations conducted by nonfederal auditors and those under contract with the OIG (external audit resources).

6. The office coordinates with the other OIG components in developing the semiannual report to Congress.

C. *Health Care Financing Audits.* This office is directed by the Assistant Inspector General for Health Care Financing Audits. The office conducts audits of HCFA program operations and oversees nationwide the audits of the Medicare and Medicaid programs, their contractors, and providers of services and products. It maintains an internal quality assurance system, including periodic quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed in all HCFA audit activities performed by, or on behalf of, the Department.

D. *Administrations of Children, Family and Aging Audits.* This office is directed by the Assistant Inspector General for Administrations of Children, Family and Aging Audits. The office conducts and oversees audits of the operations and programs of the Administration for Children and Families and the Administration on Aging, as well as statewide cost allocation plans. It maintains an internal quality assurance system, including periodic quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed in its audit activities.

E. *Public Health Audits.* This office is directed by the Assistant Inspector General for Public Health Audits. The office conducts and oversees audits of the programs and activities of the public health related agencies, including the Food and Drug Administration; the National Institutes of Health; the Health Resources and Services Administration; the Alcohol, Drug Abuse, and Mental Health Administration; the Centers for Disease Control and Prevention; the Agency for Toxic Substances and Disease Registry; the Indian Health Service and the Surgeon General, as well as those colleges, universities and nonprofit organizations that receive research grants from the Federal Government. It maintains an internal quality assurance system, including periodic quality control reviews, to provide reasonable assurance that applicable laws, regulations, policies, procedures, standards and other requirements are followed in all public health related audit activities performed by, or on behalf of, the Department.

Section AFJ.00, Office of Investigations (OI)—Mission

The Office of Investigations is responsible for conducting and coordinating investigative activities related to fraud, waste, abuse and mismanagement in HHS programs and operations, including wrongdoing by applicants, grantees, or contractors, or by HHS employees in the performance of their official duties. It serves as OIG liaison to DoJ on all matters relating to investigations of HHS programs and personnel, and reports to the Attorney General when the OIG has reasonable grounds to believe Federal criminal law has been violated. It works with other investigative agencies and organizations on special projects and assignments. In support of its mission, the office carries out and maintains an internal quality assurance system. The system includes quality assessment studies and quality control reviews of OI processes and products to ensure that policies and procedures are followed effectively, and are functioning as intended.

Section AFJ.10, Office of Investigations—Organization

The Office of Investigations comprises the following components:

A. Immediate Office.

B. Criminal Investigations.

C. Investigations Policy and Oversight.

Section AFJ.20, Office of Investigations—Functions

A. *Immediate Office of the Deputy Inspector General for Investigations.* This office is directed by the Deputy Inspector General for Investigations who is responsible for the functions designated in the law for the position, Assistant Inspector General for Investigations. The Deputy Inspector General for Investigations supervises the Assistant Inspectors General who head the OI offices described below.

The Deputy Inspector General for Investigations is responsible to the Inspector General for carrying out the investigative mission of the OIG and for leading and providing general supervision to the OIG investigative component. The Immediate Office coordinates quality assurance studies to ensure that applicable laws, regulations, policies, procedures, standards and other requirements are followed in all investigative activities performed by, or on behalf of, the Department.

B. *Criminal Investigations.* This office is directed by the Assistant Inspector General for Criminal Investigations who supervises a headquarters policy and review staff and the Regional Inspectors General for Investigations who carry out investigative activities in their assigned geographic areas.

1. The headquarters staff assists the Deputy Inspector General for Investigations to establish investigative priorities, to evaluate the progress of investigations, and to report to the Inspector General on the effectiveness of investigative efforts. It develops and implements investigative techniques, programs, guidelines and policies. It provides programmatic expertise and issues information on new programs, procedures, regulations and statutes. It directs and coordinates the investigative field offices.

2. The headquarters staff reviews completed reports of investigations to ensure accuracy and compliance with guidelines. It issues the reports to pertinent agencies, management officials and the Secretary and recommends appropriate debarment actions, administrative sanctions, CMPs and other civil actions, or prosecution under criminal law. It identifies systemic and programmatic vulnerabilities in the Department's operations and makes recommendations for change to the appropriate managers.

3. The staff provides for the personal protection of the Secretary.

4. The field offices conduct investigations of allegations of fraud, waste, abuse, mismanagement and violations of standards of conduct and other investigative matters within the jurisdiction of the OIG. They coordinate investigations and confer with HHS operating divisions, staff divisions, OIG counterparts and other investigative and law enforcement agencies. They prepare investigative and management improvement reports.

C. *Investigations Policy and Oversight.* This office is directed by the Assistant Inspector General for Investigations Policy and Oversight who leads outreach activities to State and local investigative agencies, and the general management functions of the Office of Investigations.

1. The office oversees State Medicaid fraud control units and is responsible for certifying and recertifying these units and for auditing their Federal funding. The office provides pertinent information from HHS records to assist Federal, State and local investigative agencies to detect, investigate and prosecute fraud. It manages the HHS Hotline to receive complaints and allegations of fraud, waste and abuse, and to refer the information for investigation, audit, program review, or other appropriate action. It coordinates with the GAO hotline and hotlines from other agencies.

2. The office maintains an automated data and management information system used by all OI managers and investigators. It provides technical expertise on computer applications for investigations and coordinates and approves investigative computer matches with other agencies.

3. The office develops general management policy for the OI. It develops and issues instructional media on detecting wrongdoing and on investigating and processing cases. The office reviews proposed legislation, regulations, policies and procedures to identify vulnerabilities and recommends modification where appropriate. It reviews investigative files in response to Privacy and Freedom of Information Act requests. It plans, develops, implements and evaluates all levels of employee training for investigations, management, support skills and other functions, and serves as OIG liaison to the Office of the Secretary for Freedom of Information and Privacy Act requests. It coordinates general management processes, e.g., compiles reports on the budget, on awards and on other personnel matters for OI as a whole; implements policies and procedures published in the OIG Administrative Manual; and processes procurement requests and other service related actions.

Dated: April 25, 1996.

June Gibbs Brown,

Inspector General.

[FR Doc. 96–11844 Filed 5–10–96; 8:45 am]

BILLING CODE 4150–04–P

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC): Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Clinical Laboratory Improvement Advisory Committee.

Times and Dates: 1–5 p.m., May 29, 1996; 8 a.m.–4 p.m., May 30, 1996.

Place: CDC, Auditorium B, Building 2, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters To Be Discussed: Agenda items include: An update on the Clinical Laboratory Improvement Amendments (CLIA), review of CLIA quality control issues discussed at the August 30–31, 1995, CLIAC meeting; and proposals for addressing these issues.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: John C. Ridderhof, Dr. P.H., Division of Laboratory Systems, Public Health Practice Program Office, CDC, 4770 Buford Highway, NE., M/S G–25, Atlanta, Georgia 30341–3724, telephone 404/488–7660.

Dated: May 2, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–11858 Filed 5–10–96; 8:45 am]

BILLING CODE 4163–18–M

Injury Research Grant Review Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Injury Research Grant Review Committee (IRGRC).

Times and Dates: 6 p.m.–9 p.m., June 9, 1996; 8 a.m.–6 p.m., June 10, 1996.

Place: The Palmer House Hilton, 17 East Monroe Street, Chicago, Illinois 60603–5605.

Status: Open: 6 p.m.–7 p.m., June 9, 1996; Closed: 7 p.m.–9 p.m., June 9, 1996; Closed: 8 a.m.–6 p.m., June 10, 1996.

Purpose: This committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the scientific merit and technical feasibility of grant applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focus on prevention and control and to support injury prevention research centers.

Matters To Be Discussed: Agenda items include: announcements, discussion of review procedures, future meeting dates, and review of grant applications.

Beginning at 7 p.m., June 9, through 6 p.m., June 10, the Committee will meet to conduct a review of grant applications. This portion of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Richard W. Sattin, M.D., Executive Secretary, IRGRC, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway, NE., M/S K58, Atlanta, Georgia 30341–3724, telephone 770/488–4580.

Dated: May 3, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–11857 Filed 5–10–96; 8:45 am]

BILLING CODE 4163–18–M

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill three vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by title XXI of the Public Health Service Act (the Act), as enacted by Public Law (P.L.) 99–660 and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Palmer, Committee Management Assistant, Policy and Commission Branch, Division of Vaccine Injury Compensation, at (301) 443–1533.

DATES: Nominations are to be submitted by June 13, 1996.

ADDRESSES: All nominations are to be submitted to the Director, Division of Vaccine Injury Compensation, Bureau of Health Professions, HRSA, Parklawn Building, Room 8A–35, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACCV, viz., the Federal Advisory Committee Act of October 6, 1972 (P.L. 92–463) and section 2119 of the Act, 42 U.S.C. 300aa-19, as added by P.L. 99–660 and amended, HRSA is requesting nominations for three voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP; on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table; advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b); advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; and recommends to the Director, National Vaccine Program, research related to vaccine injuries which should be conducted to carry out the VICP.

The ACCV consists of nine voting members appointed by the Secretary as follows: three health professionals, of whom at least two are pediatricians, who are not employees of the United States, who have expertise in the health care of children, the epidemiology, etiology and prevention of childhood diseases, and the adverse reactions associated with vaccines; three members from the general public, of whom at least two are legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death; and three attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting ex officio members.

Specifically, HRSA is requesting nominations for three voting members of the ACCV representing: (1) A health professional with special experience in childhood diseases; (2) a member from the general public who is a legal representative (parent or guardian) of a child who has suffered a vaccine-related injury or death; and (3) an attorney with no specific affiliation (as stated above, this category requires membership of three attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and one of whom is an attorney whose specialty includes representation of vaccine manufacturers—by this notice, the Department is soliciting nominations for the third attorney position). Nominees will be invited to serve 3-year terms beginning January 1, 1997, and ending December 31, 1999.

Interested persons may nominate one or more qualified persons for membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV and appears to have no conflict of interest that would preclude the ACCV membership. Potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflicts of interest. A curriculum vitae should be submitted with the nomination.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, or physically handicapped candidates.

Dated: May 7, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–11878 Filed 5–10–96; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: The invention referenced below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

U.S. Patent 4,790,987 issued on December 13, 1988 and entitled ''Viral Glycoprotein Subunit Vaccine''—This patent discloses subunit vaccine compositions for the prevention of viral infections including influenza virus, parainfluenza virus, herpes virus, paramyxoviruses, rabies virus, and human T-cell lymphotrophic viruses. The patent also discloses a method for preparing the vaccine compositions. A novel feature of the invention is the utilization of a dialyzable detergent for solubilization of the active component, which allows a relatively simple purification process on a large scale. Thus, these vaccines are easier to prepare than other glycoprotein subunit vaccines and retain their antigenicity to a greater extent than formalin-inactivated subunit vaccines.

The invention claimed in this patent is available for licensing on a nonexclusive basis. Interested parties should respond by June 12, 1996.

ADDRESSES: Licensing information and a copy of the issued patent may be obtained by contacting Cindy K. Fuchs, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7735 ext 232; fax 301/402–0220).

Dated: May 1, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–11907 Filed 5–10–96; 8:45 am]

BILLING CODE 4140–01–M

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: The invention referenced below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

U.S. Patent 4,788,181 issued on November 29, 1988 and entitled ''5-Substituted-2′,3′-Dideoxycytidine Compounds with Anti-HTLV–III Activity''—5-substituted-2′,3′-dideoxycytidine analogs and their phosphorylated derivatives are effective inhibitors of HTLV–III/LAV (HIV) infection, especially in the brain. Although the parent compound 2′,3′-dideoxycytidine can scarcely enter the central nervous system, 2′,3′-dideoxy-5-fluorocytidine readily penetrates the blood-brain barrier and, thus, is more effective against the AIDS virus in the brain.

The invention claimed in this patent is available for licensing on either an exclusive or nonexclusive basis.

Interested parties should respond by August 12, 1996.

ADDRESSES: Licensing information and a copy of the issued patent may be obtained by contacting Robert Benson at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7056 ext 267; fax 301/402–0220).

Dated: May 2, 1996.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 96–11909 Filed 5–10–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: May 17, 1996.

Time: 10 a.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

For Further Information Contact: Angela L. Redlingshafer, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1367.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: May 7, 1996.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 96–11906 Filed 5–10–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Announcement of Intent To Conduct Toxicological Studies of 9 Chemicals

Request for Comments: As part of an effort to obtain public input into the selection of chemicals for evaluation, the National Toxicology Program (NTP) routinely announces in the Federal Register the lists of chemicals for which plans to develop protocols for toxicological studies are underway. This announcement will allow interested parties to comment and provide information on chemicals under consideration. Chemicals and types of studies under consideration are listed below.

Allyl Bromide (CAS No. 106–95–6) is used in both organic and biochemical synthesis, commonly as a chemical intermediate, in the synthesis of perfumes and pharmaceuticals, polymers and resins, and the production of agricultural chemicals.

The National Cancer Institute nominated allyl bromide based on widespread use, its persistence as an environmental pollutant and the lack of toxicology data. There is potential for human exposure both from production and manufacturer as well as during its end use. Possible routes of human exposure include inhalation, oral and dermal routes. Allyl bromide is one of a group of organohalogen compounds identified in waste water or drinking water. Plans are underway to develop protocols for toxicity and carcinogenicity studies.

Divinylbenzene (CAS No. 1321–74–0) (DVB) is a specialty monomer used in polymer applications that require additional heat resistance and strength. It is used in styrene-butadiene rubber to improve the swelling shrinkage, and extrusion properties of the product. In addition, DVB is used as a cross-linking monomer for copolymerization with styrene, and acrylic or methacrylic acid to produce ion exchange resins.

DVB was nominated to the NTP by the National Cancer Institute for carcinogenicity testing based upon its structural relationship to styrene and benzene, and the potential for significant human exposure. The major route of potential human exposure in the industrial setting is considered to be inhalation during manufacturing processes involving about 35,000 workers. Commercial DVB generally consists of a mixture of the meta and para isomers of DVB and ethylvinylbenzene.

Fourteen-day studies and toxicokinetic studies are planned and the decision to conduct 90-day and chronic studies will be made after review of this data.

Diazoaminobenzene (CAS No. 136–35–6) is used as an intermediate in organic synthesis, dye and agricultural chemical manufacturing. Diazoaminobenzene is a metal complexing agent and polymer additive used as a coupler to promote adhesion to natural rubber and steel and as a blowing agent in resins and urea-formaldehyde adhesives, polyurethane coatings.

Diazoaminobenzene was recommended by the National Institute of Environmental Health Sciences for toxicological testing based on the potential for worker exposure and the lack of adequate toxicological data. Several structural analogs of Diazoaminobenzene are carcinogenic, suggesting the possible carcinogenicity of Diazoaminobenzene, as well. It is used in D&C Red Dye and has been found as a contaminant in food samples collected by the Food and Drug Administration. It is mutagenic in Salmonella. Published carcinogenicity studies in mice are considered inadequate and none have been conducted in rats. Plans are underway to develop protocols for toxicity and carcinogenicity studies.

Ethidium Bromide (CAS No. 1239–45–8), because it interchelates in DNA, is commonly used for identification of DNA in research setting.

Ethidium bromide was nominated by a University faculty member because of its increasing use as a reagent of DNA chemistry and its widespread use as a DNA probe in sequencing reactions and the increased potential for exposure to laboratory workers. Plans are underway to develop protocols for toxicity and carcinogenicity studies.

Formamide (CAS No. 75–12–7) is used as a solvent, a softener, an intermediate in organic synthesis and in water-soluble ink formulations.

The National Cancer Institute nominated a class of chemicals which included formamide, N-methylformamide (NMF), and N,N-dimethylformamide (DMF), for NTP testing. DMF studies on have been completed and published by the NTP (prechronic), and industry (chronic). NMF was nominated only for genotoxicity testing and was found to be negative in the salmonella assay. Studies conducted by others have demonstrated that NMF is metabolized in the same manner as DMF. No further testing is therefore recommended for NMF. Formamide was nominated by the NCI for carcinogenicity testing. The limited information available on formamide indicates that it is metabolized to formate. Since rodents metabolize formate much more efficiently than primates, they may be insensitive to formamide toxicity. Therefore comparative metabolism of formamide will be evaluated in rat, mouse, and human liver slices studies prior to any pre-chronic studies. In addition, metabolism/disposition studies will be conducted initially in rats and then in mice using nose-only inhalation. Based on the results of these studies and any new information that becomes available in the literature, NTP will determine the appropriate animal model for future toxicity studies.

5-Hydroxymethyl Furfural (CAS No. 67–47–0) (HMF) is formed during the thermal decomposition of sugars and carbohydrates. HMF has been identified in a wide variety of heat processed foods including milk, fruit juices, spirits, honey, etc. HMF is also found in cigarettes.

The National Institute of Environmental Health Sciences nominated HMF based on the potential for widespread exposure in the diet, evidence for carcinogenic potential of other members of this class, and the fact that little is known about HMF toxicity. NTP plans to develop protocols to investigate the metabolism, toxicity and carcinogenicity of HMF.

Isoeugenol (CAS No. 97–54–1) is found in cloves, tobacco, and other plants and flowers. Isoeugenol is used to manufacture vanillin, and is widely used in fragrances and as a flavoring additive. Many consumers are potentially exposed to isoeugenol from its use in cosmetics and food.

Isoeugenol was nominated for carcinogencity testing by the National Cancer Institute based on its structural similarity to the carcinogens eugenol, safrole, isosafrole, and estragole, and its potential for human exposure as a food flavoring agent and a fragrance ingredient. Plans are underway to develop protocols to investigate the toxicity and carcinogenicity of Isoeugenol.

Methyl Styryl Ketone (CAS No. 1896–62–4) is a naturally occurring product and a synthetic flavor and fragrance additive. Its most important use is a flavoring and fragrance additive in many commercial products (for example; soap, detergent, perfume, creams and lotions, baked goods, frozen dairy products, nonalcoholic beverages). MSK is also listed on the recently released list of tobacco additives used in cigarette manufacture.

The rationale for the National Cancer Institute's (NCI) nomination included wide-spread low level human exposure from its use as a flavoring agent and use in perfumes, lotions, soap, and detergents. As an α,β-unsaturated ketone, it exhibits mutagenicity in short-term tests in Salmonella with metabolic activation. It is a known Michael acceptor and is expected to react with either food stuffs or proteins in the target tissues. Toxicology data is very limited.

There is a CAS number for Methyl Styryl Ketone that refers to unspecified isomers of Methyl Styryl Ketone. It should be noted that the trans isomer (CAS 1896–62–4) is being studied to avoid any future confusion. Methyl Trans Styryl Ketone (MSK) was nominated by NCI for comparative toxicity studies, metabolism, and carcinogenicity based on potential for human exposure. Metabolism studies are underway. Plans are underway to develop protocols for comparative disposition and short-term toxicity studies.

Stoddart Solvent (Casno: 8052–41–3) is used as a multipurpose petroleum solvent; uses include paint vehicles; thinning agent for paints, coatings, and waxes; printing inks, adhesives; solvent in liquid photocopier toners; solvent in dry cleaning; degreaser for engine parts in machine and auto repair shops.

Stoddard solvent (high flash, low aromatic grade), was nominated by the United Auto Workers as one of several organic solvents that are used with substantial exposure in transportation, equipment and related metal working industries. For most of these solvents, there was evidence for human health risks particularly occupational cancer and respiratory toxicity found in epidemiology studies, from cases reports, from acute and subacute testing in animals from inadequate chronic exposure studies. Stoddard solvent is a mixture of numerous hydrocarbons derived by refining crude oil. The mixture consists of three major groups of components: linear and branched alkanes (30–50%), also known as paraffins; cycloalkanes (30–40%); and

aromatic hydrocarbons (10–20%). There are various types of Stoddard solvent with different flash points and composition of linear alkanes, cycloalkanes, and aromatic hydrocarbons. ASTM specifies four types of mineral spirit (Stoddard solvent): Type I—Regular; Type II—High flash point; Type III—Odorless; and Type IV—Low Dry Point. Stoddard solvent type III selected for testing is a mixture with high aliphatic and low aromatic contents, little odor, and 100°F minimum flash point. In 1990, production volume was about 38 million pounds. NTP is developing protocols for toxicity and carcinogenicity studies.

Anyone having relevant information (including ongoing toxicological studies, current or future trends in production and import, use pattern, human exposure levels, environmental occurrence and toxicological data) to share with the NTP on any of these chemicals, should contact Dr. William Eastin within 60 days of the appearance of this announcement. The information provided will be considered by the NTP in designing these studies.

Contact may be made by mail to: Dr. William Eastin, NIEHS/NTP, P.O. Box 12233, Research Triangle Park, North Carolina 27709, by telephone at 919–541–7941, fax 919–541–4714, or email at Eastin@NIEHS.HIH.GOV

Dated: May 1, 1996.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 96–11908 Filed 5–10–96; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention, Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the Center for Substance Abuse Prevention (CSAP) National Advisory Council and Drug Testing Advisory Board meetings in May and June 1996.

A summary of these meetings and a roster of committee members may be obtained from: Mrs. Vera L. Jones, Acting Committee Management Officer, CSAP, Rockwall II Building, Suite 7A–140, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–9542.

Substantive program information may be obtained from the individual whose name and telephone number is listed as Contact below.

The meeting of the CSAP National Advisory Council will include a presentation from the SAMHSA Administrator, discussion of administrative matters, announcements and reports from the SAMHSA and CSAP Councils' subcommittees. Invitation has been extended for a presentation on CSAP and Department of State Collaborative Studies.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Date(s): May 30, 1996.

Place: Bethesda Marriott Residence Inn, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

Open: May 30, 1996, 8:30 a.m. - 5 p.m.

Contact: Yuth Nimit, Ph.D., Executive Secretary, Rockwall II Building, Suite 7A–140; Telephone: (301), 443–8455 and FAX: (301) 443–3355.

The meeting of the Drug Testing Advisory Board will include a roll call, general announcements, and a discussion of various program, procedural, and technical issues. Public comments are welcome during the open session. Please communicate with the individual listed as contact below for guidance.

The meeting will also include the review of sensitive National Laboratory Certification Program (NLCP) internal operating procedures and program development issues. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(2), (4), and (6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: Drug Testing Advisory Board.

Meeting Date(s): June 27, 1996.

Place: Ramada Inn - Rockville, 1775 Rockville Pike, Rockville, Maryland 20857.

Open: June 27, 1996, 8:30 a.m. - 10:00 a.m.

Closed: June 27, 1996, 10:00 a.m. - 4:00 p.m.

Contact: Donna M. Bush, Ph.D.; Executive Secretary, Telephone: (301) 443–6014 and FAX: (301) 443–3031.

Dated: May 7, 1996.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–11928 Filed 5–10–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3917–N–77]

Office of the Assistant Secretary for Policy Development and Research; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: July 12, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: David Chase, Economist, Office of Policy Development and Research—telephone (202) 708–4504 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) 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; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Evaluation of Home Ownership Counseling Initiatives.

OMB Control Number, if applicable: 2528–.

Description of the need for the information and proposed use: The information is being collected to determine the feasibility of setting a long-term mechanism for the collection of data to evaluate the efficacy of home ownership counseling. Evaluating counseling programs has been hampered by two methodological reasons: (1) Differences in programs goals complicate any type of performance comparison; and (2) the counseling industry encounters very

different market conditions in different areas.

HUD's involvement with the counseling dates back to the 1960s. With the passage of the 1968 Housing and Urban Development Act, HUD was authorized to contract with public and private organizations to provide counseling to mortgagors in the Section 235 and 237 Programs. Between 1988 and 1993, HUD gave some operating support to over 300 agencies. To ensure that this support is being provided in a cost-effective manner, HUD proposes to undertake a preliminary investigation of the feasibility of a long-term evaluation. This investigation will include identifying key data requirements and pre-testing a baseline data collection form to gather the required information from counseling recipients.

Agency form numbers, if applicable: None.

Members of affected public: New participants in three counseling programs will be asked to participate in this data collection activity. It is expected that at most 200 participants in each program will be evaluated.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information will be collected by one-time interviews with at most 600 participants in counseling programs. These interviews will take approximately thirty minutes each. This means a total of 300 hours of response for the information collection.

Status of the proposed information collection: Pending OMB clearance.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 30, 1996.

Michael A. Stegman,

Assistant Secretary, Office of Policy Development and Research.

[FR Doc. 96–11846 Filed 5–10–96; 8:45 am]

BILLING CODE 4210–62–M

Office of the Assistant Secretary for Housing; Notice of Proposed Information Collection for Public Comment

[Docket No. FR–3235–N–05]

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: July 12, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Oliver Walker, Housing, Department of Housing & Urban Development, 451—7th Street, SW, Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Barbara D. Hunter, Telephone number (202) 708–3944 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) 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; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Notice of Funding Availability for the Federally Assisted Low-Income Housing Drug Elimination Grant Program—FY 1996 (FR–3235).

OMB Control Number: 2502–0476.

Description of the need for the information and proposed use: This information collection is required in connection with HUD's proposed issuance of a Notice of Funding Availability (NOFA) that will announce the availability of $10,000,000 in grant funds authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.), as amended by Section 581 of the National Affordable Housing Act of 1990 (NAHA) approved November 28, 1990, Public Law 101–625; approved November 28, 1990), and Section 161 of the Housing and Community Development Act of 1992 (NCDA 1992) (Public Law 102–550, approved October 28, 1992).

Note: This NOFA does not apply to the funding available under the statute for Public and Indian Housing.

Agency Form Numbers: SF–424, SF–424A, SF–LLL, HUD–50070 and HUD–2880.

Members of Affected Public: Project owners, housing owners.

An estimation of the total numbers of hours needed to prepare the information collection is 40,000, the number of respondents is 1,000, frequency of response is 1, and the hours of response is 40.

Status of the Proposed Information Collection: Extension.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 7, 1996.

Stephanie A. Smith,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–11894 Filed 5–10–96; 8:45 am]

BILLING CODE 4210–27–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3886–N–05]

Announcement of Funding Awards for HOPE for Single Family Homes Program (HOPE 3)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding award.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this is an announcement notifying the public of the funding decision made by the Department for funding under a Notice of Funding Availability for HOPE for Single Family Homes Program (HOPE 3), published on February 24, 1995 (60 FR 10446). This announcement contains the names and addresses of the grantees and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Office of Affordable Housing Programs, Department of Housing and Urban Development, room 7168, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3226 (this is a not toll-free number). A telecommunications device for hearing- and speech-impaired

individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: The HOPE 3 program is authorized by title IV of the National Affordable Housing Act (42 U.S.C. 12891–12898), which created the HOPE 3 Program. The final rule for the program, was published in the Federal Register on July 7, 1993, is codified at 24 CFR part 572. HOPE 3 funding for Fiscal Year 1994 is appropriated by the HUD Appropriations Act for Fiscal Year 1995 (Pub. L. 103–327, approved September 28, 1994).

The purpose of the competition was to make funding available for grants under the HOPE for Homeownership of Single Family Homes Program (HOPE 3). The HOPE 3 program provides homeownership opportunities for eligible families to purchase Federal, State, and local government-owned single family properties. HOPE 3 provides implementation grants to selected eligible applicants to assist them in developing and carrying out approved homeownership programs for eligible families. Recipients were chosen in a competition under selection criteria announced in the February 24, 1995 NOFA.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is hereby publishing the names, addresses, and amount of those awards as shown in Appendix A.

Dated: May 7, 1996.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

APPENDIX A.—FISCAL YEAR 1994 HOPE 3 GRANTEES

Grantee	Amount
Kennebec Valley Community Action Program, 101 Water Street, P.O. Box 1529, Waterville, ME 04903–1529	$374,200
Comprehensive Community Action, 311 Doric Avenue, Cranston, RI 02910	468,300
Manchester Neighborhood Housing, Services, Inc., 434 Union Street, Manchester, NH 03103–5128	187,500
Collaborative Lending Initiative, Inc., 924 Cherry Street, Philadelphia, PA 19107	899,400
New York City Department of Housing Preservation and Development, 100 Gold Street, New York, NY 10038	966,700
County of Orange, 223 Main Street, Goshen, NY 10924	249,000
Resources for Human Development, Inc., 4333 Kelly Drive, Philadelphia, PA 19129	833,000
Enterprise Housing Corporation of Maryland, Inc., 10227 Wincopin Circle, Suite 810, Columbia, MD 21044	682,250
Manna, Inc., 614 S Street, NW Rear, P.O. Box 26049, Washington, DC 20001	405,000
Chester Community Improvement Project, Inc., 412 Avenue of the States, P.O. Box 541, Chester, PA 19013	182,000
Sandtown Habitat for Humanity, Inc., 1385 N. Gilmor Street, Baltimore, MD 21217–2331	114,750
Ceiba Housing and Economic Development Corporation, P.O. Box 203, Ceiba, PR 00735	355,000
City of Tampa, FL, 306 E. Jackson Street, 8th Floor East, Tampa, FL 33602	667,000
Knox Housing Partnership, Inc., 220 Carrick Street, Suite 124, Knoxville, TN 37921	417,000
Shelby County Government, 100 N. Mid-America Mall, Suite 1303, Memphis, TN 38103	500,000
City of Columbia, P.O. Box 137, Columbia, SC 29217	250,000
Charlotte-Mecklenburg Housing Partnership, Inc., 201 Greenwood Cliff, Suite 300, Charlotte, NC 28204	545,000
Board of County Commissioners of Lee County, P.O. Box 398, Fort Myers, FL 33902–0898	500,000
Greater Miami Neighborhoods, Inc., 1460 Brickell Avenue, Suite 309, Miami, FL 33131	640,000
City of Bessemer, 180 3rd Avenue North, Bessemer, AL 35020	86,000
Macon Housing Authority, P.O. Box 4928, Macon, GA 31208	324,000
Minneapolis Community Development Agency, 105 South 5th Avenue, Suite 200, Minneapolis, MN 55401	600,000
New Cities Community Development Corporation, 16333 S. Halsted, Harvey, IL 60426	667,000
Mid-Ohio Regional Planning Commission, 285 East Main Street, Columbua, OH 43215	250,000
Jackson Affordable Housing Corporation, 61 W. Michigan Avenue, 7th Floor, Jackson, MI 49201	410,800
Cleveland Housing Network, Inc., 4614 Prospect Avenue, #340, Cleveland, OH 44103	314,800
City of Indianapolis, 200 East Washington Street, Suite 2042, Indianapolis, IN 46204	474,000
Lutheran Housing Corporation, 13944 Euclid Avenue, Suite 208, East Cleveland, OH 44112	107,000
City of Rockford, 425 E. State Street, Rockford, IL 61104	337,000
Crowley's Ridge Development Council, Inc., P.O. Box 1497, 249 S. Main, Jonesboro, AR 72403	479,000
Tarrant County Housing, Partnership, Inc., 603 East Berry Street, Suite 112, Fort Worth, TX 76110	900,000
City of Lubbock, P.O. Box 2000, 1625 13th Street, Lubbock, TX 79457	800,000
Habitat for Humanity, International, Southwest Regional Office, P.O. Box 3005, Waco, TX 76707	623,000
City of Topeka, Department of Community and Economic Development, 515 S. Kansas Avenue, Suite 405, Topeka, KS 66603	500,000
Operation Impact, 330 N. 15th Street, St. Louis, MO 63103	500,000
Commerce City Housing Authority, 5291 E. 60th Avenue, Commerce City, CO 80022	509,000
Northeast Denver Housing Center, Inc., 1735 Gaylord Street, Denver, CO 80206	236,800
Salt Lake Community Development Corporation, 223 West 700 South, Salt Lake City, UT 84101	254,200
Human Action for Chandler, 77 W. Chicago Street, P.O. Box 1776, Chandler, AZ 85244–1776	1,000,000
Housing Authority of the City of Los Angeles, 2600 Wilshire Boulevard, Los Angeles, CA 90057	1,000,000
Homeward Bound, 29 W. Thomas Road, Suite E, Phoenix, AZ 85013	645,800
Housing for Mesa, Inc., P.O. Box 4457, Mesa, AZ 85211–4457	362,500
Pima County, 32 N. Stone, #1600, Tucson, AZ 85701	715,000
Rural California Housing Corporation, 2125 19th Street, Suite 101, Sacramento, CA 95818	560,000
St. Vincent de Paul Society of Lane County, 705 S. Seneca, Eugene, OR 97402	997,000

[FR Doc. 96–11847 Filed 5–10–96; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for Construction of One Single Family Residence at 0 Yucca Mountain Road (Across From 9206 Yucca Mountain Road), Austin, Travis County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Chuck Clinton (applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(A)(1)(b) of the Endangered Species Act (Act). The applicant has been assigned permit number PRT–812703. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*).

The proposed take would occur as a result of the construction of one single family residence at 0 Yucca Mountain Road (across from 9206 Yucca Mountain Road), Austin, Travis County, Texas. The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of whether jeopardy to the species will likely result from this action or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. 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 application should be received on or before June 12, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Joseph E. Johnston or Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 at (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the above U.S. Fish and Wildlife Service address in Austin, Texas.

Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas at the above address. Please refer to permit number PRT–812703 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Joseph E. Johnston or Mary Orms at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances,may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities Regulations governing permits for endangered species are at 50 CFR 17.22.

APPLICANT: Chuck Clinton plans to construction a single family residence at 0 Yucca Mountain Road, (across from 9206 Yucca Mountain Road) Austin, Travis County, Texas. This action will effect less than one-half acre of land and indirectly impact less than one-half additional acre of golden-cheeked warbler habitat.

The applicant proposes to compensate for this loss of golden-cheeked warbler habitat by placing $1,500 into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler. Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Lynn B. Starnes,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–11845 Filed 5–10–96; 8:45 am]

BILLING CODE 4510–55–M

Bureau of Land Management

[ID–990–1020–00]

Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Upper Columbia—Salmon Clearwater Districts, Idaho.

ACTION: Notice of Resource Advisory Council meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix, the Bureau of Land Management (BLM) announces the meeting of the Upper Columbia—Salmon Clearwater Districts Resource Advisory Council (RAC) on Thursday, May 30, 1996. The meeting will be held via telephone conference.

The purpose of the meeting is for the RAC members to discuss and make recommendations to the District Manger and State Director concerning proposed rangeland standards and guidelines. Other administrative issues may be discussed as time permits. The RAC will meet from 10:00 a.m. to noon (PDT). The public may address the Council during the public comment period starting at 11:00 a.m. at BLM's Coeur d'Alene Field Office, 1808 N. Third St., Coeur d'Alene, Idaho.

SUPPLEMENTARY INFORMATION: All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager.

The Council's responsibilities include providing long-range planning and establishing resource management priorities; and assisting the BLM to identify state standards for rangeland health and guidelines for grazing.

FOR FURTHER INFORMATION CONTACT: Ted Graf (208) 769–5004.

Dated: May 7, 1996.

Jenifer Arnold,

Acting District Manager.

[FR Doc. 96–11879 Filed 5–10–96; 8:45 am]

BILLING CODE 4310–GG–M

Minerals Management Service

Notice and Agenda for Meeting of the Royalty Policy Committee of the Minerals Management Advisory Board

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Secretary of the Department of the Interior (Department) has established a Royalty Policy Committee (Committee), on the Minerals Management Advisory Board, to provide advice on the Department's management of Federal and Indian minerals leases, revenues, and other minerals related policies.

Committee membership includes representatives from States, Indian Tribes and allottee organizations, minerals industry associations, the general public, and Federal departments. At this second meeting, the Committee will hear reports from the subcommittees on audit; appeals,

settlements, and alternative dispute resolution; royalty reporting and production accounting. The Committee will also discuss the work being done by the five other subcommittees.

DATES: The meeting will be held on: Tuesday, June 4, 1996, 8:30 a.m. to 5:00 p.m. and Wednesday, June 5, 1996, 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Denver Marriott Southeast, 6363 East Hampden Avenue, Denver, Colorado 80222, Telephone (303) 758–7000.

FOR FURTHER INFORMATION CONTACT: Mr. Clare Onstad, Senior Technical Advisor to the Associate Director for Royalty Management, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3000, Denver, Colorado 80225–0165, courier delivery to Building 85, Room A–212, Denver Federal Center, Denver, Colorado, 80225, telephone number (303) 231–3827, fax number (303) 231–3780.

SUPPLEMENTARY INFORMATION: The location and dates of future meetings will be published in the Federal Register.

The meeting will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days following each meeting at the Royalty Management Program, Building 85, Denver Federal Center, West 6th Avenue and Kipling Street, Denver, Colorado.

Date May 7, 1996

Robert E. Brown,

Associate Director for Royalty Management

[FR Doc. 96–11854 Filed 5–10–96; 8:45 am]

BILLING CODE 4310–MR–P

National Park Service

Revised Draft Development Concept Plan/Environmental Impact Statement for South Side Denali, Alaska

AGENCY: National Park Service, Interior.

ACTION: Extension of the Public Comment Period for the Revised Draft Development Concept Plan/Environmental Impact Statement for South Side Denali, Alaska.

SUMMARY: The National Park Service announces a 15-day extension of the public comment period for the Revised Draft Development Concept Plan/Environmental Impact Statement (DCP/EIS) for South Side Denali, Alaska, that was published in the Federal Register on March 25, 1996 (61 FR 12095–12096). The original comment period was through May 21, 1996. This extension is in response to comments received to date which requested additional time to review the DCP/EIS. An additional information meeting/public hearing is also scheduled for the following date and location: May 15—Wasilla, MatSu Resort, 1850 Bogard Road. Information Meeting: 6:30 to 7:30 p.m. Hearing: 7:30 to 9:30 p.m.

DATES: Comments on the revised draft DCP/EIS must be received no later than June 5, 1996.

ADDRESSES: Comments on the revised draft DCP/EIS should be submitted to the Superintendent, Denali National Park and Preserve, Post Office Box 9, Denali Park, Alaska 99755. Copies of the Revised Draft South Side Denali DCP/EIS are available by request from the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Nancy Swanton, Park Planner, Denali National Park and Preserve. Telephone: (907) 257–2651, FAX: (907) 257–2485 Email: Nancy__Swanton@nps.gov

Dated: May 3, 1996.

Marcia D. Blaszak,

Acting Field Director, Alaska Field Office.

[FR Doc. 96–11794 Filed 5–10–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Modified Consent Decree Pursuant To The Clean Water Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed First Modification of Consent Decree in *United States* versus *City of Macclenny, Florida and the State of Florida,* Civil Action No. 89–454–Civ–J–14 was lodged on April 30, 1996, with the United States District Court for the Middle District of Florida, Jacksonville Division. This Modified Consent Decree relates to a Consent Decree previously entered in this matter on July 18, 1989. The 1989 Consent Decree resolved the United States' claims alleging violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* and its implementing regulations, and provided for stipulated penalties and injunctive relief.

The Modified Consent Decree obligates the City to construct a wastewater treatment facility (the ''facility'') to insure consistent compliance by the City with its NPDES Permit. The Modified Consent Decree sets forth a schedule to begin construction of the facility by August 1, 1996, complete construction of the facility by July 1, 1997, and achieve and maintain continuous compliance with all NPDES permit effluent limitations by September 1, 1997.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Modified Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Macclenny, Florida, et al.,* DOJ Ref. #90–5–1–1–3206.

The proposed Modified Consent Decree may be examined at the Office of the United States Attorney, Middle District of Florida, 500 Zack Street, Rm. 400, Tampa 33602; Office of the U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G Street, N.W., Washington, D.C. 20005, 202–624–0892. A copy of the proposed Modified Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G. Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose check in the amount of $6.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–11800 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that two proposed consent decrees in *United States* v. *Maryland Sand, Gravel, & Stone Company, et al.,* Civil Action No. HAR–89–2869, were lodged on April 22, 1996, with the United States District Court for the District of Maryland.

The complaint filed by the United States in October 1989 seeks to recover past, unreimbursed costs under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C.

9607, incurred by the United States in connection with response actions taken at the Maryland Sand, Gravel and Stone Superfund Site (''Site'') located in Elkton, Maryland. As part of its complaint, the United States sought recovery of costs from, *inter alia*, A&S Manufacturing Company, Schering Corporation and Westinghouse Electric. In turn, these parties sought contribution from, *inter alia*, E.R. Squibb & Sons and Martin Alexander.

The first consent decree is between the United States, A&S Manufacturing and Martin Alexander. This decree requires these parties to pay to the United States $105,000 in reimbursement of past response costs associated with Operable Units I and II of the Maryland Sand Site. The settlement is based on a demonstration by A&S Manufacturing of its inability to reimburse the United States for any additional response costs. Under the terms of the decree, the United States has specifically reserved its right to seek further relief from A&S and Alexander for any future claims not specifically addressed in the decree. The decree also contains a reopener provision that allows the United States and any party that has paid past response costs as defined in the decree to seek further reimbursement from A&S or Alexander should either of them obtain insurance coverage for such claims.

The second decree is between the United States, Schering Corporation, Westinghouse Electric Company, Inc., and E.R. Squibbs & Sons, Inc. Under the terms of this decree Schering Corporation will pay $1,942,084, Westinghouse will pay $577,916 and E.R. Squibb will pay $50,000 in reimbursement of the United States' response costs. Under the terms of the decree, the United States has specifically reserved its right to seek further relief from these parties for any future claims not specifically addressed in the decree.

The consent decrees include a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* (''CERCLA''), and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973 for past response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *Maryland Sand, Gravel & Stone Company, et al.*, DOJ Ref. *#90–11–2–225A*. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decrees may be examined at the Office of the United States Attorney, District of Maryland, U.S. Courthouse, 101 Lombard Street, Baltimore, Md. 21201; Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; and at the Consent Decree Library, 1120 ''G'' Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed decrees may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of $9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Environmental Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 96–11802 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and Section 7003(D) of the Resource Conservation and Recovery Act

Notice is hereby given that a proposed Settlement Agreement and Stipulated Order for Abandonment in *In re Tonolli Corporation*, Civil Action No. 5–86–00065, was lodged on March 6, 1996 with the United States Bankruptcy Court for the Middle District of Pennsylvania. The action arises out of the Tonolli Corporation Superfund Site in Nesquehoning, Pennsylvania, and resolves a dispute between the United States and one of Tonolli's creditors, Meridian Bank/Meridian Bancorp (''Meridian''), regarding which party had a priority security interest in the Tonolli property. Under the terms of the settlement, Meridian is assigning to EPA its security interest in the property of the Tonolli estate, giving the United States a priority security interest in this property. In exchange, the United States covenants not to sue Meridian under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973. The proposed settlement also provides that Meridian will be entitled to contribution protection to the extent provided in Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement. If requested, the Department will also provide a public meeting in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. 6973(d). Comments and requests should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *In re Tonolli Corporation*, DOJ Ref. 90–7–2–174C.

The proposed consent decree may be examined and copied at the Office of the United States Attorney, Middle District of Pennsylvania, Middle District of Pennsylvania, Federal Building, Suite 1162, 228 Walnut Street, Harrisburg, Pennsylvania 17108; the Region III Office of the Environmental Protection Agency, Office of Regional Counsel, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. A copy of the proposed settlement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202–624–0892. In requesting a copy, please refer to the referenced case (*In re Tonolli Corp.*, DOJ Case No. 90–7–2–174C) and enclose a check in the amount of $3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–11803 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant To The Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Young Refining Company*, Civil Action No. 1–96–CV–1002–JEC, was lodged on April 25, 1996, with the United States District Court for the Northern District of Georgia. The consent decree settles a claim brought under Section 107(a) of the Comprehensive Environmental

Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), for response costs incurred by the United States at the Basket Creek Drum Disposal site (the ''Basket Creek site'') in Douglasville, Georgia. Under the proposed consent decree, Young Refining will pay $51,000 to the United States in reimbursement of response costs incurred by the Environmental Protection Agency (''EPA'') in connection with the Basket Creek site. Although the actual removal of hazardous substances from the Basket Creek Site was conducted by Chem-Nuclear Systems, Inc., EPA has incurred costs in excess of $475,000 in connection with the Basket Creek Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Young Refining Company,* DOJ Ref. # 90–11–2–755.

The proposed consent decree may be examined at the office of the United States Attorney, Richard Russell Federal Building, Suite 1800, 75 Spring Street, S.W., Atlanta, Georgia 30335; the Region 4 Office of the Environmental Protection Agency, 345 Courtland Ave., N.E., Atlanta, Georgia 30307; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–11801 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Proposed Termination of Judgment

Notice is hereby given that defendant, Southern Forest Products Association (''SFPA''), has filed with the United States District Court for the Eastern District of Louisiana a motion to terminate the Judgment in *United States* v. *Southern Pine Ass'n, et al.,* Civil Action No. 275, and that the Department of Justice (''Department''), in a stipulation also filed with the Court, has tentatively consented to termination of the Judgment but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed February 21, 1940) alleged that the Southern Pine Association (''SPA'') and its lumber company members had fixed prices, curtailed output, enforced an agreed policy of distribution and excluded others from engaging in trade and commerce.

On February 21, 1940, a Judgment was entered against the SPA and its members which *inter alia* created the SOUTHERN PINE INSPECTION BUREAU (''SPIB'') as a separate entity to perform lumber grading and standards activities. The Judgment also enjoined the defendants from carrying out statistical activities related to prices, limiting production, and attempting to control distribution. In 1969, the Judgment was amended to allow SPIB to incorporate in Louisiana as a non-profit corporation and in 1993 the Judgment was amended to make certain technical changes in the way SPIB conducts its business. In 1970, the name of the SPA became the SFPA.

The Department has filed with the court a memorandum setting forth the reasons why the Government believes that termination of the Judgment would serve the public interest. Copies of SFPA's motion papers, the stipulation containing the Government's consent, the Government's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at the Legal Procedure Unit of the Antitrust Division, Room 215 North, Liberty Place, Washington, D.C. 20530, and at the Office of the Clerk of the United States District Court for the Eastern District of Louisiana, 500 Camp Street, New Orleans, Louisiana 70130. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Government. Such comments must be received by the Division within sixty (60) days and will be filed with the court by the Government. Comments should be addressed to Christopher S. Crook, Acting Chief, San Francisco Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102 (Telephone: (415) 436–6660).

Rebecca P. Dick,

Deputy Director of Operations.

[FR Doc. 96–11797 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Enterprise Computer Telephony Forum

Notice is hereby given that, on February 20, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Enterprise Computer Telephony Forum (''ECTF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Analogic Corporation, Peabody, MA; Amteva, Glen Allen, VA; Apple Computers, Cupertino, CA; Aspect Telecommunications, San Jose, CA; AT&T Network Systems, Glen Allen, VA; Bellcore, Red Bank, NJ; Brooktrout Technology, Needham, MA; Centrigram Communications, San Jose, CA; Cintech Tele-Management Database Network Services, Cincinnati, OH; CSETL, Torino, ITALY; Database Network Systems, Minnetonka, MN; Dialogic Corporation, Parsippany, NJ; Dinatel Corporation, San Jose, CA; Digital Equipment Corporation, Merrimack, NJ; Ericsson Business Networks AB, Stockholm, SWEDEN; Fujitsu Limited, Kawasaki, JAPAN; Hewlett-Packard Company, Cupertino, CA; IBM Corporation, San Jose, CA; InterVoice, Dallas, TX; Mitel Corporation, Kanata, CANADA; Motorola, Inc., Schaumburg, IL; Natural MicroSystems Corp., Natick, MA; Networks Unlimited AG, Dusseldorf, GERMANY; Nortel, Nashville, TN; Novell, Inc., San Jose, CA; Periphonics, Bohemia, NY; Rockwell International, Downers Grove, IL; Siemens AG, Munich, GERMANY; Unimax, Minneapolis, MN; and Voicetek Corporation, Howell, NJ.

ECTF is a California nonprofit mutual benefit membership corporation which has been established to conduct joint research and development in the area of interoperable implementation specifications in the field of computer telephony integration (CTI). ECTF is dedicated to promoting the acceptance

and implementation of CTI Technology based on national and international standards.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–11798 Filed 5–10–96; 8:45 am]

BILLING CODE 4410–01–M

MERIT SYSTEMS PROTECTION BOARD

Notice of Toll Free Information Line

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board announces it toll free information line.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) has installed a toll free information line for customers to check on the status of their appeals, request copies of Board studies and publications, and receive general information. MSPB customers—Federal employees, agencies, and the general public—will hear a recorded announcement that will guide them through menu selections to route their requests to the appropriate MSPB office mailbox. Calls will be returned promptly or requests will be satisfied appropriately. The toll free number is 1–800–209–8960.

FOR FURTHER INFORMATION CONTACT: Patricia Ealey, Office of the Clerk of the Board (202) 653–7200.

Dated: May 7, 1996.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 96–11813 Filed 5–10–96; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–049]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

DATES: June 11, 1996, 8:30 a.m. to 5:00 p.m.; and June 12, 1996, 8:30 a.m. to 11:45 a.m.

ADDRESSES: National Aeronautics and Space Administration, Room 7H46, 300 E Street, S.W., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Mary-Ellen McGrath, Office of Aeronautics, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4729).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Aeronautics Overview
—University Strategy Update
—Affordable Design and Manufacturing (ADAM) Activities
—Subcommitte Reports
—Subcommittee Restructuring
—Update on Current Alliances
—Overview of X31 Program Results
—Wind Tunnel Briefing
—NASA Aeronautics Home Page

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: May 7, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer.

[FR Doc. 96–11856 Filed 5–10–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440]

The Cleveland Electric Illuminating Company, Et Al.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of The Cleveland Electric Illuminating Company, et al. (the licensee) to withdraw its June 18, 1993, application for proposed amendment to Facility Operating License No. NPF–58 for the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

The proposed amendment would have modified the facility technical specifications pertaining to Figure 5.1.1–1, ''Exclusion Area, Unrestricted Area for Liquid Effluents and Site Boundary for Gaseous Effluents.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on September 15, 1993 (58 FR 48389). However, by letter dated April 26, 1996, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 18, 1993, and the licensee's letter dated April 26, 1996, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland, this 7th day of May 1996.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Project Manager, Project Directorate III–3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–11877 Filed 5–10–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No.: 040–08974]

Consideration of Amendment Request for Decommissioning the Molycorp, Inc., Facility in York, Pennsylvania, and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request for decommissioning the Molycorp, Inc., facility in York, Pennsylvania, and opportunity for a hearing.

The U.S. Nuclear Regulatory Commission is considering issuance of a license amendment to Source Material License No. SMB–1408, issued to Molycorp, Inc. (the licensee), to authorize decommissioning of its former rare earth processing facility in York, Pennsylvania.

The licensee submitted the site decommissioning plan (SDP) to NRC for review on August 14, 1995. Radioactive contamination at the licensee's York facility consists of soils containing thorium-228 and uranium-238 with a volume of approximately 90,000 cubic feet that resulted from operations to recover rare earth metals from ore. These operations were conducted from April 1962 to August 1991.

The NRC will require the licensee to remediate the York facility to meet NRC's decommissioning criteria, and during the decommissioning activities, to maintain effluents and doses within NRC requirements and as low as reasonably achievable.

Prior to approving the decommissioning plan, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation

Report and an Environmental Assessment. Approval of the SDP will be documented in an amendment to NRC License No. SMB–1408.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L ''Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Molycorp Incorporated, 350 North Sherman Street, York, Pennsylvania 17403, Attention: Ms. Barbara Dankmyer; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the site decommissioning plan is available for inspection at the NRC's Public Document Room, 2120 L Street N.W., Washington, DC 20555.

Dated at Rockville, Maryland, this 6th day of May, 1996.

For the Nuclear Regulatory Commission.

Robert A. Nelson,

Acting Chief, Low-Level Waste and Decommissioning, Projects Branch, Division of Waste Management, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 96–11876 Filed 5–10–96; 8:45 am]

BILLING CODE 7590–01–P

NRC Bulletin 96–03, Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling-Water Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Bulletin 96–03 to request boiling-water reactor (BWR) licensees to implement measures to ensure the capability of the emergency core cooling system (ECCS) to perform its safety function following a loss-of-coolant accident (LOCA), and require that BWR licensees report to the NRC whether and to what extent the requested actions will be taken and to notify the NRC when the actions associated with the bulletin are complete. This bulletin is available in the NRC Public Document Room under accession number 9605020119. This bulletin is discussed in Commission information paper SECY–96–087 which is also available in the NRC Public Document Room.

DATES: The bulletin was issued on May 6, 1996.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Robert B. Elliott, (301) 415–1397 or Internet: rbe@nrc.gov, or M. David Lynch, (301) 415–3023 or Internet: mdl@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC issued this bulletin to request BWR licensees to implement appropriate procedural measures and plant modifications to minimize the potential for clogging of ECCS suppression pool suction strainers by debris generated during a LOCA. The NRC has identified three potential resolution options, which include (1) the installation of a large capacity passive strainer design, (2) the installation of a self-cleaning strainer, and (3) the installation of a backflush system. However, licensees may propose an alternative course of action provided it offers an equivalent level of assurance that the ECCS will be able to perform its safety function following a LOCA. The actions requested by this bulletin are considered backfits in accordance with NRC procedures and are necessary to ensure compliance with existing NRC rules and regulations. In particular, Section 50.46 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.46) requires that adequate ECCS flow be provided to maintain the core temperature at an acceptably low value and to remove decay heat for the extended period of time required by the long-lived radioactivity remaining in the core following a design basis accident. Therefore, this bulletin was issued as a compliance backfit under the terms of 10 CFR 50.109(a)(4)(i).

Dated at Rockville, Maryland, this 7th day of May, 1996.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–11875 Filed 5–10–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection; OPM 2809–EZ1

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. OPM 2809–EZ1, Enrollment Change and Brochure Request, is used only at Open Season to request an enrollment change, insurance plan brochures, and other informational materials. If OPM Form 2809–EZ1 is used to request plan brochures, an OPM Form 2809-EZ2 is furnished to the enrollee for use if a plan change is desired.

Approximately 74,200 OPM Forms 2809–EZ1 are completed annually. Each form requires approximately 30 minutes to complete. The annual burden is 37,100 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before July 12, 1996.

ADDRESSES: Send or deliver comments to—Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–11866 Filed 5–10–96; 8:45 am]

BILLING CODE 6325–01–M

Proposed Collection; Comment Request for Review of a Revised Information Collection; OPM 2809–EZ2

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. OPM 2809–EZ2, Open Season Health Benefits Enrollment Change, is used by annuitants only at Open Season to elect a change in health benefits coverage.

Approximately 35,345 OPM Forms 2809–EZ2 are completed annually. Each form requires approximately 30 minutes to complete. The annual burden is 17,672 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-Mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before July 12, 1996.

ADDRESSES: Send or deliver comments to—Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–11867 Filed 5–10–96; 8:45 am]

BILLING CODE 6325–01–M

Proposed Collection; Comment Request; Review of a Revised Information Collection; RI 25–007

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management will be submitting to the Office of Management and Budget a request for clearance of a revised information collection. RI 25–007, Marital Status Certification, is used to survey surviving spouses to see if they have remarried before age 55. If they have remarried, their survivor annuity is terminated. Beginning with the 1996 information collection, only survivor annuitants who have remarried before age 55 are required to respond. Previously, all survivor annuitants were required to respond each year.

We estimate 350 forms are completed annually. Each form takes approximately 15 minutes to complete. The annual estimated burden is 87.5 hours, a reduction of 11,162.5 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Victor C. Roy, Chief, Eligibility Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, room 2342, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–11868 Filed 5–10–96; 8:45 am]

BILLING CODE 6325–01–M

Submission for OMB Review; Comment Request for Review of an Expiring Information Collection; RI 78–11

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management will submit to the Office of Management and Budget a request for a clearance of an expiring information collection. RI 78–11, Medicare Part B Certification, is used to determine eligibility for a Government contribution toward the cost of Medicare Part B if enrolled in the Retired Federal Employees Health Benefits Program.

We estimate 300 RI 78–11 forms are completed annually. Each form takes approximately 10 minutes to complete for an annual estimated burden of 50 hours.11For copies of this proposal, contact Jim Farron on (202) 418–3208, or E-Mail to jmfarronmail.opm.gov.

DATES: Comments on this proposal should be received on or before June 12, 1996.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, 1900 E Street, NW, room 3349, Washington, DC 20415–0001, and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Team Leader, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–11865 Filed 5–10–96; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF STATE

[Public Notice No. 2376]

Overseas Schools Advisory Council; Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Annual Meeting on Thursday, June 20, 1996 at 9:30 a.m. in Conference Room 1406, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas which are assisted by the Department of State and which are attended by dependents of U.S. government families

and children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Access to the State Department is controlled and individual building passes are required for each attendee. Persons who plan to attend should so advise the office of Dr. Ernest N. Mannino, Department of State, Office of Overseas Schools, SA–29, room 245, Washington, DC 20522–2902, telephone 703–875–7800, prior to May 31, 1996. Visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a valid photo ID with them to the meeting. All attendees must use the C Street entrance to the building.

Dated: April 30, 1996.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 96–11843 Filed 5–10–96; 8:45 am]

BILLING CODE 4710–24–M

[Public Notice No. 2384]

Advisory Committee on Private International Law; Meeting of Study Group on Electronic Commerce

The Study Group on Electronic Commerce will hold its next meeting from 1:00–5:00 p.m. on Tuesday, May 21 in Washington, DC at the International Law Institute. The meeting will review proposed general rules on use of computer and related electronic messaging in international commercial transactions, which are expected to be finalized at the upcoming Plenary session of the United Nations Commission on International Trade Law (UNCITRAL) in June, and to discuss U.S. positions as to future work on electronic commerce which will also be considered at that session.

The meeting of the Advisory Committee Study group is open to the public, and members of the public who cannot attend are welcome to comment on the proposed rules for electronic commerce and the future work program. The proposed rules are currently in the form of a model national law. The principal background documents, which are available from the Office of the Legal Adviser at the address indicated below, include (1) the report by UNCITRAL on its 28th plenary session held in May 1995, which considered and revised certain of the proposed rules, UN Doc. A/50/Supp. 17; (2) The report of the UNCITRAL Working Group on Electronic Data Interchange (EDI), which met during February–March, 1996, and which considered new draft rules on transport documents, primarily electronic maritime bills of lading, as well as proposals for future work, UN Doc. A/CN.9/421; and (3) a draft ''guide to enactment'' of the UNCITRAL model law, UN Doc. A/CN.9/426, April 1996, which will also be considered by the Commission at the June plenary session.

The proposed rules will apply to commercial activities, and will include *inter alia* legal recognition of data messages; electronic equivalents of ''writing'', ''signature'', and ''original''; admissibility and evidential weight; obligation to retain; attribution; acknowledgement; time and place of dispatch and receipt; formation and validity of contracts; electronic maritime bills of lading, and other matters. The rules will not apply to consumer transactions.

The March 1996 Working Group recommended that future work include digital signatures, electronic registries and consideration of rules applicable to information service providers. U.S. positions on those recommendations will be considered at the May 21st Study Group meeting; recommendations for alternate future work topics can also be considered.

The International Law Institute (ILI) is located at 1615 New Hampshire Avenue, NW. Members of the public may attend up to the capacity of the meeting room and subject to direction of the Chair. Persons planning to attend should advise the Office of the Legal Adviser or the Institute in advance. Requests for attendance or background documents can be made to the Office of the Legal Adviser (L/PIL) by fax to (202) 776–8482 or by mail to Suite 203, South Building, 2430 E Street, NW., Washington, DC 20037–2800, Attention: Harold S. Burman. Questions concerning meeting arrangements should be directed to ILI Executive Director, Stuart Kerr, (202) 483–8036.

Dated: May 6, 1996.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law.

[FR Doc. 96–11831 Filed 5–10–96; 8:45 am]

BILLING CODE 4710–08–M

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1484).

TIME AND DATE: 10 a.m. (CDT), May 15, 1996.

PLACE: TVA Customer Service Center, 310 Research Boulevard, Starkville, Mississippi.

STATUS: Open.

Agenda

Approval of minutes of meeting held on April 24, 1996.

New Business

C—Energy

C1. Delegation of authority to the Vice President, Fuel Supply and Engineering, to award six 6-year (maximum term) coal contracts under Requisition 33, and one rail transportation contract for up to 10 years for coal supply to Colbert, Johnsonville, and Widows Creek Fossil Plants.

C2. Delegation of authority to the Vice President, Fuel Supply and Engineering, to award Ingram Barge Company a 10-year contract under Requisition 33 for coal barge transportation to Gallatin, Cumberland, Johnsonville, Colbert, and Widows Creek Fossil Plants.

E—Real Property Transactions

E1. Grant of permanent easements to the city of Fort Payne, Alabama, affecting approximately 9.65 acres of land on Gunterville Lake in Jackson County, Alabama (Tract No. XTGR–162E), for a raw water pump station and water line.

E2. Grant of permanent easements to the Sevier Water Board, Inc., affecting approximately 2.604 acres of land on Douglas Lake in Sevier County, Tennessee (Tract No. XTDR–32E), for a water intake site, transfer pump station, water line, and access road.

E3. Sale of 30-year easement to Vanguard Services affecting 9.64 acres of land on Kentucky Lake in Humphreys County, Tennessee (Tract No. XGIR–925BT), for a barge terminal.

Information Items

1. Filing of condemnation cases.
2. Delegation of authority to the Chief Financial Officer or the Vice President and Treasurer to enter into contracts for the sale, purchase, or loan of sulfur dioxide emission allowances.

For more information: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999.

Dated: May 8, 1996.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 96–11993 Filed 5–9–96; 3:50 pm]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending 5/3/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–96–1321.
Date filed: April 29, 1996.
Parties: Members of the International Air Transport Association.
Subject: COMP Telex Mail Vote 800. Amend Rounding Units—Mexico. Intended effective date: June 1, 1996.

Docket Number: OST–96–1322.
Date filed: April 29, 1996.
*Parties:*Members of the International Air Transport Association.
Subject: TC31 Telex Mail Vote 799. Reso 010m—San Francisco-Hong Kong fare alignment. Intended effective date: June 1, 1996.

Docket Number: OST–96–1323.
Date filed: April 29, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC31 Telex Mail Vote 801. Japan-North America/Caribbean fares, r–1– 074r r–3– 091p, r–2– 085tt r–4– 010c. Intended effective date: May 20, 1996.

Docket Number: OST–96–1324.
Date filed: April 29, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/P 1743 dated April 26, 1996; TC12 Reso/P 1744 dated April 26, 1996. Mid Atlantic-Europe/ Middle East Expedited Resos.

Docket Number: OST–96–1330.
Date filed: May 1, 1996.
Parties: Members of the International Air Transport Association.
Subject: COMP Reso 024f. Local Currency Fare Changes—Botswana. Intended effective date: June 1, 1996.

Paulette V. Twine,
Chief, Documentary Services Division.
[FR Doc. 96–11884 Filed 5–10–96; 8:45 am]
BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending May 3, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–96–1334.
Date filed: May 2, 1996.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 30, 1996.
Description: Application of Arriva Air International, Inc., pursuant to 49 U.S.C. 41102, and Subpart Q of the Regulations, for issuance of a certificate of public convenience and necessity so as to authorize Arriva Air to provide on-demand charter interstate air transportation of property and mail between various points in the United States.

Docket Number: OST–96–1337.
Date filed: May 2, 1996.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 30, 1996.
Description: Application of Tatonduk Outfitters Ltd. d/b/a Tatonduk Flying Service d/b/a Air Cargo Express, pursuant to 49 U.S.C. 41101 and Subpart Q of the Regulations, for amendment of its certificate of public convenience and necessity in two respects: (a) deletion of condition (3), which limits Tatonduk to operations within the State of Alaska; and (b) that portion of condition (4), which prohibits Tatonduk from conducting cargo operations with more than two ''Large'' Aircraft without first having its fitness to conduct such operations redetermined.

Docket Number: OST–96–1339.
Date filed: May 2, 1996.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 30, 1996.
Description: Application of World Airways, Inc., pursuant to the Department's Notice, and 49 U.S.C. 41102, requests certificate authority and allocation of two additional frequencies to conduct scheduled combination services between New York and Johannesburg.

Docket Number: OST–96–1344.
Date filed: May 3, 1996.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 31, 1996.
Description: Application of Transwede Airways AB and Transwede Leisure AB, pursuant to 49 U.S.C. 41303 and 41304 and Subpart Q of the Regulations, requests transfer of the Foreign Air Carrier Permit held by Transwede to Transwede Leisure.

Paulette V. Twine,
Chief, Documentary Services Division.
[FR Doc. 96–11885 Filed 5–10–96; 8:45 am]
BILLING CODE 4910–62–P

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on General Aviation Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss general aviation operations issues.

DATES: The meeting will be held on May 22, 1996, at 2:00 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration's Office of Rulemaking Conference Room, room 302, 800 Independence Ave., NW., Washington, DC, 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Williams, Office of Rulemaking, (ARM–100), 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–9685.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on May 22, 1996, at Federal Aviation Administration's Office of Rulemaking, 800 Independence Ave., NW., Washington, DC. The agenda for this meeting will include a discussion of the FAA's study on manipulation of the controls of an aircraft by noncertificated persons. Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

Issued in Washington, DC, on May 7, 1996.

Steven J. Brown,

Assistant Executive Director for General Aviation Operations, Aviation Rulemaking Advisory Committee.

[FR Doc. 96–11930 Filed 5–8–96; 2:28 pm]

BILLING CODE 4910–13–M

Federal Aviation Administration

Research, Engineering and Development Advisory Committee; Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development Advisory Committee. The meeting will be held on June 5 and 6, 1996, at the Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090.

On Tuesday, June 5 the meeting will begin at 9:00 a.m. and end at 5:00 p.m. On Wednesday, June 6 the meeting will begin at 8:00 a.m. and end at 5:00 p.m. The meeting agenda will review the Federal Aviation Administration's research and development investments.

Attendance is open to the interested public but limited to space available. With the approval of the Committee Chair, members of the public may present oral statements at the meeting. Persons wishing to attend the meeting, obtain information or present oral statements, should contact Lee Olson at the Federal Aviation Administration, AAR–200, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267–7358.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on May 2, 1996.

Andres G. Zellweger,

Director, Aviation Research.

[FR Doc. 96–11933 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In April 1996, there were nine applications approved. Additionally, five approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Metropolitan Nashville Airport Authority, Nashville, Tennessee.

Application Number: 96–02–U–00–BNA.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue: $87,194,200

Charge Effective Date: January 1, 1993.

Estimated Charge Expiration Date: October 1, 1999.

Class of Air Carriers not Required to Collect PFC's: No change from previous approval.

Brief Description of Projects Approved for Use: International arrivals building, Construct concourse connector.

Decision Date: April 3, 1996.

FOR FURTHER INFORMATION CONTACT: Charles L. Harris, Memphis Airports District Office, (901) 544–3495.

Public Agency: City of Pueblo, Colorado.

Application Number: 96–02–C–00–PUB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $230,946

Estimated Charge Effective Date: September 1, 1999.

Estimated Charge Expiration Date: May 1, 2009.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Concurrent Authority to Impose and Use: Airport planning studies, Rehabilitate taxiway A, Extend taxiway K—phase I, Extend taxiway K—phase II.

Decision Date: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 286–5524.

Public Agency: Bureau of Aviation and Ports, State of Connecticut Department of Transportation, Windsor Locks, Connecticut.

Application Number: 96–04–C–00–BDL.

Application Type: Impose and use a PFC

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $2,995,000.

Estimated Charge Effective Date: July 1, 1996.

Estimated Charge Expiration Date: January 1, 1997.

Class of Air Carriers not Required to Collect PFC's: On-demand air taxi/commercial operators that (1) do not enplane or deplane passengers at the main terminal building; and, (2) enplane less than 500 passengers per year at Bradley International Airport (BDL).

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at BDL.

Brief Description of Project Approved for Concurrent Authority to Impose and use: Bradely Airport equipment acquisition.

Decision Date: April 18, 1996.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Scott, New England Region Airports Division, (617) 238–7614.

Public Agency: Yakima Air Terminal Board, Yakima, Washington.

Application Number: 96–04–C–00–YKM.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $432,000.

Estimated Charge Effective Date: July 1, 1996.

Estimated Charge Expiration Date: July 1, 1998.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commerical operators operating aircraft with less than 10 seats.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Yakima Air Terminal.

Brief Description of Projects Approved for Collection and use: Snow removal equipment. Expand snow removal equipment storage facility, Terminal building renovation project—phase 2.

Decision Date: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Cayla Morgan, Seattle Airports District Office, (206) 227–2653.

Public Agency: City of Chicago, Department of Aviation, Chicago, Illinois.

Application Number: 96–04–C–00–ORD.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $1,450,000.

Estimated Charge Effective Date: May 1, 1999.

Estimated Charge Expiration Date: June 1, 1999.

Class of Air Carriers not Required to Collect PFC's: Air taxi operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Chicago O'Hare International Airport.

Brief Description of Projects Approved for Collection at Chicago O'Hare International Airport and Use at Gary Regional Airport: West air cargo area site work, Apron deicing facility, East T-hangar area site work, Perimeter fencing.

Brief Description of Disapproved Project: Fixed base operator apron overlay/expansion.

Determination: Disapproved. The City of Chicago requested PFC funds for the local match share of a proposed Airport Improvement Program (AIP) discretionary fund grant. The FAA cannot commit to AIP discretionary funding for this project at this time. Further, in preparing the impose and use PFC application, the City of Chicago did not provide an alternative funding plan for the project. Therefore, the FAA is unable to determine that excess PFC revenue will not be collected if this project is approved and the approved project is not implemented.

Decision Date: April 24, 1996.

FOR FURTHER INFORMATION CONTACT: Louis H. Yates, Chicago Airports District Office, (847) 294–7335.

Public Agency: Springfield Airport Authority, Springfield, Illinois.

Application Number: 96–06–U–00–SPI.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Net PFC Revenue Approved: $4,508,030.

Charge Effective Date: February 1, 1994.

Estimated Charge Expiration Date: February 1, 2006.

Class of Air Carriers not Required to Collect PFC's: No change from previous approvals.

Brief Description of Projects Approved for use: Install instrument landing system on runway 31, Parallel taxiway for runway 31.

Decision Date: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Philip M. Smithmeyer, Chicago Airports District Office, (847) 294–7435.

Public Agency: Virgin Islands Port Authority, St. Thomas, Virgin Islands.

Application Number: 96–04–U–00–STT.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $3,871,005.

Charge Effective Date: March 1, 1993.

Charge Expiration Date: February 1, 1995.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Project Approved for Use: Aircraft rescue and firefighting (ARFF) facility (building).

Decision Date: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Pablo G. Affuant, Orlando Airports District Office, (407) 648–6582.

Public Agency: Sacramento County Department of Airports, Sacramento, California.

Application Number: 96–04–C–00–SMF.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $96,224,000.

Estimated Charge Effective Date: March 1, 1997.

Estimated Charge Expiration Date: April 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Terminal roads phase 1, Aircraft apron expansion, Terminal roads phase 2A, Terminal roads phase 2B, Rehabilitate existing roads.

Decision Date: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriguez, San Francisco Airports District Office, (415) 876–2805.

Public Agency: Sacramento County Department of Airports, Sacramento, California.

Application Number: 96–05–C–00–SMF.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $62,823,190.

Estimated Charge Effective Date: April 1, 2006.

Estimated Charge Expiration Date: February 1, 2011.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Sacramento area flood control agency flood control project, Terminal roadway island widening, General aviation apron airside access road, Earhart Driver reconstruction, Terminals 1 and 2 rehabilitation, phase 3, Security system upgrade, Airfield, terminal, tower communication system—telephone switch, ARFF vehicles replacement, Surface movement guidance control system, Concourse throat expansion, West terminals jet loaders, phase 2, Aircraft noise monitoring system, Master plan update and environmental impact assessment report, Part 150 study.

Brief Description of Projects Partially Approved for Collection and Use: Terminals 1, 2, and 3, central public services building, and administration building electrical system reconstruction/upgrade phase 2.

Determination: In accordance with paragraph 551(d) of FAA Order 5100.38A, revenue producing and non public-use space such as concessions in the terminals and the central public service and administration buildings in their entirety are not AIP eligible, thus making utilities which serve those areas ineligible. In phase 1 of this project, partially approved in the 95–02–C–00–SMF Record of Decision, the public agency determined and the FAA concurred, that approximately 49 percent of the project served ineligible areas. The public agency did not provide a new proration with submission of this project, therefore, the FAA has used the same ratio of eligible to ineligible areas as was used on Phase 1 of the project. The public agency has requested 100 percent PFC funding for this project. The FAA's approval reduced the approved amount to the prorated cost of the eligible portion of the project. Reconstruct electrical vault and construct east electrical vault.

Determination: In accordance with paragraph 551(d) of FAA Order 5100.38A, revenue producing and non public-use space such as concessions in the terminals, rental car facilities, as well as airport and airline administrative spaces are not AIP eligible, thus making utilities which serve those areas ineligibile. Only that portion of this project which relates to eligible facilities is eligible. In the 95–02–C–00–SMF Record of Decision, the public agency determined and the FAA concurred, that, for a project involving the electrical vault, approximately 52 percent of the project served ineligible areas. The public agency did not provide a new proration with submission of this project which involves work similar to the previous approval, therefore, the FAA has used the same ratio of eligible to ineligible areas as was used on the previous project. The public agency has requested 100 percent PFC funding for this project. The FAA's approval reduced the approved amount to the prorated cost of the eligible portion of the project.

Brief Description of Disapproved Projects: Air quality mitigation compress natural gas (CNG) system.

Determination: Disapproved. Based on information available to the FAA, the FAA has determined that the CNG fueling station is a part of the Air Quality certificate to permit the Sacramento Metropolitan Airport to increase the number of terminal vehicular parking spaces, not for the 1985 runway project, as presented by the public agency in their Attachment B for this project. In addition, the project was not identified as a mitigation action at the time the environmental finding was approved for the runway project. Therefore, this project must be considered as a project to comply with Clean Air Act mandates. Section 203 of the Federal Aviation Administration Authorization Act of 1994, Public Law No. 103–305 (August 23, 1994) (49 U.S.C. 40017(a)(3)(F)), expanded PFC eligibility to include Federal clean air mandate projects imposed on an airport. However, this same legislation limited PFC eligibility to only airside, that is, aircraft movement area, clean air act mandate projects unless the project was also included in an AIP grant. This proposed project is not considered an airside project and the proposed financial plan shows only PFC funding. Therefore, the project is not PFC eligible. Airfield support shops and facilities.

Determination: Disapproved. The justification provided by the public agency for this project in the Attachment B indicates that these facilities will support the airfield operations and maintenance, buildings, and equipment. In a March 13, 1996, letter to the FAA, the public agency clarifies that these facilities are not intended to support ARFF or airfield lighting requirements. The FAA has determined that these facilities will support maintenance and operations functions at the airport. This project, therefore, is not AIP eligible in accordance with Appendix 2, item 11, of FAA Order 5100.38A, AIP Handbook. Therefore, this project does not meet the requirements of § 158.15(b). Airfield drainage control equipment—backhoe.

Determination: Disapproved. This equipment is considered a maintenance item and, as such, does not qualify as eligible safety, security, or support equipment as defined by paragraphs 562, 563, 565, and 566 of FAA Order 5100.38A, AIP Handbook. Therefore, this project does not meet the requirements of § 158.15(b). Airfield sweeper.

Determination: Disapproved. This equipment is intended for use at another airport the public agency owns, Sacramento Mather Airport, not Sacramento Metropolitan Airport; however, information provided to the carriers during consultation as well as the discussion of the project in the airline consultation meeting makes no mention that this sweeper is intended for use at an airport other than the airport where the PFC is being imposed. Therefore, the FAA has determined that the consultation for this project was not adequate.

Decision Date: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriguez, San Francisco Airports District Office, (415) 876–2805.

AMENDMENTS TO PFC APPROVALS

Amendment No. city, state	Amendment approved date	Amended approved net PFC revenue	Previous approved net PFC revenue	Previous estimated charge exp. date	Amended estimated charge exp. date
94–01–C–01–FOD, Fort Dodge, IA.	03/25/96	$150,622	$157,221	4/01/00	4/01/00
94–01–C–01–BOI, Boise, ID.	04/03/96	9,651,628	6,857,774	10/01/98	11/01/97
93–01–C–01–EUG, Eugene, OR.	04/03/96	4,629,888	3,729,699	11/01/98	11/01/98
95–01–C–01–ABY, Albany, GA.	04/04/96	307,301	457,301	10/01/99	6/01/98
93–01–C–01–NGM, Agana, GU	4/29/96	258,408,107	258,408,107	7/01/21	7/01/21

Issued in Washington, D.C. on May 6, 1996.

Donna P. Taylor,

Manager, Passenger Facility Charge Branch.

[FR Doc. 96–11934 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

[Docket No. M–015; OMB No: 2133–0024]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Michael P. Ferris, Director Office of Costs and Rates, Maritime Administration, MAR–560, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–2324 or fax 202–366–7901. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Subsidy Voucher - Operating - Differential Subsidy (Bulk & Liner Cargo Vessels).

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0024.

Form Number: MA–790, SF–1034 and supporting schedules.

Expiration Date of Approval: June 30, 1996.

Summary of Collection of Information: The information collected is the costs and manning complement of bulk and liner cargo vessels engaged in carrying commodities in worldwide services and covered by an Operating-Differential Subsidy Agreeement (ODS) in accordance with Title VI of the Merchant Marine Act, 1936, as amended (Act).

Need and Use of the Information: The information is utilized by MARAD examiners to determine subsidy payable for voyages performed in accordance with ODS agreements.

Description of Respondents: Bulk and liner vessel operators of vessels covered by an ODS agreement under the Act.

Annual Responses: 320.

Annual Burden: 640 hours.

Comments: Send all comments regarding this information collection to Joel C. Richard, Department of Transportation, Maritime Administration, MAR–120, Room 7210, 400 Seventh Street, S.W., Washington, D.C. 20590. Send comments regarding

whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected.

By Order of the Maritime Administrator.

Dated: May 8, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96–11883 Filed 5–10–96; 8:45 am]

BILLING CODE 4910–81–P

Corrections

Federal Register
Vol. 61, No. 93
Monday, May 13, 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.

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37 CFR Ch. II

[Docket No. 96-2]

Eligibility for the Cable Compulsory License

Correction

In proposed rule document 96–11226 beginning on page 20197 in the issue of Monday, May 6, 1996, make the following correction:

On page 20197, in the second column, in the DATES section, in the third line, ''June 5, 1996'' should read ''August 5, 1996''.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-37138; File No. SR-Amex-96-14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Exchange Board of Governors

Correction

In notice document 96–10493 beginning on page 18765 in the issue of Monday, April 29, 1996, make the following correction:

On page 18766, in the third column, the signature was omitted and should be inserted before the FR Doc. line as follows:

Margaret H. McFarland,

Deputy Secretary.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36960; File No. SR-OCC-95-20]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to the Issuance, Clearance, and Settlement of Buy-Write Options Unitary Derivatives

Correction

In notice document 96–6643 beginning on page 11458 in the issue of Wednesday, March 20, 1996, make the following correction:

On page 11461, in the third column, the signature should read ''Margaret H. McFarland,''.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36976; File No. SR-Phlx-96-07]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc.; To Adopt a Market Index Option Hedge Exemption

March 14, 1996.

Correction

In notice document 96–6764 beginning on page 11668 in the issue of Thursday, March 21, 1996, the subject heading and date should have appeared as set forth above.

BILLING CODE 1505–01–D

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The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

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